

Public Document Pack

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Head of Legal and Democratic Services
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr Aaron Shotton (Leader)

CS/NG

Councillors: Bernie Attridge, Chris Bithell,
Helen Brown, Christine Jones, Kevin Jones,
Peter Macfarlane and Billy Mullin

4 July 2012

Nicola Gittins 01352 702345
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Dear Sir / Madam

A meeting of the **CABINET** will be held in the **CLWYD COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **TUESDAY, 10TH JULY, 2012** at **9.30 AM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **MINUTES** (Pages 1 - 14)

To confirm as a correct record the minutes of the last meeting.

TO CONSIDER THE FOLLOWING REPORTS

STRATEGIC REPORTS

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

- 4 **2011/12 PERFORMANCE REVIEW AND 2012/13 PRIORITIES** (Pages 15 - 24)
Report of Chief Executive - Leader of the Council and Cabinet Member for Finance
 - 5 **EQUALITY AND DIVERSITY POLICY** (Pages 25 - 30)
Report of Chief Executive - Cabinet Member for Corporate Management
 - 6 **PEOPLE STRATEGY PROGRESS REPORT** (Pages 31 - 60)
Report of Head of Human Resources and Organisational Development - Cabinet Member for Corporate Management
 - 7 **ICT STRATEGY UPDATE** (Pages 61 - 64)
Report of Head of ICT and Customer Services - Cabinet Member for Corporate Management
 - 8 **LOCAL FLOOD RISK MANAGEMENT STRATEGY** (Pages 65 - 70)
Report of Director of Environment - Deputy Leader of the Council and Cabinet Member for Environment
 - 9 **MENTAL HEALTH MEASURE** (Pages 71 - 76)
Report of Director of Community Services - Cabinet Member for Social Services
 - 10 **FLINT MAISONETTES** (Pages 77 - 80)
Report of Director of Community Services - Cabinet Member for Housing
 - 11 **PRIVATE SECTOR RENEWAL POLICY** (Pages 81 - 112)
Report of Director of Community Services - Cabinet Member for Housing
 - 12 **ESTYN ACTION PLAN UPDATE** (Pages 113 - 124)
Report of Director of Lifelong Learning - Cabinet Member for Education
- OPERATIONAL REPORTS**
- 13 **CAPITAL PROGRAMME 2011/12 (OUTTURN)** (Pages 125 - 154)
Report of Head of Finance - Leader of the Council and Cabinet Member for Finance
 - 14 **REVENUE BUDGET MONITORING 2012/13 (MONTH 2)** (Pages 155 - 158)
Report of Head of Finance - Leader of the Council and Cabinet Member for Finance
 - 15 **REVENUE BUDGET MONITORING 2011/12 (OUTTURN)** (Pages 159 - 208)
Report of Head of Finance - Leader of the Council and Cabinet Member for Finance
 - 16 **PRUDENTIAL INDICATORS - ACTUALS 2011/12** (Pages 209 - 214)
Report of Head of Finance - Leader of the Council and Cabinet Member for Finance
 - 17 **TREASURY MANAGEMENT REPORT FOR 2011/12** (Pages 215 - 230)
Report of Head of Finance - Cabinet Member for Corporate Management

- 18 **COUNCIL TAX GRANTS FOR PENSIONERS** (Pages 231 - 234)
Report of Head of Finance - Cabinet Member for Corporate Management
- 19 **CHILDREN'S SERVICES INSPECTION** (Pages 235 - 260)
Report of Director of Community Services - Cabinet Member for Social Services
- 20 **STRATEGIC PARTNERSHIP PERFORMANCE - MID YEAR REVIEW**
(Pages 261 - 282)
Report of Chief Executive - Leader of the Council and Cabinet Member for Finance
- 21 **FOOD SERVICE PLAN** (Pages 283 - 318)
Report of Director of Environment - Cabinet Member for Public Protection, Waste & Recycling
- 22 **NEW LEGISLATION CONCERNING THE REGULATION OF THE SUPPLY OF SINGLE USE CARRIER BAGS BY SELLERS OF GOODS IN FLINTSHIRE** (Pages 319 - 356)
Report of Director of Environment - Cabinet Member for Public Protection, Waste & Recycling
- 23 **EXERCISE OF DELEGATED POWERS** (Pages 357 - 360)
Report of the Chief Executive enclosed.

FORWARD WORK PROGRAMME

The following items were listed on the Forward Plan for July 2012 but will not be submitted for the following reasons:

1. Regional Collaboration – The Regional Programme Board is not meeting for the first time following the elections until July.
2. Council Governance (Plan) Framework Review – The review of the Framework will not be completed until September.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

OPERATIONAL

The following item is considered to be exempt by virtue of Paragraph(s) 14, 16 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Disclosure of the proposed disposal details at this stage could prejudice a legal agreement being concluded. It is not in the public interest to prejudice proposals by disclosure at this time.

- 24 **DISPOSAL OF A 2 ACRE SECTION OF THE SITE OF THE FORMER BELMONT SPECIAL SCHOOL, BUCKLEY TO FACILITATE THE DEVELOPMENT OF A PRIMARY HEALTH CENTRE** (Pages 361 - 366)
Report of Director of Environment - Leader of the Council and Cabinet Member for Finance

The following item is considered to be exempt by virtue of Paragraph(s) 14 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Disclosure of the proposed disposal details at this stage could prejudice a legal agreement being concluded. It is not in the public interest to prejudice proposals by disclosure at this time.

25 **THE DISPOSAL OF PLOTS 1 & 3 GLOBE WAY, BUCKLEY AND THE UNADOPTED SECTION OF GLOBE WAY AND ASSOCIATED LAND STRIP** (Pages 367 - 392)

Report of Director of Environment - Leader of the Council and Cabinet Member for Finance, Deputy Leader of the Council and Cabinet Member for Environment

CABINET **12 JUNE 2012**

Minutes of the meeting of the Cabinet of Flintshire County Council held at County Hall, Mold on Tuesday, 12 June 2012

PRESENT: Councillor A.P. Shotton (Chairman)

Councillors: J.B. Attridge, R.C. Bithell, H. Brown, C.M. Jones, R.K. Jones, R.P. Macfarlane and W. Mullin

ALSO PRESENT:

Councillors: G.H. Bateman, B. Dunn, C.S. Carver, D.L. Cox, R.G. Hampson, P.G. Heesom, D.I. Mackie, C.A. Thomas and A. Woolley

IN ATTENDANCE:

Chief Executive, Director of Community Services, Director of Environment, Director of Lifelong Learning, Head of Finance, Head of Legal and Democratic Services, Head of Human Resources and Organisational Development, Head of ICT and Customer Services and Committee Officer

1. DECLARATIONS OF INTEREST

Councillor C.M. Jones declared a personal interest in minute number 15 because a relative was employed by one of the Colleges concerned.

2. MINUTES

The minutes of the meeting held on 27 March 2012 were confirmed as a correct record.

3. MEDIUM TERM FINANCIAL STRATEGY – A POSITION STATEMENT FOR MEETING THE FINANCIAL CHALLENGES AHEAD

The Leader and Cabinet Member for Finance introduced a report to provide an overview of the financial challenges facing the Council and a strategic overview of the Council's medium term financial planning framework and timetable.

The Leader thanked the Cabinet Members for the work they had been undertaking around the financial challenges facing the Council since taking up their posts following the annual general meeting. The report set out the clear financial pressures, such as the impacts of Welfare Reform and the shared Welsh Government (WG) and Council commitments to increase schools and social care budgets. A great deal of work had been undertaken by officers to address the predicted budget gap but further work needed to be carried out urgently to meet the challenges ahead.

The Head of Finance reported that the forward projections provided by WG show increased in Aggregate External Finance (AEF) of 1.1% and 0.4% in 2013/14 and 2014/15 respectively. The level of AEF funding to the Council

over the proceeding two years had been reduced. Against the cumulative reduction in funding the Council needs to fund the pressures of growth, demographic growth and service demands, and the impacts of the economic downturn, to protect services and find resources to fund Council priorities for improvement and service growth. Further discussions will be held with Members over the coming weeks on future financial pressures.

The Leader confirmed that early discussions would be held with the appropriate Overview and Scrutiny Committee in order to consider how best to develop and refine the current Medium Term Financial Strategy (MTFS). The Chief Executive commented that Members had contributed well to the progress made through the MTFS and that this should continue through working together to set out the Council's priorities.

RESOLVED:

- (a) That the report be noted;
- (b) That the ongoing work on the Medium Term Financial Plan be endorsed; and
- (c) That no changes be made to the 2012/13 budget as set on 1 March, 2012 prior to discussions taking place over the coming months in the light of the more detailed financial forecast and clarity over Council Priorities under a new Council and Leadership.

4. SECONDARY SCHOOL – AREA REVIEWS

The Cabinet Member for Education presented the responses relating to the consultations for Secondary School area reviews held in March and April, 2012.

In the 2009 report on the strategic management of education in Flintshire, Estyn identified tackling school modernisation as a key recommendation. The Flintshire School Modernisation Strategy contained a number of criteria for the review of schools including the percentage of surplus places. Detailed in the report were the three secondary schools which had significant surplus places over 25%.

In December 2011 the County Council approved renewed consultation on a range of options in each area, which had been formulated by Members in the Workshops. The latest full reports from the consultation responses had been placed in the Members' Library and were available on the Council's website together with additional correspondence and petitions received that did not fit against the set criteria for the response forms. A summary of the responses were detailed in the report.

The Leader commented on a detailed summary of the Cabinet report, copies of which were circulated during the meeting. He said that there was an opportunity to improve education within Flintshire and confirmed that a further

report would be presented to Cabinet detailing the next steps in each area review.

The Chief Executive said that the consultation meetings had been well attended and recognised by school representatives as well conducted. The improved consultation process had met the objective of restoring trust and confidence in the process.

RESOLVED:

- (a) That the reports relating to the consultation process be received; and
- (b) That a further report with regard to the next steps in each area review be commissioned.

5. FLINT MASTERPLAN

The Cabinet Member for Regeneration, Enterprise and Leisure introduced a report to inform Members of the outcome of the Flint Masterplanning exercise and secure agreement for the use of the document to inform policy and funding priorities as the basis for regenerating the town.

The need for a Masterplan, to guide the physical regeneration of Flint, had been identified as part of the Town Action Plan Programme. Following the Town Centre Healthchecks Study in 2008 the Flint Town Partnership had been established and undertook a range of town centre improvement projects. Following an agreement by the Partnership in November, 2010 a working group had been set up and DTZ had been commissioned in August 2011 to produce the Masterplan which had been finalised in March, 2012.

The Masterplan provided a clear framework for both the regeneration of the town centre and the redevelopment of the maisonette sites and adjacent multi-storey car park. It would ensure that the redevelopment of the new housing sites was undertaken sensitively and appropriately, given the town centre location, with the objective being to recapture a sense of place that was based on the town's historic past. Copies of the Masterplan had been made available in the Members' Library.

RESOLVED:

- (a) That the contents of the Flint Masterplan be approved;
- (b) That officers be authorised to develop further the project proposals; and
- (c) That the Masterplan be used to inform future Planning Policy development for Flint.

6. **2011/12 Q4 AND YEAR END SERVICE PERFORMANCE REPORTS AND OVERVIEW**

The Cabinet Member for Corporate Management introduced the 2011/12 Quarter 4 and Year End service performance reports produced at the Head of Service/Divisional level under the adopted business model of the Council. The report also detailed the draft end of year position of the Strategic Assessment of Risks and Challenges (SARC) and progress made against the Improvement Target Action Plans and actual performance outturns against the targets.

Copies of the detailed Quarter 4 (January to March 2011) / Year End performance reports were available in the Members' Library and on request.

The Chief Executive provided details on the analysis undertaken for 45 of the 48 Improvement Targets which showed that 25 had achieved green status and drew Members attention to the four high risk areas as detailed in the report.

RESOLVED:

- (a) That red performance areas outlined within the report be referred to the appropriate Overview and Scrutiny Committee for management action;
- (b) That the draft year end position of the Strategic Assessment of Risks and Challenged (SARC) contained within the performance reports be noted; and
- (c) That the progress made against the Improvement Target Action Plans and actual performance outturns against the targets as contained within the performance reports be noted.

7. **CHANGES TO THE NATIONAL PERFORMANCE MEASUREMENT FRAMEWORK 2012/13**

The Cabinet Member for Corporate Management introduced a report to advice Members of the changes to the National Performance Measurement Framework (PMF) for 2012/13.

The Chief Executive reported that guidance for the National Strategic Indicators (NSIs) and Public Accountability Measures (PAMs) for 2012/13 had recently been released by the Welsh Government (WG) and the Local Government Data Unity respectively. A summary of the changes were detailed in the report.

RESOLVED:

That the changes to the National Performance Measurement Framework for 2012/12 be noted.

8. REVENUE BUDGET MONITORING 2011/12 (MONTH 11)

The Leader and Cabinet Member for Finance introduced the revenue budget monitoring information at Month 11 for the Council Fund and the Housing Revenue Account (HRA) which had been updated for the latest information available. The next budget monitoring report to Cabinet would be the Final Outturn on 10 July, 2012.

Members were asked to note the projected year end position as estimated at Month 11 which was a net underspend of £2.266m on the Council Fund and a net underspend of £0.497m on the HRA. The significant in-year projected variances to date were detailed in Appendices 2-6 for the Council Fund and Appendix 8 for the HRA. The most significant Council fund underspend was within Community Services which was projected to be £1.932m, however, a large proportion of that was in relation to a planned underspend within Social Services for Adults in preparation for the Transforming Social Services for Adults review where efficiencies of £1.2m has been assumed in the 2012/13 budget.

For the HRA, the overall projected underspend of £0.497m represented an increase of £0.107m on the position reported at Month 9. The HRA showed a projected closing balance at Month 11 of £1.617m which at 6.4% of total expenditure satisfied the prudent approach of ensuring a minimum level of 3%.

On Council fund unearmarked reserves, Appendix 7 detailed the level of contingency sum available. It was recommended that £1.500m of the available Contingency Reserve be ringfenced in 2012/13 to support organisational change costs. In each case, where investment was needed to improve services or make change to secure efficiencies, a business case would show the costs to be incurred, the change to be achieved and the 'payback'.

The Leader reported that the underspend of £0.118m within Environment was after the transfer of the underspend of £0.245m on Winter Maintenance to a reserve. The underspend had occurred as a result of lower salt usage in 2011/12 and had been set aside to mitigate the effects of any adverse weather in 2012/13.

RESOLVED:

- (a) That the report be noted;
- (b) That the carry forward requests actioned under delegated powers be noted;
- (c) That the Council Fund Contingency Sum available as at 31 March, 2012 be noted;

- (d) That the ringfencing of £1.500m for investment in change be approved; and
- (e) That the projected final level of balances on the Housing Revenue Account be noted.

9. BUSINESS RATES – WRITE OFF

The Cabinet Member for Corporate Management introduced a report to request authorisation to write off a single business rates debt amounting to £62,492.68.

The Head of Finance provided details on the write off and explained that there would be no financial implications to the Council or to local taxpayers in relation to the write off of bad debts for business rates since the Council collected business rates on behalf of the Welsh Government (WG) through a National Collection Pool in Wales.

RESOLVED:

That the write off of a debt amount to £62,492.68 relating to business rate charges for the period between 1 April 2011 to 14 February 2012 be approved.

10. SINGLE STATUS

The Cabinet Member for Corporate Management introduced a project update and assurance report on the delivery of the Single Status and Equal Pay Projects.

The Head of Human Resources and Organisation Development explained that a workforce communication had been issued to all employees on 8 February, 2012, outlining the new timetable, the key milestones for completion and the target implementation date. Since that time considerable progress had been made in delivering the workstreams of the project and a further workforce communication had been issued in early May, 2012 to update employees on progress made and the next steps in the project plan.

Initial negotiation discussions had commenced in May, 2012 with Trade Unions on the design of a new pay and grading structure, terms and conditions of employment and Equal Pay. The detailed pay modelling exercise was due to begin in June, 2012.

The Chief Executive provided further details around the workstreams as detailed in the report. The project timetable gave an implementation date of November, 2012 with a ballot, which will be organised by the Trade Unions, expected to take place in September, 2012 and will give employees who are Trade Union members the opportunity to vote on the proposed agreement. Member Workshops will be arranged in due course to bring all Members up to date on the delivery of the Single Status and Equal Pay Projects.

The Leader commented that this was a complex issue and needed to be progressed to enable the Council to move forward. He provided details on the potential cost of the proposed Single Status Agreement and the settlement of Equal Pay claims which would be an additional financial challenge to the Council.

RESOLVED:

That the project update be noted.

11. WORKFORCE INFORMATION QUARTER 4

The Cabinet Member for Corporate Management introduced an update for the fourth quarter / whole year end of 2011/12.

The Head of Human Resources and Organisational Development provided details on the following areas:

- Establishment
- Headcount
- Agency numbers
- Turnover
- Diversity
- Absence

In particular, she commented on the average number of agency workers and the associated expenditure which had reduced month on month. She also commented on the attendance record which had been slightly down compared to the same quarter last year. The Cabinet Member confirmed that key issues highlighted in the report would continue to be addressed.

The Leader welcomed the detailed information and said that it was appropriate for such detailed information to be considered by the relevant Overview and Scrutiny Committee with future Cabinet reports only providing headline statistics.

RESOLVED:

That the Workforce Information Report for the fourth quarter / whole year 2011/12 be noted.

12. REVIEW OF OPTIONS – YSGOL RHES Y CAE

The Cabinet Member for Education introduced a report to seek approval for officers to renew consultation with relevant groups on options for the future of Ysgol Rhes y Cae.

In line with the Council's School Modernisation Strategy, approved by the Executive in October, 2009 a review of any school that had more than

25% surplus places and had fewer than 15 pupils should be reviewed. Ysgol Rhes y Cae currently had a surplus of 80% and a total of 9 pupils. A report seeking approval for officers to review the school and consult on options had been submitted and approved by the Executive on 21 September, 2010. An initial three meetings had been held with staff, Governors and parents of pupils and feedback from the meetings together with written responses had been made available in the Members' Library. As the original consultations had been carried out in October, 2010 it was reasonable to require a new consultation process.

The Cabinet Member detailed the key issues for consideration as shown in the report, commenting particularly on the Educational Impact Assessment, Sustainability Assessment and Community Impact Assessment. In response to some of the comments made during the initial consultation, the possible increase in population of the village was not backed by the Local Development Plan.

RESOLVED:

That the consultation relating to the options outlined within the report be approved with a clear preferred option to propose the closure of the school in accordance with the statutory process.

13. AMALGAMATION OF SHOTTON INFANTS AND SHOTTON TALIESIN JUNIOR SCHOOL

The Cabinet Member for Education introduced a report to seek approval for officers to carry out a series of consultations relating to the proposed amalgamation of Shotton Infant and Taliesin Junior School.

In accordance with the Flintshire County Council policy for amalgamating Infant and Junior Schools wherever possible, officers had liaised with the Headteachers and Chairs of the respective Governing Bodies to discuss proposals to amalgamate the two schools to provide an all-through Primary School, on the site of the present Ysgol Taliesin. The submission of a bid to replace the existing schools partly funded by the School Buildings Improvement Grant with a new school building had been approved by the Welsh Government (WG) in 2010.

Subsequent meetings with the full Governing Bodies of the schools and with staff indicated that there was a general support for an amalgamation of the Infant and Junior Schools to form a through Primary School. The Cabinet Member for Corporate Management spoke in support of the report and commented on the successful amalgamation of the Infant and Junior Schools at Broughton.

RESOLVED:

- (a) That a period of consultation with staff, Governors and parents of both Shotton Infant and Taliesin Junior Schools in relation to the proposed amalgamation be approved; and
- (b) That the outcome of the consultation period be related back to the Cabinet in a subsequent report.

14. REPORT ON THE AMALGAMATION OF HAWARDEN INFANTS AND RECTOR DREW VA JUNIOR SCHOOL

The Cabinet Member for Education introduced a report to seek approval for officers to carry out a series of consultations relating to the proposed amalgamation of Hawarden Infant and Rector Drew Church in Wales Voluntary Aided Junior School.

Following the retirement of the Headteacher from Rector Drew Voluntary Aided School in Easter 2012, officers liaised with the Anglican Diocesan Director of Education, Headteacher of the Infant school and Chairs of the respective Governing Bodies to discuss the immediate interim arrangements for the management of the Schools, and the proposal to consider the amalgamation of the two Schools. Subsequent meetings with the full Governing Bodies of the Schools and with the Staff indicated that there was a general support for an amalgamation to form an all-through Church in Wales Voluntary Aided Primary School, which would occupy the existing accommodation.

RESOLVED:

- (a) That a period of consultation with staff, Governors and parents of both Hawarden Infant and Rector Drew Junior Schools in relation to the proposed amalgamation be approved; and
- (b) That the outcome of the consultation period be related back to the Cabinet in a subsequent report.

15. REPORT ON THE AMALGAMATION OF DEESIDE COLLEGE & YALE COLLEGE

The Cabinet Member for Education introduced a report to inform Cabinet of the response to the consultation over the proposed amalgamation of Deeside College and Yale College. The response had been agreed by the Leader and Cabinet Member for Education prior to the meeting due to the need to respond by the deadline of 24 May, 2012.

The Director of Lifelong Learning drew Members attention to the Council's observations as detailed in the report. Whilst supportive of the principles underpinning the merger proposal, there were some key areas in which the Council would expect and need clarification and involvement as both a key partner to the college and as a 'champion' on behalf of learners.

RESOLVED:

That the principle of the merger of the two Colleges be supported noting that there were also key risks to be addressed.

16. EXERCISE OF DELEGATED POWERS

An information report on the actions taken under delegated powers was submitted.

The actions taken were as set out below:-

Corporate	<p>Merger of the North East Wales and North Wales Central jurisdictions into a single coronership for Flintshire, Wrexham, Denbighshire and Conwy.</p> <p>Amendment to Internal Audit staffing structure – increase the establishment by 0.3 FTE.</p> <p>Amendment to Corporate Finance staffing structure – following a request from the potholder, reduction of Insurance Advisor post from 1 FTE to 0.6 FTE (saving of £17,020p.a).</p> <p>Write Offs for February and March 2012.</p> <p>Creation of a temporary post – Programme Manager – Welfare Reform for 12 months. The position will be offered as a secondment opportunity.</p>
Environment	<p>Changes to fees and charges – Public Protection (Pest Control) 2012/13. Amendment to 2012/13 fee to £39.98 following an incorrect fee listed in 2011/12 of £35.35 when it was £38.82.</p> <p>Proposed puffin crossing B5126, Mold Road, Connah's Quay. One unresolved objection – recommended to be overruled.</p> <p>Proposed dedication of Council owned land as a public footpath in the vicinity of Flint Point, Flint.</p>

Community Services	<p>Social care charges for adults – uplifted using the formula previously agreed by the Executive</p> <p>Domiciliary & day care rates (including direct payments).</p> <p>Care fee rates – Flintshire, Denbighshire and Wrexham Councils, together with care home owners and Care Forum Wales have developed a North-East Wales Methodology to inform the calculation of fair fees. Rates have been set using that methodology.</p> <p>The joining of two properties (27 & 29) Strand Walk into one property for one family with a disabled child.</p> <p>Letting of vacant warden property at 1 Glan y Morfa Court to Age Concern who wish to lease the property for 10 years at an agreed annual rent.</p> <p>Disposal of Canton Depot, Bagillt, Holywell which has been declared surplus to requirements.</p>
Lifelong Learning	<p>Library Fees and Charges – Proposed Amendments 2012-13.</p>

17. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the remainder of the meeting for the following item by virtue of exempt information under paragraph 15 of Schedule 12A of the Local Government Act 1972 (as amended).

18. COMMUNITIES FIRST

The Cabinet Member for Regeneration, Enterprise and Leisure introduced a proposal for the future round of Communities First in Flintshire, following the Welsh Government’s rejection of the Council’s original two cluster bid, which had been approved at the Executive meeting on 27 March, 2012.

The Head of Legal and Democratic Services referred to the deadline for the bids as outlined within the report. Due to the timescale needed for bids

to be submitted, he explained that there was provision in the Council's Constitution for an urgent decision to be made to avoid delay caused by a possible call-in, if agreed by the Cabinet and the Chair of the Council.

The Director of Environment highlighted slight amendments to sections 2.02, 3.01 and 3.09 of the report. The Cabinet Member detailed the background to the report and in highlighting the considerations undertaken, provided detail on the revised proposals.

RESOLVED:

- (a) That the proposals of the Council's revised bid be approved;
- (b) That the indicative staff structure for the two clusters as shown Appendix E of the report be approved in principle;
- (c) That delegated authority be granted to the Director of Environment following consultation with the Cabinet Member for Regeneration, Enterprise and Leisure to amend the bid, to reflect any detailed comments from the Welsh Government; and
- (d) That the decision be urgent, and should not be subject to call in, because delay would cause the Council to miss the deadline to submit its application for funding.

19. DURATION OF MEETING

The meeting commenced at 9.30 a.m. and ended at 11.03 a.m.

20. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were two members of the press and two members of the public in attendance.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

MEETING: CABINET	DATE: 12 JUNE 2012
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MEMBER	ITEM	MIN. NO. REFERS
Councillor C.M. Jones	Report on the Amalgamation of Deeside College and Yale College.	15.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **CHIEF EXECUTIVE**

SUBJECT: **2011/12 PERFORMANCE REVIEW AND 2012/13 PRIORITIES**

1.00 PURPOSE OF REPORT

- 1.01 To present an end of year position of progress against the (i) Outcome Agreement and (ii) the Improvement Priorities of the Council.
- 1.02 To endorse the approach to the setting of our Improvement Priorities for 2012/13 and re-audit the correct priorities for on-going review.

2.00 BACKGROUND

2.01 Outcome Agreements

The Outcome Agreements were introduced by Welsh Government to identify how we work towards improving outcomes for local people against the Government's National priorities. In addition Outcome Agreements had to have a strong collaborative content and evidence of partnership working to have the greatest impact.

- 2.02 The Outcome Agreement is a three year agreement (from 2010/11 to 2012/13) based on ten strategic themes, with one broad outcome selected from within each theme. The themes and outcomes have been agreed by Welsh Government and approved by Executive and the Local Service Board.

- 2.03 The final draft of the Outcome Agreement was submitted to the Welsh Assembly Government at the end of December 2010 for consideration by the Minister for Social Justice and Local Government. In January 2011 the Council Leader received a letter from the Minister confirming that the process was complete and that he was content with the Agreement. The Council Leader responded to this letter to confirm that he is also content with the Outcome Agreement.

2.04 Improvement Priorities

It is a requirement of the Local Government (Wales) Measure 2009 to set Improvement Objectives and to publish an Improvement Plan.

- 2.05 The Improvement Objectives were endorsed as the set of Council Priorities within the Improvement Plan by Executive and County Council in June 2011.

3.00 **CONSIDERATIONS**

3.01 **Outcome Agreement 2011/12**

The second year's performance (2011/12) of the Outcome Agreement is complete and a self assessment of performance against the actions and measures has been undertaken. This assessment currently shows a full or partial achievement in all ten themes of the Agreement.

Outcome Agreement Theme	Self-Assessment Categorisation
Theme 1 - Improved quality and length of life, with fairer outcomes for all	Fully Successful
Theme 2 - Good social care allows people a better quality of life	Fully Successful
Theme 3 - A strong and prosperous economy helps reduce poverty	Fully Successful
Theme 4 - Children and young people grow up as active citizens and achieve the highest possible standards of wellbeing	Fully Successful
Theme 5 - People have the education and skills to live prosperous, fulfilled lives	Fully Successful
Theme 6 - Communities are vibrant and safe, with access to good housing and sustainable transport	Partially Successful
Theme 7 - Wales is an energy efficient, low carbon and low waste society	Fully Successful
Theme 8 - The environment is protected and sustainable	Partially Successful
Theme 9 - Our language, culture and heritage thrives	Fully Successful
Theme 10 - Public Services are efficient and provide value for money	Fully Successful

3.02 The Council received full payment of the grant (£1.48m) in 2011/12 for performance of the Agreement in 2010/11. Payment is based on a pro rata scoring system which measures achievement of the authority's performance. Last year we received a score of 26/30 points (payment is made to scores of 25 and over). Full payment of the grant can only be achieved if collaborative action is demonstrated and is successful in at least nine of the ten outcomes.

3.03 The Welsh Government will undertake their own assessment during the summer and agree the measures and targets for 2012/13. We should know the outcome in the autumn. This will be reported in more detail separately to Cabinet following the evaluation.

3.04 **Improvement Priorities 2011/12**

The Improvement Plan presents the ten Council Priorities and the underlying Directorate priorities in a single document.

The ten primary priorities are supported by the more detailed secondary

priorities set out in the three Directorate plans for Community Services, Environment and Lifelong Learning and in the corporate governance plans. The corporate governance plans include the four business plans for the corporate resources of the Asset Plan, the ICT and Customer Services Strategies, the Medium Term Financial Strategy and Plan and the People Strategy.

3.04 Each of the secondary priorities have the following information attributed to them:

- i) Progress to date - key areas of activity completed or underway
- ii) Further actions - key areas of activity scheduled
- iii) Outcomes - deliverables or 'results' of the priority
- iv) Key Targets/Evidence - shows how each of the Outcomes can be evidenced.

The full end of year position against each of these factors is appended.

3.05 Two assessments have undertaken to provide an overview of our achievement:

- Assessment against progress of scheduled activity
- Assessment against our level of confidence in achieving the outcome(s)

3.06 Progress against scheduled activity has been categorised as:

- RED: Limited Progress - delay in scheduled activity; not on track
- AMBER: Satisfactory Progress - some delay in scheduled activity, but broadly on track
- GREEN: Good Progress - activities completed on schedule, on track

3.06 Confidence in outcome has been categorised as:

- RED: Low - lower level of confidence in the achievement of the outcome(s)
- AMBER: Medium - uncertain level of confidence in the achievement of the outcome(s)
- GREEN: High - full confidence in the achievement of the outcome(s).

3.07 An assessment summary of both the Progress and Confidence in Outcome against all of the ten priorities is shown as:

Council Priority	PROGRESS	CONFIDENCE IN OUTCOME
1. To be a modern, efficient and cost effective public organisation through our four resource strategies - the Medium Term Financial Strategy, the People Strategy, the Asset Management Strategy and the ICT Strategy - whilst ensuring our local taxes and fees and charges are fair and affordable	SATIS-FACTORY	HIGH
2. To achieve the greatest possible cost efficiencies through regional and sub-regional collaboration to reinvest in local public service	GOOD	MEDIUM
3. To be a modern, caring and flexible employer with fair and equal pay and terms and conditions of employment under a Single Status Agreement	SATIS-FACTORY	MEDIUM
4. To achieve the highest standards of customer services and care through our Customer Service Strategy	GOOD	HIGH
5. To make our communities safe and to safeguard the vulnerable, with children and older people being priority groups	GOOD	HIGH
6. To protect and grow the local and regional economy, to be a prosperous County and to provide help and support for those vulnerable to poverty	GOOD	HIGH
7. To promote independent, healthy and fulfilled living in the community with the highest quality personalised and supportive social and health care services	GOOD	HIGH
8. To meet housing need in the County and to work with partners to ensure a sufficient supply of quality and affordable homes and housing services in the social , mixed tenure and private sector housing markets	SATIS-FACTORY	HIGH
9. To secure a modern and high performing range of learning, cultural, play and leisure opportunities for all ages with our schools, colleges and other partners	SATIS-FACTORY	MEDIUM
10. To protect, plan and develop sustainable natural and built environments	SATIS-FACTORY	HIGH

3.08 A full assessment with details of targets achieved will be provided as part of the Annual Performance Report 2011/12 which Cabinet and County Council will receive in October.

3.09 **Improvement Plan 2012/13**

Under the Local Government Measure Councils are required to set their Improvement 'Objectives' or priorities annually at the earliest convenient point in the financial year.

These priorities have been shaped by all Councillors in the previous Council across the Executive and Overview and Scrutiny functions and provide continuity for past, present and future performance against which the Council can be judged. The priorities will be subject to any on-going review by the new Council and subject to change by local choice, Welsh Government policy and

economic and the social context.

The Improvement Priorities framework has a sound basis. The Priorities:-

- reflect what is currently important in Flintshire e.g. housing
- cover the areas where we need to modernise and improve e.g. HR
- fit well with Welsh Government social policy and the *Programme for Government* e.g. social care reform
- fit well with local partner priorities e.g. health reform
- fit well with the priorities for regional collaboration
- fit well with the *Programme for Change* of the new Leadership
- The Improvement Priorities framework is proving effective. The framework:-
 - guides management to concentrate on what is important
 - provides a fit between the 'bigger picture' at corporate level with the detail of Directorate plans and team plans right down to appraisals at service level
 - guides the allocation of resources both at annual budget-setting time and in year
 - influences the priorities of key partners
 - above all shows that the Council has a good record of achievement against the Priorities as shown in the attached summary using the 'traffic light system'.

3.10 In addition the Council is undertaking a full self assessment in advance of any external work by the Wales Audit Office later this year and into 2013.

3.11 The assessment will be built around four building blocks or modules and will assist us in testing out the priorities for the Council. The four modules are:

- Corporate Governance
- Corporate Strategy – our four specific strategies (People, Assets, Finance and ICT) plus the MTFP and Flintshire Futures alongside our current first four Improvement Priorities
- Public Services Strategy – based on Council Priorities numbers 5 to 10
- Partnership Governance – our strategic partnerships

The assessment will be opened up to political challenge and judgement. The final set of judgements will inform members to support discussion and decision

to re-inforce our current priorities, plans and strategies, to change them, or to improve them. This in turn will inform the setting of the Improvements Plan 2012/13.

4.00 RECOMMENDATIONS

4.01 To note the progress made against the Outcome Agreement for 2011/12 and receive a further report following the evaluation by Welsh Government.

4.02 To note the progress made in achieving the priorities of the Improvement Plan in 2011/12.

4.03 To endorse the approach to setting the Improvement Priorities and Plan for 2012/13.

4.04 To readopt the current priorities for ongoing review.

5.00 FINANCIAL IMPLICATIONS

5.01 None directly related to this report.

6.00 ANTI POVERTY IMPACT

6.01 None directly related to this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None directly related to this report.

8.00 EQUALITIES IMPACT

8.01 None directly related to this report.

9.00 PERSONNEL IMPLICATIONS

9.01 None directly related to this report.

10.00 CONSULTATION REQUIRED

10.01 Consultation will be undertaken in the process of setting the Improvement Priorities for 2012/13.

11.00 CONSULTATION UNDERTAKEN

11.01 Consultation has been undertaken with Corporate Management Team in the self assessment of both our Outcome Agreement and the Improvement Priorities for 2011/12.

12.00 APPENDICES

12.01 Appendix 1: Improvement Priorities 2011/12 review.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

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IMPROVEMENT PRIORITIES YEAR END REVIEW 2011/12

Council Priority	PROGRESS	Secondary Priorities			OUTCOME	Secondary Priorities		
		GREEN (GOOD)	AMBER (SATISFACTORY)	RED (LIMITED)		GREEN (HIGH)	AMBER (MEDIUM)	RED (LOW)
1. To be a modern, efficient and cost effective public organisation through our four resource strategies - the Medium Term Financial Strategy, the People Strategy, the Asset Management Strategy and the ICT Strategy - whilst ensuring our local taxes and fees and charges are fair and affordable	SATISFACTORY	1	4	0	HIGH	3	2	0
2. To achieve the greatest possible cost efficiencies through regional and sub-regional collaboration to reinvest in local public service	GOOD	2	0	0	MEDIUM	1	1	0
3. To be a modern, caring and flexible employer with fair and equal pay and terms and conditions of employment under a Single Status Agreement	SATISFACTORY	1	2	0	MEDIUM	1	2	0
4. To achieve the highest standards of customer services and care through our Customer Service Strategy	GOOD	3	0	0	HIGH	3	0	0
5. To make our communities safe and to safeguard the vulnerable, with children and older people being priority groups	GOOD	6	4	0	HIGH	8	2	0
6. To protect and grow the local and regional economy, to be a prosperous County and to provide help and support for those vulnerable to poverty	GOOD	8	3	0	HIGH	8	3	0
7. To promote independent, healthy and fulfilled living in the community with the highest quality personalised and supportive social and health care services	GOOD	5	3	0	HIGH	7	1	0
8. To meet housing need in the County and to work with partners to ensure a sufficient supply of quality and affordable homes and housing services in the social , mixed tenure and private sector housing markets	SATISFACTORY	2	4	0	HIGH	4	2	0

9. To secure a modern and high performing range of learning, cultural, play and leisure opportunities for all ages with our schools, colleges and other partners	SATIS-FACTORY	1	6	0	SATIS-FACTORY	3	4	0
10. To protect, plan and develop sustainable natural and built environments	SATIS-FACTORY	3	3	0	GOOD	6	0	0
TOTALS		32	29	0		44	17	0
%	PROGRESS	52%	48%	0	OUTCOME	72%	28%	0

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **CHIEF EXECUTIVE**

SUBJECT: **DIVERSITY AND EQUALITY POLICY**

1.00 **PURPOSE OF REPORT**

1.01 To present the draft Diversity and Equality Policy to Cabinet for approval before wider consultation with stakeholders, members of the public and employees.

2.00 **BACKGROUND**

2.01 Members recognised the value of embracing diversity and equality in both employment and service delivery when Flintshire County Council's first Diversity and Equality Policy was produced in 2005. The Council is one of the largest employers in the area and the provider of essential services to all residents including the most vulnerable. The Diversity and Equality Policy demonstrates the Council's commitment to developing an inclusive workplace and high quality services which meet peoples' needs.

2.02 The Diversity and Equality Policy has now been updated in line with guidance from the Advisory, Conciliation and Arbitration Service (ACAS) and the Equality and Human Rights Commission and incorporates changes in equality legislation brought in by the Equality Act 2010. The changes included in the Equality Act include the concepts of:

- Perceptive Discrimination;
- Associative Discrimination; and
- Third Party harassment

2.03 The Equality Act 2010 streamlined equality legislation and extended cover to the protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

2.04 The Policy sets out the Council's commitment to valuing diversity, eliminating harassment and promoting equality in our work and services. This includes how we will ensure potential employees, employees, customers and other organisations who do, or want to do

business, with the Council are treated equitably regardless of their background.

2.05 The Policy is one of the steps the Council is taking to place equality at the heart of the organisation. The Council has also:-

- Achieved the Two Ticks symbol “Positive about Disabled People”
- Joined the Stonewall Diversity Champions Programme demonstrating the Council’s commitment to meeting the needs of lesbian, gay and bisexual employees and customers.
- Nominated the Head of Human Resources and Organisational Development (HR and OD) as the Equality Champion at senior management team; ensuring links between equality and other strategic developments are promoted.

3.0 CONSIDERATIONS

3.01 The overall aim of the Diversity and Equality Policy is to:-

- Eliminate unlawful discrimination and harassment;
- Promote equality of opportunity; and
- Foster good relations between diverse communities in the Council’s delivery of services, goods, works and facilities, provision of grants, in engagement with partners and communities in the county and employment policies and practices.

3.02 The Policy identifies:-

- how customers, contractors and other organisations can expect to be treated by the Council when accessing services, applying for grants or placing tenders for contracts;
- responsibilities of contractors and organisations who tender for and provide goods, works, services and facilities on our behalf and the requirements of the Public Sector Equality Duty;
- the rights and responsibilities of employees; and
- managers’ and supervisors’ responsibilities.

3.03 Feedback from the Council’s Employee Networks, Corporate Management Team and other stakeholders has informed the revision of the Policy; further consultation now needs to take place with Trade Unions, managers, employees and members of the public. It is proposed that the following methods are used to consult with employees, members of the public and stakeholders:

- Employees
 - promotion of draft Policy on the intranet, Directorate monthly bulletins and staff conferences
 - draft policy circulated to Flintshire County Council

employee forums and Flintshire Joint Trade Union Committee (FJTUC)

- included as an agenda item at Team meetings
- Members of the public
 - draft Policy promoted through the Council's website
 - Policy and Performance Team attendance at meetings with key local community groups, for example, Flintshire Deaf Forum, Flintshire International Social Group, Flintshire Disability Forum, Strategic Equality plan Core group
 - draft Policy circulated to local networks and groups
- Stakeholders and Partners
 - draft policy circulated to Elected Members, Town and Community Councillors, Local Service Board Partners and regional groups representing people with protected characteristics

Consultation questions will be based around content and validity.

3.04 Following the consultation exercises, a revised draft will be presented to Cabinet for approval before publication. The proposed time frame for consultation, reporting and publication is set out below:-

- consultation on the Policy during July – September 2012
- approval of final Policy and communication plan by January 2013
- communication and promotion of Policy February 2013 onwards

3.05 Supplementary guidance will be provided with the Policy, which will include a glossary and examples of types of discrimination to support employees and managers with implementation.

3.06 The new Policy by itself will not create long term organisational change unless there is commitment and understanding by both elected members and employees. Long term change will need to be underpinned by involvement and leadership by example.

4.00 RECOMMENDATIONS

4.01 That the draft Diversity and Equality Policy be endorsed for consultation.

5.00 FINANCIAL IMPLICATIONS

5.01 There will be some costs to promote the consultation of this draft policy both internally and externally; these will be met from the Policy

and Performance Team budget.

6.00 ANTI POVERTY IMPACT

6.01 Addressing equality and discrimination in service delivery and employment will have a positive impact on disadvantaged groups

7.00 ENVIRONMENTAL IMPACT

7.01 Limited hard copies of the Policy will be produced; the Policy will be emailed to contacts and respondents who will be encouraged to respond electronically. This will reduce the amount of paper used throughout the consultation process.

8.00 EQUALITIES IMPACT

8.01 A full equality impact assessment will be undertaken on this Policy. The aim of this Policy is to benefit all protected groups and other groups who may experience discrimination.

8.02 The Policy will be circulated bilingually (English and Welsh) in hard copies and via email. It will be published on the website and alternative formats and other languages will be made available on request. The aim of this is to ensure that the Policy and consultation is accessible and inclusive to diverse groups.

9.00 PERSONNEL IMPLICATIONS

9.01 Implementing and monitoring fair employment practices and involving and consulting employees will benefit both future and current employees

10.00 CONSULTATION REQUIRED

10.01 Consultation is required as part of the equality impact assessment; this will include employees, stakeholders, members of the public and Trade Unions. Stakeholders will include people with different protected characteristics, groups representing the protected characteristics such as UNIQUE (representing the transgendered community) and partners.

11.00 CONSULTATION UNDERTAKEN

Trade Unions, Flintshire County Council employee networks, stakeholder groups and Corporate Management Team have been involved in the revision of the draft Policy.

12.00 APPENDICES

None

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: CABINET

DATE: 10 JULY 2012

REPORT BY: HEAD OF HUMAN RESOURCES AND
ORGANISATIONAL DEVELOPMENT

SUBJECT: PEOPLE STRATEGY – PROGRESS REPORT

1.00 PURPOSE OF REPORT

To provide Members with a progress report as at 30th May 2012 on the delivery of the People Strategy Action Plan for the 2009 – 2012.

2.00 BACKGROUND

2.01 The People Strategy is one of the four Corporate Resource Strategies for the Council. It sets out the Council's vision and intentions in achieving effective Organisational change and transformation, improving Leadership and management practice, increasing performance and productivity and modernising our working practices and terms and conditions of employment to enable us to better meet the needs of our customers.

2.02 The current strategy covers the period 2009 – 12 and is in the process of being reviewed to reflect the Council's on-going and future priorities for the next three years. Whilst appropriate focus and resources are being targeted to deliver the identified priorities, careful consideration is now being given to identify which projects and actions will extend into the next iteration of the strategy for 2012 – 2015.

2.03 The strategy is structured under five key themes that correspond with the big strategic objectives for the Council and the associated challenges and priorities. These key themes are branded as the '5 Cs' and are Customer, Change, Collaboration, Consolidation and Capacity.

2.04 The delivery of the strategy is owned by the Head of Human Resources and Organisational Development and the Chief Executive but it is made clear that managers, employees, elected members and trade union colleagues all have a responsibility and a part to play in delivering the priorities under the strategy and embedding these into our organisational practice successfully.

- 2.05** The progress on delivery of the strategy is reported on a regular basis (quarterly) to Cabinet and at Overview and Scrutiny Committees. In addition, the Quarterly Performance reports for Human Resources and Organisational Development provide details on progress and report, by exception, on actions that have not been delivered in accordance with the original timeframes set, the reasons for this and the recovery plan that has been put into place.
- 2.06** The Organisation Design Change Project and Phase II of iTrent (Employee and Manager Self Service) are projects which feature both in the People Strategy and in the Workforce Work stream for Flintshire Futures. These are key projects which will enable the transformation and modernisation of the organisation.

3.00 CONSIDERATIONS

3.01 The People Strategy Action Plan, shown at Appendix 1, provides a detailed progress update on each of the projects / work streams.

3.02 Overall, the delivery of projects / work streams are on track or completed. There are, however, some projects and actions which have been delayed on the plan and a revised date identified. These are:

- Actions within the 'Change' work stream associated with the Organisation Design Change Programme have all been delayed. This is to allow sufficient capacity to focus on delivering Single Status. This relates to actions identified from CHA/002 through to CHA/005.
- The action 'Develop Career Progression Frameworks' (CHA/006) has been achieved earlier than scheduled in June 2012 as there is a clear inter-dependency with the Single Status project and implementation.
- The implementation of the HR and OD Service review has been delayed (CUS/003). A new implementation date of October 2012 has been identified. The cause of the delay is the need for substantial strategic and operational input into the Single Status and Equal Pay projects from the Head of Service and senior managers within the HR and OD service.
- The project 'Develop and implement New Manager Development Programme (E-learning)' (CAP/006) has been slightly delayed and a new date for completion of June 2012, has been identified. This is a substantial piece of work which required input from HR, Finance and ICT teams which has taken a little longer than anticipated.

- The deadline for the project on agreeing and implementing a 'Jobs at this Level' framework (CON/003) has been extended to July 2012. The draft framework is now completed and will be reviewed by the Corporate Management Team.
- The work on reviewing HR policies to promote Agile Working (CON/007) has been delayed until September 2012. This timeframe is now aligned with the Single Status and Agile working projects.

3.03 The actions that are referenced as 'Carry Forward to 2012 – 2015 People Strategy' are those which we know will extend beyond the life of this current strategy, mainly because it will take years, rather than months to deliver these actions successfully and for them to become embedded in the organisation.

4.00 **RECOMMENDATIONS**

4.01 That Members note the progress report on delivery of the current People Strategy Action Plan for 2009 – 12.

5.00 **FINANCIAL IMPLICATIONS**

5.01 The financial / resourcing implications for each project are set out in the attached Action Plan.

6.00 **ANTI POVERTY IMPACT**

6.01 None identified.

7.00 **ENVIRONMENTAL IMPACT**

7.01 None identified.

8.00 **EQUALITIES IMPACT**

8.01 Equality Impact Assessments will be undertaken for individual projects as appropriate.

9.00 **PERSONNEL IMPLICATIONS**

9.01 None specifically arising from this report. Any actions arising from delivery of projects within the strategy which may impact on employees will have their own Communication and Consultation Plan.

10.00 **CONSULTATION REQUIRED**

10.01 None specifically arising from this report. A consultation exercise will be conducted with Members, managers and Trade Unions on the proposed content of the People Strategy for 2012 – 15 at the appropriate time.

11.00 **CONSULTATION UNDERTAKEN**

11.01 Not applicable.

12.00 **APPENDICES**

12.01 Appendix 1 – People Strategy Action Plan with updates as at 30 May 2012.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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APPENDIX 1

PEOPLE STRATEGY ACTION PLAN – PRIORITIES FOR 2011/12

PEOPLE STRATEGY THEME	CUSTOMER – Rebecca Noble		
OBJECTIVES	<ul style="list-style-type: none"> To ensure that employees have the skills, knowledge and behaviours to deliver accessible, responsive and customer focused services To design the organisation to meet the requirements of customers, ensuring structures are shaped with the aim of delivering excellent customer services To develop a 'world class' HR service for both strategic and transactional HR 	LEAD ROLE	Head of HR and OD
DELIVERABLES	<ul style="list-style-type: none"> Providing development opportunities for employees to develop excellent customer care skills (Customer Care Award) Design and implement an organisational design model / framework with guidance for managers to meet the needs of customers Implementation of HRMIS Phase II – Manager and Employee Self-Service Design and implementation of a new HR & OD Service Structure 	TARGET COMPLETION DATE	SEPTEMBER 2012 (some workstreams will extend beyond)
RESOURCES	HR Management team, Corporate Training, Directorate Management Teams, Corporate Management Team		

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REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✗ - Behind Schedule
CUS/001	Develop Customer Care Award	Completion by June 2011 achieved.	Corporate Training / Deeside College / DMTs	Within existing resources	GREEN	Customer Service Award development completed. C - Completed
CUS/002 Page 36	Implement Customer Care Award across the organisation	Implement from July 2011 and on-going	Corporate Training / Heads of Service Denise Naylor / Rebecca Jones	Within existing resources	GREEN	Housing award completed. C - Completed
					GREEN	Programme of development for Environment complete. Roll out in Environment due to be completed April/May 2012. Wider roll out to organisation within 18 months. ✓ - On Track

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✘ - Behind Schedule	
Page 37	CUS/003	Design and Implement new HR and OD service	Service Review in progress. Complete by May 2012 Revised deadline July 2012	Head of HR and OD	Additional project support resources secured.	AMBER	Job Evaluation Questionnaires to be finalised by May 2012. Process mapping & Standard Operating Procedures development near completion. ✘ - Behind Schedule
	CUS/004	Tailor and implement Customer Care Award for new HR and OD service	Commence by August 2012. Complete by December 2012. Carry forward to 2012 - 2015 People Strategy	Head of HR and OD	Within existing resources	GREEN	HR and OD Review to be completed first. ✓ - On Track

CUS/005 PROJECT PLAN IN PLACE – (Flints. Futures)	Implement Phase II of HRMIS - Employee Self-Service	Completion by August 2011 achieved.	Project Manager for Phase II of HRMIS CMT / DMTs	Continuation of Project Funding confirmed via Flintshire Futures.	GREEN	Employee Self-Service roll out complete for IT users C - Completed
CUS/006 PROJECT PLAN IN PLACE- (Flints. Futures)	Implement Phase II of HRMIS (iTrent) Manager Self-Service (People Manager)	Project in progress. Complete by Dec 2013 Carry forward to 2012 - 2015 People Strategy	Project Manager for Phase II of HRMIS CMT / DMTs	Continuation of Project Funding confirmed via Flintshire Futures.	GREEN	Manager Self Service rollout complete to all IT users. Expenses modules being developed – planned roll out May 2012 ✓ - On Track
CUS/007	Identify and implement employee engagement methods	Project in progress. Methods to be identified and implemented from April 2012 onwards Revised deadline June 2012	Head of HR and OD / Corporate Communications Officer / CMT Sian Williams/Sharon Carney/Gill Watkins	Within existing resources	AMBER	Methodologies identified but plan still requires developing. Intention is to have a programme of engagement activities. ✘- Behind Schedule – date adjusted.

PEOPLE STRATEGY THEME	CHANGE – Sheila Lynch		
OBJECTIVES	<ul style="list-style-type: none"> To ensure that managers are confident and competent in managing change effectively To promote a culture where employees understand and participate in change To achieve planned organisational change and modernisation throughout our services and business practices To create frameworks, tools and techniques for managing change 	LEAD ROLE	Head of HR and OD
DELIVERABLES	<ul style="list-style-type: none"> Delivery of ‘managing change’ programme to develop skills and knowledge Development and implementation of Organisation Design principles Development of framework and guidance for managing change effectively Implementation of tools and techniques to support change and service modernisation 	TARGET COMPLETION DATE	SEPTEMBER 2012
RESOURCES	HR Management team, Corporate Training, Single Status Project Manager, Directorate Management Teams, Corporate Management Team, Regional Partners Additional resource – Temporary Organisation Design Officers / Job Analysts		

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✗ - Behind Schedule
CHA/001 (Flints. Futures)	Develop set of Organisational Design principles	In progress. Completed by December 2011	Cross-organisation Management Group / Single Status Project Manager / Head of HR and OD	Additional project support resources secured	GREEN	Research and benchmarking work completed Final document prepared C - Completed
CHA/002 (Flints. Futures)	Review and revise "Guide to Organisational Design for Senior Managers" (Lean process to be incorporated)	Commence by July 2012 Completed by November 2012 Revised deadline November 2012 Carry forward to 2012 – 2015 People Strategy	Head of HR / Organisation Design Officer(s)	Additional project support resources secured.	AMBER	Timescale has been adjusted as corporate priority is Single Status (insufficient HR capacity to deliver to original timeframes). This activity will commence in July 2012 and complete November 2012 ✗ - Behind Schedule – Date adjusted.

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REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✗ - Behind Schedule
CHA/003 Flint Futures	Design and Deliver coaching / development programme on Organisation Design and Change	Commence by January 2013 Complete by September 2013 Revised deadline September 2013 Carry forward to 2012 – 2015 People Strategy	Head of HR/Single Status Project Manager/Corporate Training Officers	Additional project support resources secured	AMBER	Reasons for adjustment as above. Commencement date January 2013 (post Single Status implementation) Completion September 2013 ✗ - Behind Schedule – Date adjusted.
CHA/004 (Flints. Futures)	Identify which services to be reviewed as part of Organisational Design Change Programme	Commence by September 2012 On-going. Revised deadline September 2013 Carry forward to 2012 – 2015 People Strategy ,	Head of HR / CMT / Organisational Design Officers	Resources secured (Appointment of Organisation Design Officers as part of HR and OD Service Review)	AMBER	Commencement date has been adjusted. Intelligence via the Single Status JE process (e.g. examples of compression) will be used initially to identify services where the organisational structure needs to be reviewed.

Page 4

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✘ - Behind Schedule
						✘ - Behind Schedule – Date adjusted.
CHA005 (Flints. Futures)	Commence implementation of Organisation Design Change Programme	Commence by January 2013 Revised deadline Carry forward to 2012 – 2015 People Strategy	CMT / HR / Organisation Design Officers	Additional project support resources secured	AMBER	Timescale adjusted to come after single status implementation. Activity commencing January 2013 ✘ - Behind Schedule – Date adjusted.
CHA/006	Develop Career Progression Frameworks	Commence by May 2012. Complete by July 2012. Revised deadline. New timescales brought forward to align with Single Status project requirements.	Single Status Project Manager / Temporary OD Officer / Senior Managers	Additional project support resources secured	GREEN	Research and benchmarking work completed Project interdependency with Single Status identified. Timeframes brought forward. C - Completed

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REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track x - Behind Schedule	
Page 13	CHA/007	Promote attendance for senior and middle managers on 'Managing Change Successfully' Regional Programme	In progress	Corporate Training / CMT	Within existing resources	GREEN	Programme well established Evaluation of learning / measures around improved practice to be identified. C - Completed
	CHA/008	Create opportunities for exchanging good practice / excellence in managing change Identify 'Change Champions' within services (CHA/008 and CHA / 009 now combined)	Commence December 2012	CMT [Head of HR and OD / Head of Housing and Head of ICT and Customer Services] (Flintshire Futures Programme)	Within existing resources HR Manager (Lesley Newton) Flintshire Futures HR Lead (Angela Lawrence)	GREEN	Review of organisational change approach with Leadership Team ✓ - On Track

*Interdependencies: Key Tasks CHA/001, CHA/002, CHA/005 have interdependencies with Single Status – CON/001
CHA/008 is interdependent with CHA/002*

PEOPLE STRATEGY THEME	CAPACITY – Sian Williams		
OBJECTIVES	<ul style="list-style-type: none"> To identify and implement a framework to remodel the workforce as part of corporate and service planning To promote succession and continuity planning To develop key skills for employees to support the effective delivery of services now and in the future 	LEAD ROLE	Head of HR and OD
DELIVERABLES	<ul style="list-style-type: none"> Workforce Planning Model including identification of talent and succession planning Developing use of Appraisal system to identify and develop our talent Development and implementation of People Development Framework including Leadership Development 	TARGET COMPLETION DATE	SEPTEMBER 2012
RESOURCES	HR Management team, Corporate Training, Single Status Project Manager, Directorate Management Teams, Corporate Management Team, Regional Partners		

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✗ - Behind Schedule
CAP/001	Develop Workforce Planning Skills for HR	Completion by October 2011 achieved	Head of HR and OD / HR Managers	N/A	GREEN	Training completed. C - Completed
CAP/002	Develop Workforce Planning Approach and Model	Commence by January 2012. Complete by March 2012. Carry forward to 2012 – 2015 People Strategy	Head of HR and OD / HR Managers Sian Williams/Lorraine Snead / CMT	Within existing resources	AMBER	Draft Workforce Planning model developed. Model to be 'tested' by CMT for Leadership Team. ✓ - On Track
CAP/003	Adapt Appraisal System (as part of Workforce Planning Model) to assess and improve performance, identify talent and provide development opportunities	Commence by January 2013. Complete by April 2013 Revised deadline. Behaviourial competencies and 'Jobs at this Level' to	Corporate Training	Additional resources (in collaboration with neighbouring Councils) to be identified	AMBER	Further work to be done to assess most effective Appraisal system for the Council at this time. Competency-based

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✘ - Behind Schedule
		be developed prior to selecting and introducing new approach. Carry forward to 2012 – 2015 People Strategy.				approach to be tested by Senior Management Team ✘ - Behind Schedule – date adjusted
CAP/004	Embed People Development Framework Programmes and align with new Qualification Framework	In progress. Complete by January 2012	Corporate Training Team Heather Johnson	Within existing resources	GREEN	Programmes designed and implemented C - Completed
CAP/005	Develop/identify options for Leadership Development	In progress. Complete by February 2012	Head of HR / CMT / Corporate Training Team Steve Hughes	Within existing resources	AMBER	Initial options identified. Application of appropriate methods to be arranged to include Coaching options C - Completed

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REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✘ - Behind Schedule
CAP/006	Develop and implement New Manager Development Programme (E-Learning)	Commence by January 2012.	Corporate Training Team Heather Johnson	Within existing resources	AMBER	Programme still being scoped to include HR / Finance requirements to meet June deadline. In-house ICT to develop e-learning programme. ✘ - Behind Schedule – date adjusted
		Complete by June 2012 Revised deadline June 2012				
CAP/007	Develop and implement Coaching Strategy	Commence by April 2012 Complete by December 2013.	Corporate Training Team Steve Hughes / Head of HR and OD	Within existing resources	GREEN	Draft Coaching Strategy for other NW Councils to be adapted for FCC. ✓ - On Track

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Interdependencies: Key Tasks CAP/005 is interdependent with CAP / 007

PEOPLE STRATEGY THEME	CONSOLIDATION – Sharon Carney		
OBJECTIVES	<ul style="list-style-type: none"> To enhance Flintshire’s reputation as a “modern employer of first choice” To ensure we set and meet standards of performance through sound people management To provide and maintain a fair and equitable reward strategy to recognise and reward the contributions of employees 	LEAD ROLE	Head of HR and OD
DELIVERABLES	<ul style="list-style-type: none"> Implementation of Single Status and settlement of Equal Pay Claims Negotiate and implement a revised set of Part III Terms and Conditions Identify, develop and review HR policies to enable flexible, agile and modernised working practices 	TARGET COMPLETION DATE	SEPTEMBER 2012
RESOURCES	HR Management team, Corporate Training, Single Status Project Manager, Directorate Management Teams, Corporate Management Team, Regional Partners		

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✗ - Behind Schedule
CON/001 PROJECT PLAN IN PLACE Page 49	Implement Single Status Settle Equal Pay claims	In progress. Complete Single Status and Equal Pay projects by November 2012.	Chief Executive / Head of HR and OD / Single Status Project Manager / Head of Finance / CMT / Joint TUs	Project resources in place	AMBER	Management Sore thumbing exercise commenced On track to commence pay modelling and negotiation in May 2012 Equal Pay Settlement Strategy under development. ✓ - On Track
CON/002	Modify and agree elements of the JE process to enable the converging of organisational change projects with Single Status	Completion by December 2011 achieved.	Head of HR and OD / Single Status Project Manager / CMT / Joint Trades Unions	Project resources in place	GREEN	Alternative proposals for modernising JE process developed and agreed at CMT C - Completed

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✘ - Behind Schedule
Page 50	Agree and implement "Jobs at this Level" Framework	In progress. Complete by December 2011. Revised deadline to July 2012.	Head of HR and OD / Single Status Project Manager / CMT / Joint Trades Unions	Project resources in place	AMBER	Framework document prepared and under consideration by Corporate Management Team. Consultation on the framework to be undertaken with TUs. ✘ - Behind Schedule – date adjusted
	CON/004	Establish governance and monitoring post Single Status implementation	Commence September 2012 Complete by November 2012	Head of HR & OD / Payroll and Systems Manager / HR Managers	Within existing resources	AMBER

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✗ - Behind Schedule
CON/005	Set proposals for revised Part III terms and conditions and prepare EIA	Completion by August 2011 achieved. Part 3 to be integrated in with Single Status Agreement – see CON / 001	CMT / CEO / Head of HR & OD / Head of Finance	N/A	GREEN	Proposals and Equality Impact Assessment completed C - Completed
CON/006 (Flints. Futures) Page 51	Complete negotiations and implement new Part III terms and conditions	In progress. Complete by April 2012 Revised deadline November 2012 to be integrated with Single Status. Action to be deleted.	CMT / CEO / Heads of HR & OD / Housing / Streetscene / Leisure and Culture	Within existing resources	AMBER	N/A – to be integrated with Single Status CON / 001
CON/007 (Flints. Futures)	Identify and review HR policies to enable / promote Agile Working	Commence by January 2012. Complete by September 2012. Revised deadline September 2012 to align with Agile Working Project and	HR Lead – Flintshire Futures Programme Head of HR & OD Interim HR Policy Development Officer	Additional capacity identified within existing resources	AMBER	Appointment of Interim HR Policy Development Officer in May has provided focus and resource for this activity

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✗ - Behind Schedule
		Single Status				✗ - Behind Schedule – date adjusted
CON/008 (Flints. Futures)	Develop Manager Guidance on Agile Working practices	Completion by March 2012 achieved.	HR Lead – Flintshire Futures Programme Head of HR & OD	Resources in place.	GREEN	Toolkit developed C - Completed
CON/009 Page 52	Review and implement Attendance Management Strategy	In progress. Complete by February 2012 Revised deadline June 2012.	Head of HR & OD / HR Managers / Occupational Health Team/Lesley Newton /Sharon Cave	Within existing resources	AMBER	Review of Attendance Strategy has commenced Additional OH Service interventions to be incorporated ✗ - Behind Schedule – date adjusted
CON/010	Implement Holiday Policy	In progress. Complete by February 2012	Payroll and Systems Manager John Griffiths	Within existing resources	AMBER	Scope for new policy developed. Single Status project demands have resulted in

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✘ - Behind Schedule
						delay. C - Completed

PEOPLE STRATEGY THEME	COLLABORATION - Lesley Newton		
OBJECTIVES	<ul style="list-style-type: none"> To continue to develop and maintain a positive employee relations culture by promoting open and effective partnership working with Trades Unions To lead collaborative working on innovative and responsive HR shared solutions across North Wales To develop good practice principles and capacity to lead and participate effectively in collaborative working projects To promote mobility across the public sector to achieve workforce planning, recruitment and retention and develop talent 	LEAD ROLE	Head of HR and OD
DELIVERABLES	<ul style="list-style-type: none"> To establish links with other Local Authorities, public sector organisations and WG to explore opportunities to working collaboratively to deliver positive outcomes together To enable collaborative working projects (e.g. shared School Improvement Service) to deliver by ensuring that the 'people' workstreams are managed effectively (creation of HR Collaboration Toolkit) To promote and deliver regional collaboration within Human Resources with other local authorities 	TARGET COMPLETION DATE	SEPTEMBER 2012
RESOURCES	HR Management team, HRD Network, HR Regional Community, Directorate Management Teams, Procurement, Corporate Management Team, other Regional Partners		

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✗ - Behind Schedule
COL/001 PROJECT PLAN IN PLACE (Flints. Futures)	Implement shorter term options to maximise benefits of MASS project further across the three Local Authorities	In progress. Complete by September 2012	Heads of HR and OD / Director of Community Services / Managed Agency Contracts Manager	Within existing resources	GREEN	New contract re-negotiated for 3 Local Authorities from October 2011 onwards Implementation of new version of Matrix system in progress C - Completed
COL/002 PROJECT PLAN IN PLACE (Flints. Futures)	Explore options for introducing systems such as the DPS to procure other services, e.g consultants	In progress. Complete by September 2012 Carry forward to 2012 – 2015 People Strategy.	Heads of HR and OD / Director of Community Services / Procurement Manager	Within existing resources	AMBER	Options currently under review. Further development as a Flintshire Futures Project under Workforce Workstream. ✓ - On Track

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REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✗ - Behind Schedule
COL/003 PROJECT PLAN IN PLACE (Flints. Futures)	Consultants and Interims Review	To commence October 2012. To complete December 2013.	Head of HR & OD / Head of Finance / Procurement Manager / CMT		GREEN	Further development as a Flintshire Futures Project under Workforce Workstream (links with Procurement Workstream). ✓ - On Track
COL/004	Development of Redeployment pool across North Wales and development of NW approach for providing outplacement services for all redeployees.	Commence by January 2012. Complete by September 2012.	Heads of HR and OD / HR Community Group for North Wales	Within existing resources	AMBER	Partially delivered. NW Local Authorities offering outplacement support through Careers Wales and Job Centre Plus on a collective basis to improve response times and accessibility for employees. ✓ - On Track

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REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✗ - Behind Schedule
COL/005	Sharing HR policy development and harmonising current policies across Local Authorities	In progress from March 2012 and on-going Carry forward to 2012 – 2015 People Strategy.	Heads of HR and OD / HR Community Group for North Wales / HR Policy Development Officers	Within existing resources	AMBER	Key policies shared policies to be collectively developed identified. Working Group set up to identify areas of priority. ✓ - On Track
COL/006	Development of Commissioning Model for Learning and Development across North Wales Extend model to work on a All Wales basis as part of COMPACT	Commence from January 2012. Complete by December 2012. Carry forward to 2012 – 2015 People Strategy.	Heads of HR and OD / Learning and Development Officers	Within existing resources	AMBER	NW Managing Change Successfully Programme developed and delivered at no cost for 600 managers. NW Coaching Framework in place and delivering ILM Level 5 Coaching Diploma ✓ - On Track

REF	KEY TASKS	WORKSTREAM TIMEFRAME	RESPONSIBLE OFFICER	RESOURCE REQUIREMENTS	RAG Status	Progress C - Completed ✓ - On Track ✘ - Behind Schedule
COL/007	Development and implementation of an HR Toolkit for Collaboration and Integration Projects.	Commence by January 2012. Complete by December 2013.	Heads of HR and OD	Financial assistance bid submitted to WLGA for Project Manager for two year duration to work across NW Local Authorities	GREEN	Toolkit to be developed to support Conwy and Denbighshire Highways and Infrastructure Integration Project Toolkit to be further developed for wider use across NW - e.g. for Schools Improvement Project and North Wales Support Services Review ✓ - On Track
COL/008	Agree and finalise partnership with WCBC to act as host authority for providing Occupational Health Services	Implementation date 1 September 2011 achieved.	Head of HR & OD	N/A		New OH service partnership agreement with WCC fully operational C - Completed

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **HEAD OF ICT AND CUSTOMER SERVICES**

SUBJECT: **ICT STRATEGY UPDATE**

1.00 PURPOSE OF REPORT

1.01 To provide Cabinet with an update on progress with the implementation of the Corporate Information and Communications Technology (ICT) strategy.

2.00 BACKGROUND

2.01 The Council's ICT Strategy is a four year strategy which defines the use of ICT to support the Council's priorities and services. The annual ICT Service Plan is informed by (i) the strategy (ii) the Councils Improvement Priorities (iii) Directorate Service Plans and (iv) key Flintshire Futures change projects and service review outcomes.

2.02 Under the Council's business planning arrangements the ICT Strategy is a fundamental element of the Governance Framework as a major resource strategy alongside Finance, HR and Assets.

3.00 CONSIDERATIONS

3.01 The current ICT Strategy is a 4 year strategy from 2009 to 2013. This year we will be undertaking a full refresh of the strategy. It is intended to involve Corporate Resources Overview and Scrutiny Committee in this process with progress reports and final endorsement of the new strategy by Cabinet.

3.02 A review of the ICT Service and structure is in progress. The review is being undertaken for various reasons:-

- The changing role of ICT from a support service to a key enabler of change and improvement
- Increasing demands on the service
- Customer Expectations
- Capacity issues
- Technology developments and changes
- Out-dated job design and job descriptions
- Service plans and priorities

- Regional and national collaboration

Initial proposals will be presented to Corporate Management team later in the summer and then to Cabinet for approval in the autumn.

- 3.03 Since the last strategy update report in November on-going progress has been made in its implementation. One highlight was the progression to a 3 star website in the national Better Connected study which grades all local authority websites across the UK. For the second year running we have seen an improvement in our rating. We are currently working collaboratively with Denbighshire and Gwynedd County Councils to upgrade our web infrastructure and identify opportunities to develop new self service web facilities as part of our Flintshire Futures channel shift project.
- 3.04 In April we awarded a joint contract with the other 5 North Wales Councils for the supply of laptop and desktop computers. This contract is unique as it specifies an agreed standard specification and manufacturer across North Wales providing opportunities for sharing technical skills and support as well as delivering an estimated £400,000 of savings across the region. Our approach has attracted interest nationally and is already being replicated in South West Wales.
- 3.05 In the last update the implementation of the P2P system as part of the Flintshire Futures procurement work stream was reported. The system is now implemented across all Corporate Services for all purchase orders, and a plan is now in place to implement across the 3 service Directorates starting with Environment. A target of March 2013 has been set for implementation across the whole council.
- 3.06 Earlier this year the Wales Audit Office undertook a review of the ICT service as part of the 2012 annual improvement assessment. The review covered two angles the effective use of technology to support improvement and the management of information again to support improvement. The technology report has now been published and is generally positive with some proposals for improvement. It is proposed to take the report along with the second report on Information to Corporate Resources Overview and Scrutiny Committee for their consideration. Progress in implementing any improvement actions arising from the reports will be reported in subsequent update reports to Cabinet.

4.00 RECOMMENDATIONS

- 4.01 Cabinet note the progress made in the implementation of the Councils ICT Strategy.
- 4.02 Cabinet supports the proposals for the Corporate Resources Overview and Scrutiny Committee to take a lead role in the planned

review of the strategy (3.01 above) and in agreeing an action plan in response to the Wales Audit office proposals for improvement arising from their recent review of the service (3.06 above)

5.00 FINANCIAL IMPLICATIONS

5.01 The savings achieved from the collaborative procurement project referred to in 3.04 above are estimated at £400,000 for North Wales as a whole. Work is currently being undertaken to identify individual savings for all Councils.

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 None

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None directly from this report.

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None

12.00 APPENDICES

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Wales Audit Office Technology Review Feedback – May 2012
Better Connected 2012 – a snapshot of all local authority websites

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **LOCAL FLOOD RISK MANAGEMENT STRATEGY**

1.00 PURPOSE OF REPORT

1.01 To advise Members of the requirements of the Flood and Risk Management Act and seek Members approval to proceed with public consultation of the Strategic Environmental Assessment (SEA), related Environmental Report and Local Flood Risk Management Strategy.

2.00 BACKGROUND

2.01 The Welsh Government (WG) is responsible for developing, maintaining and applying a flood and coastal erosion risk management strategy for Wales, a National Strategy.

2.02 The national context is set within the framework of a global climate that is changing. In the coming years we will experience hotter drier summers and warmer wetter winters. Forecasts also suggest that we will see higher sea levels, increases in the intensity of rainfall and more frequent flooding. More people will experience flooding; the consequences of that flooding will be greater and the risk to life, the economy and environment will increase. In addition the rates of coastal erosion will increase, with more coastal communities facing the risk of loss of land and resources.

2.03 Current estimates show that one in six properties in Wales are at risk of flooding from rivers, the sea and surface water. The number of properties at risk from coastal erosion is less well defined than those at risk of flooding, but the draft Shoreline Management *Plans (refer to Executive Report , Adoption of Shoreline Management Plan 2, dated 16 November 2010)*, suggest that the numbers are significantly smaller, and that the majority of these would not be affected until the medium to long term, i.e. within the next 30-100 years

3.00 CONSIDERATIONS

3.01 Flintshire County Council is now the Lead Local Flood Authority (LLFA) with the role of overseeing the management of flood risk from

local sources. Local sources of flooding include surface water, ordinary watercourses (including lakes and ponds or other areas of water flowing into an ordinary watercourse) and groundwater and where there is interaction between these sources with main rivers and the sea. Within the Act a “local flood risk” is defined as a flood risk from:

- surface run off
- groundwater; and
- ordinary watercourses

3.02 Flintshire County Council has always had certain responsibilities in relation to ordinary watercourses, and in practice most Local Authorities took the lead in dealing with surface water flooding incidents prior to the changes contained within the Flood and Water Management Act 2010. This is, however, the first time responsibility for managing the risks of flooding from surface water runoff have been allocated to any body in law.

3.03 The Flood and Water Management Act 2010 places a number of statutory duties on Local Authorities in their new role as LLFA including:

- the preparation of Local Flood Risk Management strategies;
- a duty to comply with the National Strategy;
- to co-operate with other authorities, including sharing data;
- a duty to investigate all flooding within its area, insofar as a LLFA consider it necessary or appropriate;
- a duty to maintain a register of structures and features likely to affect flood risk; and
- a duty to contribute to sustainable development.

3.04 In addition to these each LLFA has a number of what are called permissive powers. These are powers that allow them to do something, but do not compel them to and include:

- powers to request information;
- powers to designate certain structures or features that affect flood or coastal erosion risk;
- the expansion of powers to undertake works to include broader risk management actions; and
- the ability to cause flooding or coastal erosion under certain conditions.

3.05 Flintshire County Council will also take on the role of the Sustainable Urban Drainage, SuDS Adopting and Approving Body in relation to sustainable drainage systems. In this role Flintshire County Council will be responsible for both approving the original design of the SuDS and adopting and maintaining the finished system.

3.06 To fully enable Flintshire County Council to implement its new roles and responsibilities in respect of local flood risk, certain functions

previously held by the Environment Agency have been transferred. This includes taking responsibility for the consenting of works on ordinary watercourses.

- 3.07 The allocation of responsibility for local flood risks is replicated in the Flood Risk Regulations 2009. These Regulations allocate specific responsibility for conducting assessments in relation to and mapping and planning (for flood risk areas identified in the assessment) for the risks of flooding from everything other than main rivers, the sea and reservoirs to LLFA's.
- 3.08 Section 10(4) of the Act, specifies what must be included within the Local Flood Risk Management Strategy
- the Risk Management Authorities within the Local Authority's area;
 - the flood and coastal erosion risk management functions that may be exercised by those authorities in relation to the area;
 - the objectives for managing the local flood risk (including, when available, any objectives included in the LLFA flood risk management plan prepared in accordance with the Flood Risk Regulations 2009);
 - the measures proposed to achieve those objectives;
 - how and when the measures are expected to be implemented;
 - the costs and benefits of those measures, and how they are to be paid for;
 - the assessment of local flood risk for the purposes of the strategy;
 - how and when the strategy is to be reviewed;
 - how the strategy contributes to the achievement of wider environmental objectives.
- 3.09 In developing the strategy Welsh Government has made funding available to LLFA to develop and implement the strategy. Flintshire is working with Conwy County Borough Council, who are also working with a number of other North Wales Local Authorities, to develop Local Flood Risk Management Strategies.
- 3.10 As noted in para 3.03 above the Flood and Water Management Act requires that each LLFA produce a Local Strategy for Flood Risk Management. It should be noted that the Local Strategy is a strategy for how the whole LLFA manages its flood risk and as such it is not exclusively the responsibility of an individual Directorate. In this respect therefore there needs to be ownership at a corporate level, someone from the senior management team needs to sponsor and or chair the production of the Local Strategy, In Flintshire County Council's case, it is the Director of Environment supported by the Head of Assets and Transportation that will lead the process.

3.11 The timescale for the production of the Local Flood Risk Management Strategy is very tight, this is set out below:

What	By whom	By When
Local Strategy for Flood Risk Management	LLFA	March 31 st 2013
Ministerial sign off	Minister	Dec 2012 – March 2013
Draft Local Strategy For Flood Risk Management for Ministerial sign off	LLFA	Dec 2012
Draft Local Strategy for Flood Risk Management sign off	LLFA Cabinet/committee	Nov 2012
Public consultation on Environmental Report (SEA) and Local Strategy	Statutory consultation with CADW, Countryside Council for Wales, EA Wales; and with public	Mid-August to end October
Environmental Report to be agreed by Cabinet prior to public consultation	LLFA Cabinet/committee	July
Strategic Environmental Assessment (SEA) and production of Environmental Report	Co-ordinated by in-house team.	June /July
Establish scope for SEA	Statutory consultation with CADW, Countryside Council for Wales, EA Wales;	June 2012
Outline Local Strategy	LLFA Project Team	June 2012
Establish Project Team	Senior Management Team	April 2012

3.12 The Strategy and Environmental Assessment will continue to be developed until they are ready for public consultation, which is likely to commence in mid August. A copy of the template being used to develop the Strategy is available in the Members' Library.

4.00 RECOMMENDATIONS

4.01 That delegated authority is granted to the Director of Environment, following consultation with the Cabinet Member for Environment, to finalise the draft Environmental Assessment and Flood Risk

Management Strategy and issue out for Public Consultation (August to October) 2012.

- 4.02 That a further report is brought to Cabinet following the Public Consultation

5.00 FINANCIAL IMPLICATIONS

- 5.01 Welsh Government have provided funding to support development of Local Flood Risk Management Strategies (£180k) and associated work.

6.00 ANTI POVERTY IMPACT

- 6.01 None as a direct result of this report.

7.00 ENVIRONMENTAL IMPACT

- 7.01 Positive in that it will seek to identify and address areas of flooding within Flintshire's communities.

8.00 EQUALITIES IMPACT

- 8.01 An equalities impact assessment will be undertaken on the strategy.

9.00 PERSONNEL IMPLICATIONS

- 9.01 None as a direct result of this report.

10.00 CONSULTATION REQUIRED

- 10.01 Statutory consultation with CADW, Countryside Council for Wales, EA Wales; Town and Community Councils and with members of the public.

- 10.02 Internally with Members and Scrutiny

11.00 CONSULTATION UNDERTAKEN

- 11.01 Internally initially but please refer to 10.02 above.

12.00 APPENDICES

None.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

Local Flood Risk Management Strategies – November 2011 (Welsh

Government)

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10TH JULY 2012**

REPORT BY: **DIRECTOR OF COMMUNITY SERVICES**

SUBJECT: **THE MENTAL HEALTH MEASURE: AGREEMENT OF A JOINT SCHEME FOR THE PROVISION OF LOCAL PRIMARY MENTAL HEALTH SUPPORT SERVICES**

1.00 PURPOSE OF REPORT

- 1.1 To give an overview of the statutory requirements within the Mental Health Measure for Wales for information.
- 1.2 To agree with partners a joint scheme for the provision of Local Primary Mental Health Support Services (LPMHSS) in North Wales, as required under Part 1 of the Mental Health (Wales) Measure 2010.

2.00 BACKGROUND

- 2.1 Part 1 of the Mental Health (Wales) Measure seeks to strengthen the role of primary care in delivering effective mental health care and treatment and sets out the requirement that LPMHSS will be provided throughout Wales by October 2012. Under Section 3, Local Health Boards and Local Authorities are expected deliver such services in partnership, and that the services will in the main operate within or alongside existing GP practices.
- 2.2 Section 2 of Part 1 of the Measure requires Local Authorities and Local Health Boards to develop and agree a joint scheme for the provision of Local Primary Mental Health Support Services as part of the Measure, by the end of May 2012.
- 2.3 Under Welsh Government regulations it has been agreed that a regional scheme for North Wales can be developed and agreed by the Partners.

3.00 CONSIDERATIONS

- 3.1 The Welsh Assembly has passed the Mental Health (Wales) Measure 2010 which brings about legislative changes in respect of the assessment and treatment of people of all ages with mental health problems in Wales. The Measure has similar effect to an Act of Parliament.

- 3.2 This Measure is different to current mental health law, as it does not provide for the compulsory admission and treatment of people. The Measure deals with accessing and receiving care and treatment within primary and secondary mental health services. It will apply to everyone receiving care and treatment within these services in Wales.
- 3.3 The Measure does not deal with compulsory admission and treatment, and cannot be used to require a person to receive assessment, treatment or advocacy who does not wish to do so - these remain matters for the Mental Health Act 1983.
- 3.4 The Measure contains four key strands which will have a direct impact upon the legal duties placed upon the LHB and local authorities in relation to the assessment and treatment of people with mental health problems. The four areas and their implementation dates are; –
- Part 1 – Local Primary Mental Health Support Services (LPMHSS) (October 2012)
 Part 2 – Care co-ordination and care and treatment planning (June 2012)
 Part 3 – Assessments of former users of secondary mental health services (June 2012)
 Part 4 – Mental Health Advocacy (January and April 2012)

This report relates primarily to Part 1 of the Measure

- 3.5 Local partners are required as part of the Measure to develop a formal scheme for Part 1 of the Measure in partnership. Section 2 of Part 1 of the Measure sets out the requirement that the local mental health partners for a local authority area must take all reasonable steps to agree a scheme:
- (a) which identifies the treatment which is to be made available for the area (local primary mental health treatment), and
 - (b) for securing the provision for that area of the local primary mental health support services (described in section 5)
- 3.6 Secondary legislation, finalised in May 2012, provides for a scheme to cover more than one local authority area. In North Wales this means the 6 Counties co-terminus to the Health Board.
- 3.7 In the context of the local government elections and to enable required deadlines to be met (i.e. agreement of the Scheme by the end of May 2012), the attached scheme has been agreed in principle by the Chief Executive and Director of Community Services subject to political approval.
- 3.8 Part 1 – Local Primary Mental Health Support Services (LPMHSS)
- 3.9 The Welsh Assembly Government recognises the crucial role that

primary care plays in delivering effective mental health care and treatment. The aim of the Measure is to strengthen that role so that throughout Wales there will be effective LPMHSS. These will be delivered by Health Boards and Local Authorities in partnership, and it is expected that these services will operate within or alongside existing GP practices.

- 3.10 These services are aimed at individuals of all ages who are experiencing mild to moderate, or stable but severe and enduring, mental health problems.
- 3.11 A national service model for LPMHSS Services has been issued by Welsh Government. It sets out that LPMHSS will provide local access to support for people of all ages who have mild to moderate and/or stable severe and enduring mental health problems, including psychosocial, behavioural and emotional difficulties experienced by children and young people and memory impairment experienced by older people, and that the delivery of primary mental health will enrich and enhance relationships between primary and secondary care.
- 3.12 The intention is to provide early intervention to reduce the risk of needs escalating, increasing pressure on secondary mental health services.
- 3.13 The national service model has been developed with children and young people very much in mind and has been drafted to be equally relevant to children and young people, adults of working age and older adults.

The services that will be delivered within LPMHSS are:

- a) Comprehensive mental health assessments for individuals who have first been seen by a GP, and for whom the GP considers a more detailed assessment is required, or who are referred through secondary mental health services (where the local joint scheme provides that individuals in receipt of secondary mental health services are eligible). In addition local partners have agreed to authorise referrals from allied professionals where appropriate and as agreed in local pathways, so as not to break existing and effective routes into equivalent services, recognising that they are not provided for under the terms of the Measure;
- b) Short-term interventions (i.e. treatment), either individually or through group work, if the initial assessment has identified this as appropriate. Such interventions may include counselling, a range of psychological interventions including cognitive behavioural therapy, solution-focussed therapy, family work, online support, stress management,

bibliotherapy and education;

- c) Onward referral and the co-ordination of next steps with secondary mental health services, where this is felt to be appropriate for an individual;
- d) Provision of support and advice to GPs and other primary care providers (such as practice nurses) to enable them to safely manage and care for people with mental health problems;
- e) Provision of information and advice to individuals and their carers about interventions and care, including the options available to them, as well as 'signposting' to other sources of support (such as support provided by third sector organisations), and helping them to access these services.

3.14

Scheme

The attached initial scheme sets has been developed collaboratively with officers from the Health Board and Local Authorities in North Wales to meet the requirements of the Measure and will be reviewed regularly and revised if necessary. It sets out the objectives for the Local Primary Mental Health Support Service (PMHSS), the vision for the service, the eligibility and referral processes, governance and management arrangements and the treatments to be made available.

4.00 RECOMMENDATIONS

- 4.1 It is recommended that the scheme is agreed by Cabinet.

5.00 RESOURCE IMPLICATIONS

- 5.1 A financial resource of £810k has been made available to BCU by Welsh Government for implementation of the measure and BCU plans to invest in health staff in the following areas across North Wales.
- 5.2 In summary the proposed investment in staffing the service will comprise of;

	Gwynedd & Mon	Conwy & Denbighshire	Wrexham & Flintshire
<u>CAMHS</u>			
Current Staffing	3.80	4.50	6.60
Proposed Additional Clinical Staffing	2.50	2.00	2.00

<u>AMH & OPMH</u>			
Current Staffing	6.15	15.84	14.80
Proposed Additional Clinical Staffing	10.15	3.00	10.00
Proposed Additional Clerical Staff	1.00	1.00	1.00

The additional staffing requirements are based on equalising the relevant caseload across the areas.

- 5.3 It is currently difficult to estimate resource implications for local authorities as these are new statutory duties and there are no baselines to use to judge what take up will be. Every effort has been made to focus the additional resources available to meet the new duties. It is possible that additional demand will arise for local authority services e.g. Social Care Support, Benefits Advice or Housing support. This situation will be carefully monitored and fed into the Scheme Review and revision process.
- 5.4 As the impacts of the Measure become known, Flintshire may need to make representations for additional resources from Welsh Government, and in partnership with the Health Board.
- 5.5 It will also be necessary to monitor internally the financial effects of the measure, and if appropriate the financial impact will need to be included in the budget planning process for Social Services through a budget pressure.
- 5.6 Officers made a pre-commitment in accordance with the legislative timescale but not to additional resources or services changes without fuller review, partnership agreement and formal Cabinet agreement.

6.00 FINANCIAL IMPLICATIONS

- 6.1 As laid out in Section 5.2.

7.00 ANTI POVERTY IMPACT

- 7.1 No anticipated impact.

8.00 ENVIRONMENTAL IMPACT

- 8.1 No impact.

9.00 EQUALITIES IMPACT

- 9.1 Improvements in access to services for people who experience mental health problems should result positively on equality impact issues.

10.00 PERSONNEL IMPLICATIONS

10.1 No impact.

11.00 CONSULTATION REQUIRED

11.01 Ongoing detailed discussions with Welsh Government, other authorities and BCUHB.

12.00 CONSULTATION UNDERTAKEN

12.01 Extensive discussion at Senior Officer fora across North Wales, from Local Authority, Health/ BCUHB, through the North Wales Social Services Improvement Collaborative (NWSSIC). Reference Group and North Wales Chief Executives Meeting.

13.00 APPENDICES

13.01 The following documents are available in the Members Library and on the Council Website :

- The Mental Health (Wales) Measure 2010 Part 1 Scheme
- Letter to Wyn Thomas regarding Mental Health Measure

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**
DATE: **TUESDAY, 10TH JULY 2012**
REPORT BY: **DIRECTOR OF COMMUNITY SERVICES**
SUBJECT: **FLINT MAISONETTES**

1.00 PURPOSE OF REPORT

- 1.01 This report seeks approval to commence demolition of Flint maisonettes as a key component of the delivery of the Flint Master plan.

2.00 BACKGROUND

- 2.01 There has long been a local ambition to regenerate the centre of the town of Flint. Such a scheme requires a review of both the civic land and property of the County Council in central Flint and the social housing units which are adjacent to the central shopping precinct. A working group was established by the Councils Executive in 2011, and DTZ were commissioned to undertake a master planning exercise. This work included a number of consultation events with retailers, local businesses, tenants and residents, stakeholders and other potential partners to consider options and the potential for these to be realised. The final report is also being presented at this meeting.
- 2.02 The maisonettes (214 units of social housing) are dated in their design and are a challenge to maintain. Designed in the main as family accommodation (a 2/3 bedroom house on top of a 2/3 bedroom house), with limited defensible space, shared upper walkways, and no provision for vehicle parking adjacent to or near to homes. The physical condition of the homes is poor with significant concrete deterioration, resulting in regular inspection and removal of loose pieces and deterioration (due to age) of walkway coverings resulting in water penetration and dampness. Communal heating systems are in place, which regularly breakdown despite significant investment.
- 2.03 In addition there are 83 garages situated adjacent to the maisonettes. 18 are in two blocks of 9 adjacent to the Leas maisonettes, with 65 in a multi storey car park adjacent to Castle heights. The garage sites could be good locations for early redevelopment.
- 2.04 At the Executive meeting on 13th December 2011, the council agreed to stop letting maisonettes and council owned garages in Flint town

centre to enable the blocks to be emptied and the sites redeveloped. In order for this to be achieved, the Head of Housing, (subject to annual budget setting) was given authority to make Home Loss and disturbance payments available to residents, in accordance with Home Loss Payment (Prescribed Amounts) (Wales) Regulations 2008. The Head of Housing was also authorised to prepare a phasing plan in conjunction with local members to allow this programme to commence.

3.00 CONSIDERATIONS

- 3.01 A phasing plan was agreed with local members and shared with residents at a further residents meeting held before Xmas. Since December, 60 moves have been arranged and a sensitive customer focussed decanting scheme is progressing very well. Removals are being organised for tenants and help is being provided with arranging disconnections and re-connections of cookers, washing machine etc. Coleshill Lea is almost empty with Feathers Lea more than half empty. The garage block adjacent to Coleshill Lea is also now empty.
- 3.02 The repairs team are recycling all fittings that can be re-used and the next phase in the process is to tender for demolition of the vacant blocks. It is recommended that demolition is to slab level as this will reduce cost in the short term, with grass and rail provided (to prevent unauthorised access). In addition it is proposed that in conjunction with Communities First that a piece of art is commissioned on the site of Coleshill Lea at this important gateway to provide an attractive vista in the interim. The demolition contractor will be required to recycle as much of the materials as possible.
- 3.03 There are 5 properties on the site owned by Clwyd Alyn Housing Association and they have agreed to work collaboratively with the Council to empty their homes. There are 6 properties which were previously the subject of the Right to Buy which will need to be repurchased by the Council to enable the scheme to proceed. Independent valuations have been sought to assess potential cost and to enable negotiation with the home owners by the Councils Valuation team at the appropriate time. A number of residents are actively pursuing repurchase and this will be done in a careful way to meet the phasing plan. The purchase of the properties will be taken forward through the general fund capital programme and not through the Housing Revenue Account.
- 3.04 A budget provision has been made for Home loss and Disturbance payments but there is currently no provision for the cost of demolition or to purchase back properties sold under the Right to Buy.
- 3.05 The next phase of the housing component of the Masterplan is to finalise early proposals for replacement housing, both the numbers of homes, tenure mix and design style, ready for consultation. There is

an expressed view from the consultation events, that new homes should reflect the old street patterns of terraced homes as far as possible with design features which are a reminder of the old gated town.

4.00 RECOMMENDATIONS

4.01 Cabinet is asked to

- Agree a budgetary provision of £250k be made available from Housing Revenue Account surplus in 11/12, to enable demolition.
- Provide delegated authority to the Head of Housing to demolish vacant blocks of maisonettes and garages subject to budgetary provision being made available on an annual basis.
- Provide delegated authority for Right to Buy maisonettes to be repurchased following independent valuation to allow the demolition of blocks to proceed, subject to provision being made in the Council Fund (Community Services) Capital Programme.

5.00 FINANCIAL IMPLICATIONS

5.01 Final accounts for 11/12 have been prepared and the £250k can be funded from the additional HRA balances (see final outturn report also on this agenda).

5.02 Concerning the right to buy properties, costs in the region of £400k will be made available from the Council Fund (Community Services) Capital Programme.

6.00 ANTI POVERTY IMPACT

6.01 There are no direct immediate implications however, high quality homes which are cost effective to heat, light and use contribute positively to reducing poverty. All costs for residents needing to move home are being met by the Council.

7.00 ENVIRONMENTAL IMPACT

7.01 The maisonettes do not present an attractive image for a vibrant town. In addition the construction type does not meet modern standards for CO2 emissions. The new housing development will have a significant positive impact on Flint Town Centre.

8.00 EQUALITIES IMPACT

8.01 Quality impact assessment is underway. Individual residents needs are being met as part of the re-housing programme

9.00 PERSONNEL IMPLICATIONS

9.01 None arising directly from this report

10.00 CONSULTATION REQUIRED

10.01 A full consultation exercise with tenants and leaseholders has commenced and will continue as this programme develops

11.00 CONSULTATION UNDERTAKEN

11.01 Discussions with local ward members and tenants have been undertaken regularly as part of this programme.

12.00 APPENDICES

12.01 None.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10TH JULY 2012**

REPORT BY: **DIRECTOR OF COMMUNITY SERVICES**

SUBJECT: **DELIVERING PRIVATE SECTOR HOUSING RENEWAL**

1.00 PURPOSE OF REPORT

1.01 To seek the support Cabinet for a revised Private Sector Housing Renewal & Improvement Policy, including the proposal to introduce equity loans and also repayment loans at an interest rate of 4% for the first year.

2.00 BACKGROUND

- 2.01 The current Private Sector Housing Renewal & Improvement Policy was implemented on 1st April 2010 and a copy has been provided for comparison. The format of the new Policy has been substantially altered to make it easier to read and understand and also to minimise duplication which existed within the previous Policy.
- 2.02 The primary purpose of this Policy was to ensure that residents could continue to be supported to repair, improve and adapt their homes, despite the likely budget cuts (particularly Capital Budgets) following Central Government's Comprehensive Spending Review and the resultant reduction in funding to Welsh Government.
- 2.03 The Policy moved the Council from providing traditional housing grants, to a system of interest free loans for all assistance, with the exception of Disabled Facilities Grant which remain mandatory.
- 2.04 During the last financial year (2011/12) the Council delivered 50 Home Repair and Renovation Loans, to a value of £421,325. This resource can eventually be recycled back in to the Housing Capital Programme to provide further support to homeowners. This compares with 45 Home Repair and Renovation Grants to a value of £352,086 in the financial year 2009/10 (the final year of the previous grant system).
- 2.05 This shows that the demand for support has been sustained, despite moving away from an effectively free service. Members have been widely consulted over the last 12 months and have agreed to a proposal to move towards equity and interest bearing repayment loans.

- 2.06 Approval was given to tender for a suitably qualified organisation to manage a portfolio of interest bearing and equity loans. Flintshire approached the other Council's in North Wales and Denbighshire, along with Gwynedd decided to join the project.
- 2.07 The successful organisation who won the tender was Street UK LTD. They have extensive experience of providing loan services to other local authorities and the 3 Council's involved are currently working with them to set up the processes and procedures required for an effective and legally compliant service.
- 2.08 Best practice dictates that when equity and interest bearing loans are to be offered, applicants should have access to independent financial advice. In order to achieve this for our clients, the Council has commissioned a list of local Independent Financial Advisors (IFA's), who can advise on the Council's own products and the whole of the financial market. This latter point is important, as it might act to unlock more private finance for individuals, thereby lessening the call on the Council's Housing Capital Programme.

3.00 CONSIDERATIONS

- 3.01 The Council cannot offer any new loan products unless they are included within its own Private Sector Housing Renewal & Improvement Policy. It is therefore timely to review the rest of the Policy and its operation given the experience of the last 2 years; the evidence provided by the Private Sector Stock Condition Survey and the forthcoming changes proposed as a result of the Housing White Paper.
- 3.02 In order to ensure that any new Policy had Member input from an early stage, a Member Task and Finish Group was formed and a series of meetings held on various theme areas, including amongst others; empty homes, disabled adaptations and options to support a high quality private rented sector.
- 3.03 The Task and Finish Group consisted of Councillor Marion Bateman, Councillor Haydn Bateman, Councillor Ron Hampson, Councillor Gareth Roberts and Councillor Patrick Heesom. The Group provided valuable contributions to the formation of this Policy.
- 3.04 The new Policy (attached as appendix 1) is centred around the following four themes: -
- Client focused – targeting vulnerable, older and disabled people living in the poorest housing
 - Theme focused – tackling issues such as empty homes and energy efficiency
 - Tenure focused – improving and encouraging the private rented sector
 - Area based – supporting neighbourhood initiatives including the

Council's Renewal Area

- 3.05 A review of the existing Policy identified that there are gaps in provision which exist; below is a summary of the main changes.
- 3.06 Increasingly an issue for the Service is Disabled Facilities Grant applicants, who cannot meet their means tested contribution. The national means test only takes account of income and savings; an applicants' expenditure is not considered. Increasingly applicants are approaching with outgoings such as repaying household debts, or being the subject of debt management orders, which prevents them from accessing their Grant because they cannot meet their contribution. It is envisaged that this situation will worsen in light of the welfare reform changes and the reduction or removal of benefits such as Disability Living Allowance. The new Policy includes loan support for DFG contributions, where necessary.

3.07 Energy Efficiency Support

- 3.08 In addition the Council has been very proactive in its approach to energy efficiency, in both Private and Council Housing. Successful bids have been achieved through Welsh Government's ARBED Scheme. The Council has also successfully levered in private money through the Community Energy Savings Programme (CESP), which comes to and end on 31st December 2012. Flintshire has 5 of the 10 active CESP areas across the whole of Wales and has the potential to lever in over £3M of utility company funding through the agreement reached with NPower. Flintshire's success in attracting private sector housing involvement rests with its decision to provide top up funding, in the form of an interest free loan, to CESP applicants where the grant falls short of the cost of the work. The new Policy proposes to retain the top up loan, with a new fuel poverty calculation in the event of a need to prioritise the applicants for support.

3.09 Empty Homes Support

- 3.10 The Housing White Paper talks extensively about the need to reduce the number of long term vacant homes on all areas. Welsh Government has committed £10M to an empty homes recyclable loan fund. The fund will provide interest free loans to property owners who wish to renovate an empty property for the purpose of rent or sale. The maximum loan will be £25K per unit of accommodation up to a maximum of £175K and must be repaid within 3 years.
- 3.11 These loans are to be administered on a regional basis and Flintshire has been approached to be the regional lead for the 6 North Wales Council's. The role of the lead would be to hold the capital allocation for North Wales and distribute it to the other 5 Council's when required. The purpose of delivering the loan fund on a regional basis is to ensure that if some Council's are not progressing their empty

property schemes, other Council's in the region who are oversubscribed can apply for the money. Acting as the lead for the region places Flintshire in a good position to identify any under utilised resources, should they exist and apply for their use. This Scheme will be included within the new Policy, along with the offer of repayment loans, to top up the existing loans that Flintshire offers under its existing Policy.

3.12 Addressing Housing Supply

3.13 A further theme running strongly through the Housing White Paper is the increasing contribution that privately rented property is making to households across Wales. The restriction in mortgage finance, the reduction in new build registered social landlord properties and the increase in single person households mean that there is greater competition than ever for privately rented property. Unfortunately the condition of the property in Flintshire's private rented sector, as is commonly the case, is far poorer than the social rented or owner occupied sectors. The stock condition survey identified that over 50% of privately rented properties do not meet the Decent Homes Standard in Flintshire, as compared to approx 30% in the owner occupied sector. The new Policy includes extending interest bearing repayment loans to the sector, to tackle some of the poorest conditions.

3.14 Equity and Interest Bearing Loans

3.15 Prior Approval has been given to invest up to £300K this financial year in equity and interest bearing loans. This resource will be provided in tranches of £100K as the fund depletes and more resources are required, taking account of any repayments made back to the fund.

3.16 The new Policy will ensure that there is earlier recycling of resources through a hierarchy of approach to support. This hierarchy ensures that the first appropriate loan is offered from the following: -

- Repayment Loan (suitable for some applicants with an income, but an insufficient credit rating to obtain support from a mainstream lender)
- Property Appreciation Loan (suitable for those with sufficient free equity within the property once the loan has been made (at least 20%), but no regular income to sustain repayments)
- Flintshire Interest Free Loan (suitable for those who cannot meet the 20% free equity rule), as over time the value of the property should rise and the value of the loan, in inflationary terms, should fall. This loan will also be offered where less than £3K is to be borrowed, as any lesser amount would be disproportionate to the set up cost.

3.17 Discussions have been held with Street UK Ltd and they have recommended that interest rates for the repayment loans be set at 4%. This is approximately half the interest rate charged on personal

loans for people with good credit scores and similarly a quarter of the rate charged by credit cards for a similar client group. Given our vulnerable client group, much higher interest rates exist on the market, as they are deemed to be a higher risk. Therefore, the proposed rate will be highly competitive and should not deter take up. Interest rates will be reviewed annually, in line with the Bank of England base rate.

4.00 RECOMMENDATIONS

- 4.01 Cabinet support the revised Private Sector Housing Renewal & Improvement Policy, including the proposal to introduce equity loans and repayment loans at an interest rate of 4% for the first year.

5.00 FINANCIAL IMPLICATIONS

- 5.01 Approval has previously been given for up to £300K of the Housing Capital Programme 2012/13 to provide to Street UK LTD for the provision of equity and interest bearing loans as per the Council's Housing Renewal and Improvement Policy.

6.00 ANTI POVERTY IMPACT

- 6.01 The revised Policy will allow the Council to support vulnerable residents improve, repair and adapt their homes.

7.00 ENVIRONMENTAL IMPACT

- 7.01 The energy efficiency measures installed as a result of the supported provided by this Policy will reduce carbon emissions and fuel poverty.

8.00 EQUALITIES IMPACT

- 8.01 The Policy has been written in consideration of the Equalities Act and no potential applicant is treated less favourably than any other.

9.00 PERSONNEL IMPLICATIONS

- 9.01 There are no staffing implications as a result of the new Policy

10.00 CONSULTATION REQUIRED

- 10.01 Members and Officer's require consultation prior to presentation of this Policy

11.00 CONSULTATION UNDERTAKEN

Members have been consulted at previous Housing Overview & Scrutiny Committees.

12.00 APPENDICES

12.01 One – Private Sector Housing Renewal & Improvement Policy 2012-2015

A copy of the Private Sector Housing Renewal & Improvement Policy 2010 is available in the Members Library.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

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Private Sector Housing Renewal & Improvement Policy 2012 - 2015

Visit: www.flintshire.gov.uk

Directorate of Community Services
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Introduction

The Housing Act 2004 places a duty on local authorities to consider housing conditions in their area and to take action as appropriate. It is the Government's view that it is primarily the responsibility of homeowners to maintain their own property. However the Government is committed to improving housing quality across all tenures and fully accepts that some owners, particularly the elderly and most vulnerable, do not have the necessary resources to keep their homes in good repair.

Local authorities have an important role to play by providing help in these cases. The Regulatory Reform (Housing Assistance) Order 2002 provides the flexibility for Council's to provide assistance in the a way which best suits local circumstances.

This Council wants to ensure that the quality of residential accommodation in the County is as high as possible. This Policy sets out the type of financial help available to homeowners, private sector tenants and landlords to improve property condition, or to provide adaptations for people with disabilities. It includes information on eligibility criteria, procedures and conditions of assistance.

Why do we need this Policy?

The national and local context

The link between health and housing conditions is well established. Research undertaken by Shelter in 2006 found that poor housing conditions increase the risk of severe ill health or disability by up to 25 per cent during childhood and early adulthood. People with asthma are twice as likely to be living in damp homes and 1 in 12 children in Britain are more likely to develop such diseases such as bronchitis, TB or asthma because of poor housing conditions.

Excess cold: The Office for National Statistics reports that nationally there were 2,500 excess winter deaths in 2008/09 and 1,700 in 2009/10. In Flintshire nearly 82% of winter deaths are in the over 75 age group. The key diseases that cause an excess of death in the winter period are cardiovascular and respiratory diseases. Many people suffering ill health live in cold damp homes. Making homes affordably warm can improve indoor air temperatures and reduce the incidence of mould growth, so will assist in health improvement.

Accidents in the home: The Royal Society for the Prevention of Accidents report that every year in the UK, more than 5000 people die in accidents in the home and 2.7 million report to accident and emergency departments seeking treatment. Falls account for 71 per cent of all fatal accidents to those aged 65 and over.

The Housing Act 2004 introduced the Housing, Health and Safety Rating System to address these issues. It identifies and evaluates the risks to health and safety in residential accommodation. Recommendations can then be made to reduce the risks identified. The most common hazards are excess cold, damp and mould growth, falls, entry by intruders and fire.

Dealing with hazards in the home due to poor housing conditions reduces the burden on the National Health Service and other public services.

Demographic Issues:

- Currently 31 per cent of households are headed by someone over the age of 65; by 2026 this is estimated to increase by 48 per cent – an additional 8000 households across Flintshire.
- By 2036 the number of people over the age of 75 living in Flintshire is profiled to be in the region of 8,200, an increase of 184 per cent.
- By 2041, if Flintshire follows the national trend the numbers of older disabled people will have doubled.
- The national trend also suggests that the rural areas will see a noticeably greater increase in the numbers of older people.

Social and economic wellbeing:

- By 2026, 75 per cent of older households will be owner occupiers.
- Whilst many older people have considerable equity in their homes, many also live in the worst housing conditions and have low incomes.
- Recent EU studies show 30 per cent of pensioners are living well below the national average income.

Health and care needs:

- Current trends suggest that living longer means living longer with ill health.
- 13% of the county's population report living with a long term illness or disability, which equates to 21,600 residents.
- 4,150 residents are likely to require a minor or major property adaptation or a move to a more suitable property at this time.
- By 2021, it is estimated that more than 2000 people will be living with dementia in Flintshire.
- Care home costs in Wales average £20,000 per person per annum.

How do we know this Policy is aimed at helping those most in need?

The evidence base and strategic approach for this Policy is sourced from the Private Sector Stock Condition Survey completed in 2010. Flintshire County Council has undertaken a comprehensive assessment of housing conditions across the whole area. This has been achieved by the completion of the Survey, which was conducted in accordance with national guidelines. Full property inspections, including internal and external assessments and a questionnaire survey of households to explore views and attitudes to their housing and local neighbourhood took place.

The findings of the report cover a random sample of 1000 privately owned dwellings across Flintshire. Headline findings are based upon the exploration of information from the sample to represent the overall data of private sector housing in the County.

Some of the key findings from the Report include:

- A total housing stock of 53,860 dwellings containing 52,510 households.
- 68% of the stock is of post 1945 construction
- 76% of homes are in owner occupation
- 9% of homes are privately rented
- 31% of households are headed by a person over the age of 65
- 31% of households are in receipt of a means tested benefit and are economically vulnerable
- 32% of all dwellings are non decent (16,104 dwellings)
- 8.3% of all dwellings exhibit the single failure of disrepair under the Decent Homes Standard, against a national average of 6.5%.
- 38% of vulnerable households (5,980) live in non decent homes.
- The cost to address non decent homes across the County is £120 million, averaging £6,940 per property
- 15% of households (8,200) are in fuel poverty.

The key statistics from the Report are those relating to vulnerable households living in non decent housing and the extent of fuel poverty. Highest levels of non decency were found in the Council's neighbourhood renewal area and areas within the top 20% of the Welsh Index of Multiple Deprivation. In terms of accommodation type, pre 1919 housing stock, converted flats and the private rented sector were shown to have the highest failure rates against the Decent Homes Standard.

Based on this evidence and through the implementation of this Policy, the Council intend to target funding to vulnerable households across the County.

How does this Policy fit in with the Council's strategic housing objectives?

This Policy is informed by and contributes to the delivery of a number of strategic and corporate priorities on a regional and national level. The relevant strategies and priorities are as follows:

National and regional housing strategies and priorities

The Welsh Government's national housing strategy '**Improving Lives and Communities**' was launched April 2010. The document sets out the actions for housing over the lifetime of the strategy, which are to: -

- Increase the number of affordable homes for purchase or rent, in the right location and specifically in rural areas.
- Increase the level of private sector investment in housing.
- Improve the quality and standard of all existing houses and rented accommodation, including their energy efficiency.

- Give people more choice by broadening the range of homes and tenancy arrangements to suit people's income and circumstances.
- Give tenants a clear voice in decisions that affect them.
- Make it easier for people to find suitable accommodation, particularly people from minority groups.
- Ensure services reflect the needs of those who use them not the needs of organisations that deliver them.
- Make best use of investment in housing and other regeneration activity to create more jobs and training opportunities, and to improve the look and feel of communities, and the services and facilities available to local people.

The Flintshire Local Housing Strategy 2012 – 2017 aligns closely with the above priorities to ensure that the County can meet the Housing Challenge as set out by Welsh Government.

Our Council priorities

The Council's Plan outlines this organisation's priorities and the specific goals to which we are committed. There are four goals which this Policy contributes to: -

- To meet housing need in the County and to work with partners to ensure a sufficient supply of quality and affordable homes and housing and housing services in the social, mixed tenure and private sector housing markets
- To promote independent, healthy and fulfilled lives in the community with the highest quality personalised and supportive health and social care services
- To make our communities safe and safeguard the vulnerable, with children and older people being priority groups
- To protect and grow the local and regional economy, to be a prosperous County and to provide help and support to those vulnerable to poverty.

Private Sector Housing priorities

- To establish programmes of intervention for private sector housing in line with the findings of the Private Sector Stock Condition Survey and developing initiatives to target action to vulnerable households living in non-decent homes.
- To reduce the health effects of poor housing conditions through a combination of advice, financial assistance, and enforcement action where appropriate, ensuring that residents live in safe, warm and comfortable homes.
- Increasing the proportion of homes that meet the decent homes standard and working with all stakeholders and service providers to encourage this standard of provision in all sectors.
- Assisting vulnerable and lower income homeowners to achieve the decent homes standard through the provision of equity and low cost loans.
- Improving the energy efficiency of dwellings by assisting and promoting householders to take up a range of energy saving measures provided by a range of agencies.
- Assisting elderly and disabled residents to achieve independent living through the provision of disabled facilities grants.
- Increasing the supply of affordable housing by assisting the improvement and conversion of empty residential properties and obsolete commercial buildings to be brought back in to use as homes.
- Achieving a well maintained and managed private rented sector through the All Wales Landlord Accreditation Scheme by encouraging the professional development of landlords, through incentives, education, and advice.

The Private Sector Housing Renewal Service is part of the Community Services Directorate.

Related strategies that contribute to achieving the priorities outlined above and to which this Policy contributes are: -

- **Empty Homes Strategy 2012/15** which aims to tackle the problems caused by long empty properties in the County, which currently stands at approximately 400 in the private sector.
- **Affordable Warmth Strategy (2009/12)** which aims to reduce fuel poverty, increase energy efficiency in the County and reduce the impact of excess cold on health.

How will we achieve our priorities?

The Council, through the Private Sector Housing Renewal Team and Housing Standards Team, has adopted a three pronged approach to achieve the key priorities: -

- The offer of advice and advocacy
- The provision of financial assistance, and
- The enforcement of housing standards

Advice and advocacy

The Private Sector Housing Renewal & Standards Team offer advice to homeowners and private tenants on all aspects of housing issues on a daily basis. Information is also available on our website www.flintshire.gov.uk We are also targeting promotional activity through leaflets and events in areas which fall within the 20% of the Wales Index of Multiple Deprivation (WIMD) to raise awareness of the Service. Information and advice is also available from **Flintshire Care & Repair**, the local Home Improvement Agency.

For landlords we hold regular Landlord Forums and encourage membership of the All Wales Landlord Accreditation Scheme. We are also planning a series of Landlord training events.

Financial Assistance

We aim to provide financial assistance, where appropriate, to those who are unable to fund property improvements themselves.

In terms of assessing an inability to fund property improvements, eligible applicants for a loan under this Policy will be a household on one or more of the following income related or disability benefits: -

- Income Support
- Housing Benefit
- Council Tax Benefit (excluding single persons discount)
- Disabled Persons Tax Credit
- Income Based Job Seekers Allowance
- Working Families Tax Credit (with a relevant income of less than £15,050)
- Attendance Allowance
- Disability Living Allowance
- Industrial Injuries Disablement Pension
- War Disablement Pension
- Child Tax Credit (with a relevant income of less than £15,050)
- Working Tax Credit
- Pension Credit

Many of these benefits will be affected by the Welfare Reform Changes. The above list will therefore be subject to change, to account for the introduction of the Universal Credit and Personal Independence Payment (the successor benefit to the Disability Living Allowance).

The emphasis is on enabling home owners to release the equity available in their homes on an 'equity share' basis, where the owner and the Council share the benefit from any increase in property values in the longer term. Since the Council is not primarily a lending institution, it does not wish to impose loan terms which would 'guarantee' its profit or investment and therefore potentially discourage applicants.

Following an approach to the Council by an eligible applicant, the following loan types will be considered in order, with the first loan that meets the applicants need being offered: -

- Repayment Loan
- Property Appreciation Loan
- Flintshire Interest Free Loan

Repayment Loan: The Council wishes to encourage the early recycling of resources, to enable it to meet demand and its strategic housing objectives. The Repayment Loan, which includes Capital and Interest, is particularly suited to owners of empty properties, or private sector landlords who will be in receipt of a revenue stream to meet the repayment. It may also suit working applicants, who for whatever reason are unable to finance the work through a commercial lending institution, but are able to sustain regular repayments.

Owner occupiers will have the set up cost of this loan (currently £500) funded as part of a professional services grant. In order to meet its strategic housing objectives, empty property owners and private sector landlords will be entitled to a professional services grant limited to 40% of the set up cost of the loan (currently £200). This category of property owner will be required to fund the remainder of the loan set up cost of £300 themselves (which can either be added to the loan; or paid upon acceptance of the loan application).

Property Appreciation Loan: This is particularly suited to older and vulnerable residents of the County, who may have significant equity in their properties, but do not have sufficient income to make regular loan repayments, or carry out improvements themselves. The loan set up cost (currently £500) will automatically be added to the loan, unless the homeowner elects to pay the cost upon acceptance of their loan application.

Flintshire Home Repair Loan: This interest free loan will only be made available in cases where the value of the loan does not warrant the cost of setting up a Property Appreciation Loan or Repayment Loan. Therefore, any application for financial assistance under £3000 will be offered on an interest free basis. In addition, this loan may also be offered where the amount of free equity available within the property does not meet the Council's own rules, which currently state that there must be 20% free equity available within the property once the Council's loan charge is added

Loan packages should be easy to understand, affordable and most importantly non-threatening to customers. Therefore, loans offered by the Council do not carry the threat of repossession. To encourage take up of loans, the Council will provide a grant for professional services, which includes any resource to prepare and tender the work.

Over time, as loans are repaid, resources supporting the Policy will be recycled by the Council, providing further loans for home repair, improvement and adaptation.

Grant assistance may be available to clients aged over 60 for low value urgent repairs through Flintshire Care & Repair's Property Repair Fund (funded by the Council). In addition, Grant assistance may also be available for households where the offer of a loan is inappropriate (e.g. there is no free equity within the property) and there is a serious risk to the health safety and welfare of the occupants.

Enforcement of Housing Standards

The Council will always attempt to improve housing conditions through the offer of advice, negotiation, agreement and the offer of incentives where appropriate. Enforcement action is a last resort and will only be taken if resolution through these other methods has not been possible. However, the Council will not hesitate to take action to protect the health, safety and welfare of occupants when appropriate. For further information please refer to the Public Protection Enforcement Policy, which can be viewed on the Council's website www.flintshire.gov.uk

Key to the overall approach is focusing intervention through: -

- Client focused – targeting vulnerable, older and disabled people living in the poorest housing
- Theme focused – tackling issues such as empty homes and energy efficiency
- Tenure focused – improving and encouraging the private rented sector
- Area based – supporting neighbourhood initiatives including the Council's Renewal Area

Resource implications

Generally, the Council will resource the Policy through a combination of the following: -

- Capital allocations received from the Council's Capital Programme. The provision of loans will enable the Council to recycle a proportion of the funding available for housing renewal.
- Specific Capital Grants made available by Welsh Government for Renewal Areas, Empty Homes and

Energy Efficiency/Carbon Emission Reduction

- Utility company resources through the Energy Company Obligation (ECO) for Energy efficiency measures in homes

The award of any financial assistance by the Council in accordance with this Policy is discretionary (with the exception of Disabled Facilities Grants) and is subject to the availability of adequate financial resources.

Policy implementation

The previous Private Sector Housing Renewal & Improvement Policy 2010 was considered and adopted by the Council's Executive Committee and approved for formal adoption on 1st April 2010. Prior to adoption, the general public and a wide range of stakeholders were consulted and their comments were taken into consideration in the formulation of the Policy.

The revisions to the Policy have been subject to further consultation and will be implemented from 1st July 2012. The Policy is available to download from the Council's website www.flintshire.gov.uk Copies of the document are held within the main Council Offices (which will include Flintshire Connects offices, as and when they open) and members of the public may request a paper copy.

Transitional arrangements

Formal applications for financial assistance received prior to 1st July 2012 will be processed in accordance with the previous Policy. Enquiries received prior to this date and all subsequent applications and enquires will be dealt with under the criteria and conditions detailed in this Policy document.

Review and revision

This Policy shall remain in force until 30th June 2015. During the lifetime of the document, further research will be undertaken to identify specific ways to improve private sector housing within the County. This Policy will be reviewed and revised accordingly.

The Council will advise members of the public of any amendments to this Policy, for example due to minor legislative changes, via press releases and our website as appropriate.

Equality and diversity

This Policy produces significant positive outcomes for vulnerable groups, particularly older people and those with disabilities. It reduces inequalities experienced by those groups in respect of health, housing and income. An Equality Impact Assessment has been undertaken as part of this Policy's development. This will be updated during the course of any Policy revision.

We aim to continuously improve the quality of our services for our residents and are committed to giving an equal service to all members of the public regardless of age, disability, race, religion or belief, gender or sexual orientation. We have arrangements in place to help people who may have difficulty in accessing our services.

Appeals and applications for assistance falling outside the Policy

Although this Policy will be the primary consideration in determining applications for assistance, all such applications shall be dealt with on an individual basis, based on the merits of each particular case. The Council will not refuse to consider an application that falls outside this Policy.

It is recognised that there will always be exceptional circumstances. Exceptional cases will be considered by the Senior Manager and/or Head of Service (depending upon the scale of departure from this Policy).

Any person wishing to make an appeal against a decision made under this Policy, or make an application for assistance outside this Policy, should initially write to the Housing Renewal Manager, Private Sector Housing Renewal, County Offices, Chapel Street, Flint CH6 5BD.

Types of Assistance Available

Please refer to the glossary in Appendix C for definitions of the terms used in this section, for example, 'property appreciation loan', 'owners' interest' or 'category 1 hazard.'

Improvement and Repair Support

Repayment Loan (Renovations)

An interest bearing repayment loan at 4 % annual interest (payable monthly) to cover works which bring the property up to the Decent Homes Standard (Appendix A) An example would be, works to remedy serious disrepair, provide modern kitchen and bathroom facilities, improve heating systems and insulation, and to remove any serious hazards which could affect the well-being of the occupier, such as dampness, dangerous stairs or electrical wiring.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant has an owners interest • Property non-decent or has category 2 hazards significantly above the average age of the property • Applicants are in receipt of a means tested or disability benefit 	<ul style="list-style-type: none"> • Property must be occupied by the applicant or a family member as their main residence until the loan is released (maximum loan term 7 years) • On completion of the works, property meets the Decent Homes Standard • Property must be covered by buildings insurance until the loan is repaid 	<ul style="list-style-type: none"> • Maximum loan of £15,000 subject to eligibility testing and loan assessment • Minimum loan of £3,000 • Repayable monthly to the Council's loan administrator

Property Appreciation Loan (Renovations)

A property appreciation loan to cover works which bring the property up to the Decent Homes Standard (Appendix A) An example would be, works to remedy serious disrepair, provide modern kitchen and bathroom facilities, improve heating systems and insulation, and to remove any serious hazards which could affect the well-being of the occupier, such as dampness, dangerous stairs or electrical wiring.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant has an owners interest • Applicant must have sufficient equity within their property to cover the loan amount and have 20% free equity remaining • Property non-decent or has category 2 hazards significantly above the average age of the property • Applicants are in receipt of a means tested or disability benefit 	<ul style="list-style-type: none"> • Property must be occupied by the applicant or a family member as their main residence until the loan is released • On completion of the works, the property meets the Decent Homes Standard • Property must be covered by buildings insurance until the loan is repaid 	<ul style="list-style-type: none"> • Maximum loan of £30,000 subject to eligibility testing and loan assessment • Minimum loan of £3,000 • The Council's loan administrator holds a share of the property value, proportional to the cost of the works, as a percentage of the property's unimproved value • Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application • Voluntary early repayment may be made at any time

Flintshire Home Repair Loan

An interest free loan to cover works which bring the property up to the Decent Homes Standard (Appendix A) An example would be, works to remedy serious disrepair, provide modern kitchen and bathroom facilities, improve heating systems and insulation, and to remove any serious hazards which could affect the well-being of the occupier, such as dampness, dangerous stairs or electrical wiring. This loan is not available to applicants eligible for a Repayment Loan or a Property Appreciation Loan.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant has an owners interest • Applicant must have sufficient equity within their property to cover the loan amount • Property non-decent or has category 2 hazards significantly above the average age of the property • Applicants are in receipt of a means tested or disability benefit 	<ul style="list-style-type: none"> • Property must be occupied by the applicant or a family member as their main residence until the loan is released • On completion of the works, the property meets the Decent Homes Standard • Property must be covered by buildings insurance until the loan is repaid 	<ul style="list-style-type: none"> • Maximum loan of £15,000 subject to eligibility testing and loan assessment • Minimum loan of £500 • The Council holds a share of the property value, to the cost of the works • Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application • Voluntary early repayment may be made at any time

Group Repair Grant

A scheme initiated by the Council who organise works to repair/improve the external fabric of a group of properties, so they are in reasonable repair and structurally stable. An example of works might include replacement roofs, windows, doors, pointing, cladding or underpinning.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant is invited to apply by the Council • Applicant has an owners interest 	<ul style="list-style-type: none"> • A proportion of the grant must be repaid if the property is sold or transferred within 5 years. Repayment will be reduced by 20% for each full year elapsed since the completion date • The applicant must contribute 25% to the cost of the works, unless they elect to undergo a means test • Landlords cannot submit to the means test and must contribute 25%. Landlords participating in a Group Repair Scheme will be encouraged to join the All Wales Landlord Accreditation Scheme and accept nominations from Flintshire County Council. • On completion of the works, the property meets the Decent Homes Standard 	<ul style="list-style-type: none"> • A proportion of the grant is repaid on sale or transfer of the property within 5 years

Flintshire Home Improvement Loan

An interest free home improvement loan designed to help properties reach the Decent Homes Standard. This assistance will only be made available in conjunction with a Flintshire Group Repair Scheme.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant has an owners interest • Applicant must have sufficient equity within their property to cover the loan amount • Property non-decent or has category 2 hazards significantly above the average age of the property 	<ul style="list-style-type: none"> • Property must be occupied by the applicant or a family member as their main residence until the loan is released • On completion of the works, the property meets the Decent Homes Standard • Property must be covered by buildings insurance until the loan is repaid 	<ul style="list-style-type: none"> • Maximum loan of £5,000 subject to eligibility testing and loan assessment • Minimum loan of £500 • The Council holds a share of the property value, to the cost of the works • Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application • Voluntary early repayment may be made at any time

Energy Efficiency Support

Energy Efficiency Top Up Loan

The Government places an obligation on energy suppliers and electricity generators to meet a CO2 reduction target by providing energy efficiency measures to households. The purpose of the Energy Efficiency Top Up Loan is to bridge the gap between the contribution made by electricity generators and suppliers and the cost of the eligible works, minus any owner contribution.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant has an owners interest • Applicant must have sufficient equity within their property to cover the loan amount 	<ul style="list-style-type: none"> • Property must be occupied by the applicant or a family member as their main residence until the loan is released • Property must be covered by buildings insurance until the loan is repaid 	<ul style="list-style-type: none"> • Maximum loan of £15,000 subject to eligibility testing and loan assessment • Minimum loan of £500 • The Council holds a share of the property value, to the cost of the works • Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application • Voluntary early repayment may be made at any time

N:B The Council is exploring the possibility of introducing a means test for this top up loan through the introduction of a fuel poverty calculation for all applicants. This may be introduced at a later date, subject to the resources available as a means of prioritisation.

Empty Property Support

Houses into Homes (Empty Property Loan)

There are approximately 400 long term empty properties in the County. This loan is to help owners bring empty properties back in to use. This is in the form of an interest free loan to cover works which bring the property up to the Decent Homes Standard (Appendix A) An example would be, works to remedy serious disrepair, provide modern kitchen and bathroom facilities, improve heating systems and insulation, and to remove any serious hazards which could affect the well-being of the occupier, such as dampness, dangerous stairs or electrical wiring.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant has an owners interest • Applicant must have sufficient equity within their property to cover the loan amount • Applicants property must be long term vacant (over 6 months). 	<ul style="list-style-type: none"> • Property must be tenanted until the loan is released or sold • Property will be encouraged to become a member of the All Wales Landlord Accreditation Scheme • On completion of the works, the property must be habitable and of a lettable standard (no category 1 hazards) • Property must be covered by buildings insurance until the loan is repaid 	<ul style="list-style-type: none"> • Maximum loan of £25,000 subject to eligibility testing and loan assessment • Minimum loan of £500 • The Council holds a share of the property value, to the cost of the works • Loan is repaid on sale or transfer (maximum loan term is 2 years for sale and 3 years for rent) • Voluntary early repayment may be made at any time

Empty Property Loan

There are approximately 400 long term empty properties in the County. This loan is to help owners bring empty properties back in to use. This is in the form of an interest free loan to cover works which bring the property up to the Decent Homes Standard (Appendix A) An example would be, works to remedy serious disrepair, provide modern kitchen and bathroom facilities, improve heating systems and insulation, and to remove any serious hazards which could affect the well-being of the occupier, such as dampness, dangerous stairs or electrical wiring.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant has an owners interest • Applicant must have sufficient equity within their property to cover the loan amount • Property non-decent or has category 2 hazards significantly above the average age of the property • Applicants property must be long term vacant (over 6 months) and the Council satisfied that a housing need exists in the area 	<ul style="list-style-type: none"> • Property must be tenanted until the loan is released • Property owner must agree to the property being managed by a social lettings agency • Property owner must be a member of the All Wales Landlord Accreditation Scheme • On completion of the works, the property meets the Decent Homes Standard • Property must be covered by buildings insurance until the loan is repaid 	<ul style="list-style-type: none"> • Maximum loan of £10,000 subject to eligibility testing and loan assessment • Minimum loan of £500 • The Council holds a share of the property value, to the cost of the works • Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application • Voluntary early repayment may be made at any time

N:B Applications will also be considered from first time buyers who wish to reside at the property themselves and who are also registered on the Council's Affordable Home Ownership Register. These applicants are not subject to the conditions relating to the management of the property by a social lettings agency and the requirement to become an accredited landlord.

(This loan is suspended until such time as the additional monies provided through the Welsh Government House into Homes Initiative have been utilised).

Empty Property Repayment Loan

An interest bearing repayment loan at 4% annual interest (payable monthly) to cover works which bring the property up to the Decent Homes Standard (Appendix A). This loan will be offered where the cost of the work exceeds the £10,000 limit of the Empty Property Loan or the £25,000 limit of the Welsh Government House into Homes Loan.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant has an owners interest • Applicant must have sufficient equity within their property to cover the loan amount and have 20% free equity remaining • Property non-decent or has category 2 hazards significantly above the average age of the property • Applicants property must be long term vacant (over 6 months) and the Council satisfied that a housing need exists in the area 	<ul style="list-style-type: none"> • Property must be tenanted until the loan is released • Property owner must agree to the property being managed by a social lettings agency • Property owner must be a member of the All Wales Landlord Accreditation Scheme • On completion of the works, the property meets the Decent Homes Standard • Property must be covered by buildings insurance until the loan is repaid 	<ul style="list-style-type: none"> • Maximum loan of £15,000 subject to eligibility testing and loan assessment • Minimum loan of £3,000 • The Council's loan administrator holds a share of the property value, proportional to the cost of the works, as a percentage of the property's unimproved value • Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application • Voluntary early repayment may be made at any time

N:B Applications will also be considered from first time buyers who wish to reside at the property themselves and who are also registered on the Council's Affordable Home Ownership Register. These applicants are not subject to the conditions relating to the management of the property by a social lettings agency and the requirement to become an accredited landlord.

Empty Property Grant

This grant is to help owners bring empty properties back in to use within the Council's strategic Renewal Area. This is designed to cover works which bring the property up to the Decent Homes Standard (Appendix A) An example would be, works to remedy serious disrepair, provide modern kitchen and bathroom facilities, improve heating systems and insulation, and to remove any serious hazards which could affect the well-being of the occupier, such as dampness, dangerous stairs or electrical wiring.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant is invited to apply by the Council • Applicant has an owners interest 	<ul style="list-style-type: none"> • A proportion of the grant must be repaid if the property is sold or transferred within 5 years. Repayment will be reduced by 20% for each full year elapsed since the completion date • Property must be tenanted for 5 years • Landlords participating will be encouraged to join the All Wales Landlord Accreditation Scheme and accept nominations from Flintshire County Council. • On completion of the works, the property meets the Decent Homes Standard 	<ul style="list-style-type: none"> • Maximum grant of £20,000 subject to eligibility testing and loan assessment • A proportion of the grant is repaid on sale or transfer of the property within 5 years

Property Conversion Loan

An interest bearing repayment loan at 4% annual interest (payable monthly) to cover works which bring the property up to the Decent Homes Standard (Appendix A). This loan is specifically designed to support the conversion of commercial premises, to provide new units of private rented residential accommodation.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant is invited to apply by the Council • Applicant has an owners interest • Account will be taken of any existing town centre Masterplan to establish the appropriateness of conversion 	<ul style="list-style-type: none"> • Property must be tenanted until the loan is released • Property owner must agree to the property being managed by a social lettings agency • Property owner must be a member of the All Wales Landlord Accreditation Scheme • On completion of the works, the property meets the Decent Homes Standard • Property must be covered by buildings insurance until the loan is repaid 	<ul style="list-style-type: none"> • Maximum loan of £15,000 subject to eligibility testing and loan assessment • Minimum loan of £3,000 • The Council's loan administrator holds a share of the property value, proportional to the cost of the works, as a percentage of the property's unimproved value • Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application • Voluntary early repayment may be made at any time

Landlord Support

Residential Landlord Loan

An interest bearing repayment loan at 4% annual interest (payable monthly) to cover works which bring the property up to the Decent Homes Standard (Appendix A) An example would be, works to remedy serious disrepair, provide modern kitchen and bathroom facilities, improve heating systems and insulation, and to remove any serious hazards which could affect the well-being of the occupier, such as dampness, dangerous stairs or electrical wiring.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant has an owners interest • Property non-decent or has category 2 hazards significantly above the average age of the property • Applicants are in receipt of a means tested or disability benefit 	<ul style="list-style-type: none"> • Property must be tenanted until the loan is released (maximum loan term of 7 years) • Property owner must agree to the property being managed by a social lettings agency • Property owner must be a member of the All Wales Landlord Accreditation Scheme • On completion of the works, the property meets the Decent Homes Standard • Property must be covered by buildings insurance until the loan is repaid 	<ul style="list-style-type: none"> • Maximum loan of £15,000 subject to eligibility testing and loan assessment • Minimum loan of £3,000

N:B A prior failure to comply with an enforcement notice under the Housing Act 2004 will automatically bar a landlord from making an application.

Additional forms of Support

Property Relocation Loan

A property appreciation loan for persons required to move as a result of the Council's property clearance action.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none">• Applicant occupies a property that is to be the subject of clearance action• Applicant must have sufficient equity within their property to cover the loan amount and have 20% free equity remaining (in the new property)	<ul style="list-style-type: none">• Property must be occupied by the applicant or a family member as their main residence until the loan is released• The new property must be free of category 1 hazards• Property must be covered by buildings insurance until the loan is repaid	<ul style="list-style-type: none">• Maximum loan of £20,000 subject to eligibility testing and loan assessment• Minimum loan of £3,000• The Council's loan administrator holds a share of the property value, proportional to the cost of the works, as a percentage of the property's unimproved value• Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application• Voluntary early repayment may be made at any time

Home Loss/Loss Payments and Disturbance Allowances

Ex-Gratia Payments equivalent to statutory Home Loss Payments, Loss Payments and Disturbance Allowances will be paid in non – statutory Clearance and Demolition Schemes in connection with Strategic Acquisitions within a declared Renewal Area. An exception to this will be that in non – statutory schemes where the level of Home Loss Payments awarded to private tenants will be capped at £1500.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none">• Applicant's property is the subject of clearance action by the local authority	<ul style="list-style-type: none">• Owner occupier will be entitled to 10% in addition to the market value of the property• Second premises or business premises will be entitled to 7.5% in addition to the market value of the property• Tenants will be entitled to £1,500 (provided they have occupied the property over the previous 12 months).	<ul style="list-style-type: none">• 10% of the total amount of property value for owner occupiers• 7.5% of the total amount of property value for non owner occupied premises or businesses.

Independent financial advice

Owner-occupiers moving from housing clearance areas have the option of receiving Independent Financial Advice to assist in the moving process. The fees incurred in receiving such advice will be paid by the Council as part of the Disturbance Allowance. An appropriately qualified Independent Financial Advisor (IFA) should be sought and a maximum cost of £300 will be payable on production of a valid invoice.

Disabled Adaptations Support

Disabled Facilities Grant

This is a mandatory grant to provide adaptations to enable a disabled person to live as independently as possible at home. Eligible works include improving access to the home and garden, adaptations to allow access to essential facilities within the home. Examples might include stairlifts, level access showers, ramps and kitchen alterations. See appendix (B) for full definition.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> Referral by Occupational Therapist confirming that works are necessary and appropriate Adaptation is the most satisfactory course of action subject to a reasonable and practicable assessment Available across all tenures (Separate arrangements apply for Registered Social Landlord tenants) Work costs in excess of £1,000 	<ul style="list-style-type: none"> As set out in the Housing, Grants Construction and Regeneration Act 1996 Repayment of grant will be required if applicant chooses to move within 10 years of the completion date for any grant above £5,000, up to a maximum repayment of £10,000 Subject to a means test (except for children) 	<ul style="list-style-type: none"> Maximum of £36,000

Disabled Facilities Relocation Grant

Introduced to help a disabled person move to a more appropriate property where their existing home is unsuitable for adaptation. The grant covers expenses such as removal costs and connection of services as well as bridging the affordability gap between the value of the applicant's existing home and the purchased property.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> Referral by Occupational Therapist confirming that works are necessary and appropriate Property is unsuitable for adaptation, or it is more cost effective to move rather than adapt Available to owner occupiers and private rented tenants (not registered social landlords or Council tenants) 	<ul style="list-style-type: none"> Property must be occupied by the applicant as their main residence for a period of 5 years Purchased property must have no category 1 hazards present No further grant assistance for a period of 10 years from the completion date (except Disabled Facilities Grant) 	<ul style="list-style-type: none"> Maximum of £36,000 available to bridge the gap and carry out any adaptation works at the new property, subject to means testing Maximum of £2,000 available for removal expenses, subject to means testing. Availability dependant upon the detail of each individual case.

Disabled Facilities Discretionary Top Up Loan

This loan will be considered in very exceptional circumstances where the required expenditure to provide a disabled adaptation is above the statutory limit (currently £36,000). It will only be provided to owner occupiers and the loan amount registered as a financial charge against the property at the Land Registry.

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> Applicant eligible for a Disabled Facilities Grant which requires a top up. Applicant has an owners interest Applicant must have sufficient equity within their property to 	<ul style="list-style-type: none"> Property must be occupied by the applicant or a family member as their main residence until the loan is released Property must be covered by buildings insurance until the 	<ul style="list-style-type: none"> Maximum loan of £15,000 subject to eligibility testing and loan assessment Minimum loan of £3,000 The Council's loan administrator holds a share of the property value, proportional

cover the loan amount and have 20% free equity remaining	loan is repaid	to the cost of the works, as a percentage of the property's unimproved value <ul style="list-style-type: none"> • Loan is repaid on sale or transfer unless to a person who occupied the property at the time of application • Voluntary early repayment may be made at any time.
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N:B Private rented and Council tenants who do not have an owners interest and therefore cannot take a loan charged against the property will be offered the above assistance in grant form.

Alternative Assistance

HouseProud by the Home Improvement Trust

House Proud offers affordable equity release loans for housing repair, improvement and adaptation through the Home Improvement Trust. The scheme is supported by Welsh Assembly Government and Flintshire County Council. The Home Improvement Trust is a 'not for profit' organisation. Applicants must be aged 55 years or over, or a disabled person of any age who own their own home.

Flintshire Care & Repair

The Council works in Partnership with Flintshire Care & Repair, the local Home Improvement Agency. Flintshire Care & Repair provides a service to older and disabled homeowners, helping them with repairs, adaptations and improvements so that they can remain at home in safety, security and warmth.

The Agency can act on your behalf if you are over 75 years of age and applying for grant or loan assistance, or from aged 60 years and over if you are having work carried out privately. They also offer help and advice on obtaining funding for work, including grants, savings, welfare benefits, loans, equity release and charitable funding. In addition they offer complimentary services, such as a HandyPerson Service, offering small home safety repairs security measures and small scale energy efficiency support, via the Health Through Warmth Scheme.

Their advisory service is free to those over 60 or any age with a disability. They will offer confidential advice and support on how to access the various relevant services and organisations in the area.

Flintshire Care & Repair Property Repair Fund

Eligibility Criteria	Conditions	Amount
<ul style="list-style-type: none"> • Applicant must be over 60 or disabled • Applicant has an owners interest 	<ul style="list-style-type: none"> • Small scale repairs only (e.g for the removal of category 1 hazards) • Charitable and other sources of match funding will be sought • Owner may be asked to make a contribution to the cost of the work if they are over the maximum limit and no other funding can be sourced. 	<ul style="list-style-type: none"> • Maximum of £1,500

Flintshire Care & Repair Handyperson Service

This service assists clients who are elderly, vulnerable or disabled, to remain in their homes in a reasonable degree of comfort and security by providing a low cost repair service. There is a nominal charge for this service. The service will arrange for the Handyperson to visit people in their home and provide an estimate for the work required. The Handyperson Service will also offer advice on a wide range of repairs available and will arrange to carry out the works with the minimum amount of fuss. You must be eligible to receive a service from Flintshire Care & Repair to access the handyperson service. A small charge will be levied.

Fuel Poverty and Energy Efficiency

All householders will be eligible for consideration of energy efficiency grants and advice and will be directed through the Council's Energy Efficiency Manager to access mainstream energy efficiency grants, such as ARBED grants, Nest and Health through Warmth. All vulnerable grant applicants will receive an energy efficiency package on top of the standard grant eligible works. Energy efficiency measures available will top up standards of insulation and heating and help to make domestic fuel consumption more efficient. All energy efficiency measures will be tied into the undertaking of wider works of improvement.

Flintshire County Council is developing its approach to providing assistance for renewable energy sources. Where any application for a Loan is made on the grounds that a house is too cold and the household is a vulnerable household, consideration will be given to the introduction of renewable energy technologies including the provision of solar heating systems and ground source heat pumps.

Crime Prevention

All householders will be eligible to receive crime prevention advice and will be directed through the Council's Crime Prevention Partnership for the provision of advice, assistance and other crime prevention services. All vulnerable grant applicants will receive a target hardening package in addition to the standard grant eligible works. Target hardening will improve window locks and door locks.

Home Accident Prevention

All householders will be eligible to receive information, advice and assistance with respect to the prevention of accidents in the home. Loans will be specifically available to remove safety hazards in and around the home and the Council will work with ROSPA, the Fire Service and other service providers to develop home accident prevention packages which may be available for vulnerable applicants in addition to standard eligible works.

General Process

Making an enquiry

Upon request, we will provide service users with the appropriate information pack. The pack includes information on the eligibility criteria and any conditions of assistance, together with an enquiry or application form and a letter explaining the application procedure.

Application forms and information leaflets setting out a summary of the types of assistance including details of availability, eligibility criteria, levels of assistance and any conditions that apply are available at the location listed below. This information is also available on our website: www.flintshire.gov.uk under the Private Sector Housing tab.

Housing Renewal, Council Offices, Flint, Flintshire CH5 4BD
Tel: 01352 703434

And at any future Flintshire Connects buildings as the open.

Making an application

If you wish to apply for a Disabled Facilities Grant, in the first instance, you should contact the Social Services Duty Team, Social Services on 01352 702642. You will be advised whether or not you meet the criteria for assessment by an Occupational Therapist.

Following this assessment, you will be asked to provide financial information for yourself and your family. This will help us to calculate whether you are eligible for a grant. Disabled Facilities Grants are subject to a 'means test' unless the application relates to a child. Your property will also need to be inspected by a Building Surveyor to see whether the works that the Occupational Therapist has recommended can be reasonably and practicably carried out in your home.

If you wish to apply for other types of financial assistance, the first stage is completion and return of an initial enquiry form, or application form, depending upon the type of assistance requested. You may need to provide income and savings details and you may also be asked to describe the problems you are experiencing. Providing photographic evidence will help us assess your case. On receipt of your application form, we will check the details submitted against the qualification criteria for the type of assistance you are applying for.

Enquires for all loans are dealt with on a first come first served basis. However, in the event of prioritisation being required this will be given to the following client groups: -

- Families with children (under 18 years age)
- Households of older people (over 60 years)
- Those suffering from long term illness and/or disability.

You will be notified if your application has been successful and then asked to confirm in writing whether you wish to proceed. For all types of assistance we will carry out a survey of the property to establish whether it meets the Decent Homes Standard (this English standard has been adopted by Flintshire, as it is easier to achieve than the Welsh Housing Quality Standard but provides an acceptable standard of accommodation in the private sector). We will also check for any safety issues in your home using the Housing, Health and Safety Rating System (HHSRS). We will check for hazards that may be a risk to the occupants of visitors to the property. We will advise you in writing of any hazards we find and advise you of any action you should take to remove the hazard, or reduce the risk to an acceptable level.

An assessment to decide the 'most satisfactory course of action' for dealing with the conditions identified is also completed. If your property meets the eligibility criteria we will issue a schedule of repair works necessary to remove Category 1 Hazards and/or meet the Decent Homes Standard. The schedule will be accompanied by the appropriate application forms for you to complete and return.

It is a requirement of all loan assistance that owner occupiers and tenants will use the Council's agency service to assist with completion of the necessary documentation and also to obtain contractors through a competitive tendering exercise. The Council's fees can be included in your application and will be fully funded by the grant or loan.

The Council's agency service will obtain a minimum of three estimates from separate VAT registered contractors, who appear on the Council's approved list, to complete the necessary works. (Separate arrangements apply in respect of Group Repair Grants and some energy top up loans).

Approval of your application

Upon receipt of your application form we will undertake a series of checks to ensure that all documentation received is complete and correct. In the case of Disabled Facilities Grants, a formal test of resources is then undertaken.

The test for financial resources for the purpose of means testing owner occupiers and qualifying tenants will be in accordance with the legislation that governs the means test for mandatory disabled facilities grants. The prescribed regulations are updated on an annual basis.

We will also carry out a costing exercise to determine an eligible cost for the repair works and compare this to the contractor's estimates. Where additional 'non eligible' items of work have been included in the estimate, these are not considered for assistance. Similarly, where contractor's costs are considered to be excessive these will be challenged by the Council's Agency Service. This process helps the Council ensure value for money is achieved for public funds spent in the County.

Please note the approval procedure for property appreciation and interest bearing repayment loans is more complex than that described above. Please refer to the section on loan administration below.

Payments

Once works have commenced, applicants (or their Agents) written request for a release if payment will be considered. All payment requests will require an official invoice. Where works undertaken are of a satisfactory standard and are supported by an acceptable invoice, interim payments can be made, subject to conditions. Other than in exceptional circumstances, grant payments will be made, directly to the main contractors. Grant or loan aided fees will also be paid directly to the Council's in house Agency.

Upon notification of completion of the works, we will undertake a full inspection of the works. We will only release final payment when you and we are happy that all works have been completed satisfactorily and all relevant invoices, guarantees and certificates have been received and conditions met.

In cases of dispute between the applicant and the contractor over the satisfactory completion of grant works, the Council reserves the right to adjudicate and release payment to the contractor if it deems it appropriate.

Loan Administration

Loans administration must comply with all aspects of consumer credit regulation and guidance. The principal regulators are currently the Financial Services Authority (Mortgage Regulation) and the Office of Fair Trading (Consumer Credit Regulation). As the Council has no prior experience of loan administration and regulation is necessarily robust, this element of the service has been outsourced to an FSA registered company known as Street UK Ltd. This company will advise on the Council's products and ensure compliance with regulation, guidance and best practice.

Local authorities can outline their own financial products; however, they cannot offer financial advice on these products or other financial products. Best practice again dictates that applicants should be offered independent financial advice. The Council has therefore commissioned a list of Independent Financial Advisor (IFA's) who can offer impartial while market advice to applicants. Depending upon the loan application submitted this consultation may be funded by the Council.

Street UK Ltd will ensure that recipients of loans have been offered access to received appropriate advice or information on any obligations or conditions arising for the assistance.

Street UK Ltd will set out in writing the terms and conditions under which loan assistance is being given and have regard to the applicants ability to make a contribution or repayment.

Before works go ahead, Street UK Ltd and the applicant will enter in to a suitably drafted form of loan agreement. The applicant will again be advised of the option to receive independent financial/legal advice before entering in to the agreement. With regard to Property Appreciation Loans, if Street UK's level of equity share is in excess of 30% the applicant will be required to take financial advice before the loan is approved.

Street UK Ltd will register its interest in the property as a charge at the Land Registry on behalf of the Council. Before agreeing to the loan the Council will have regard to the number of charges already registered over the property and the amount of equity in the property. In the event of prior charges being registered the Council will take a view on the viability of the proposed loan.

To protect the Council's interest, applicants will be required to provide evidence of a valid house insurance policy. Once the loan has been awarded the applicant must arrange with their insurance company to include Street UK Ltd on the Policy as having an interest. Should the Policy lapse, then the insurance company would notify Street UK Ltd. Contact would then be made by the Council with the recipient to determine what alternative arrangements have been made to re-insure the property.

Further information on loan administration is available for the Housing Renewal Service on 01352 703434.

Conditions of assistance

General conditions

All forms of assistance referred to in this Policy document are subject to a number of general conditions. We will set out in writing to each person being provided with assistance, confirmation of the terms and conditions. Applicants should consider these terms and conditions carefully, particularly when applying for loan assistance. The following list is not exhaustive.

- All applications for assistance must be made on the Council's official application forms.
- All applicants for loan assistance will be required to have their property registered with the Land Registry office and will be subject to bankruptcy checks.
- The payment or part payment of grants and loans is conditional on the eligible works being carried out to the satisfaction of the Council and the receipt of an acceptable invoice for the works and any ancillary or professional fees.
- If an interim grant or loan payment has been released before the work is certified as complete and the owner disposes of the property, the owner will be required to repay to the Council the full amount of financial assistance paid. (Separate arrangements apply to Disabled Facilities Grants).

Unless stated otherwise, any loan or grant assistance and related conditions will be secured as a legal charge against the property where breach of a condition would require repayment of all or part of the financial assistance. This charge will not be removed until either the conditions expire or until the financial assistance is repaid.

- Costs (including maximum levels of assistance) include VAT at the applicable rate.
- Applicants for financial assistance will be required to submit a recent utility bill (e.g. gas, electric or water) as proof of address. In addition, applicants will also be required to provide proof of their National Insurance Number. Proof will also be required for the applicant's partner, where applicable. Acceptable evidence includes original National Insurance card, recent wage slips or benefit book.

For assistance subject to a test of financial resources (the means test), applicants will be required to submit the following:

1 If you are working and not self-employed, a certificate of earnings completed and stamped by the employer.

2 If you are self-employed, income details for the 52 weeks immediately preceding the date of application, verified by a qualified accountant. Full audited accounts may be required.

3 If you are in receipt of a state means-tested benefit, a copy of the payment book or relevant documentation. We may contact the appropriate government agency to check and verify the information submitted.

4 Evidence of savings or assets such as a second property.

No assistance will be awarded for works that have commenced prior to the date of formal notification of grant or loan approval.

- Where it is ascertained that an application for assistance has been determined on the basis of inaccurate or incomplete information, we can withhold or demand repayment of monies from the applicant.
- If an applicant knowingly makes a false statement, in respect of any information they provide as part of an application for financial assistance or payment, including details of income and savings, we may refer the matter to the Police with a view to prosecution.
- In exceptional cases, where the property must be vacated in order for works to be carried out, the Council may be able to assist in finding temporary accommodation. Residents must be unable to arrange temporary accommodation privately e.g. with family or friends and will be liable for the cost of any rent, removals or furniture storage incurred. However, if the applicant would suffer undue hardship, the Council may be able to provide discretionary grant or loan assistance.

Exceptions to repayment conditions

There will be no exception to the repayment of any loan as the Council is mindful of the fact that Public money is being used to fund works and would wish to maximise recycling of resources to assist others. However, it is recognised that there will be certain situations where it would be inappropriate or unreasonable for the owner to be required to repay other grant assistance monies on disposal of the dwelling. A written request for a repayment waiver must be made to the Council, explaining the circumstances of the case and the reasons why repayment of grant would cause undue hardship. The particulars of each individual case will be considered on their own merits and the applicant (or agent acting on their behalf) will be notified of the outcome in writing.

Where a property is vested in another individual's name under a will or intestacy, the death of the owner will trigger repayment, unless the property was the inheriting person's main residence at the time of application. In this case the condition to repay the loan or grant assistance and occupy the property will transfer to the new owner.

Fees and charges

For the purposes of this policy, professional fees and charges in respect of applications for financial assistance will include the following:-

- Confirmation, if sought by the local authority, that the applicant has an owner's interest.
- Initial valuation of the property (Property Appreciation Loans)
- Technical and structural surveys.
- Design and preparation of plans and drawings.
- Preparation of schedules of relevant works.
- Assistance in completing forms.
- Advice on financing the cost of the relevant works which are not met by grant.
- Applications for building regulations approval (including application fee and preparation of related documents)
- Applications for planning permission (including application fee and preparation of related documents).
- Applications for listed building consent (including application fee and preparation of related documents).
- Applications for conservation area consent (including application fee and preparation of related documents).
- Obtaining of estimates.
- Advice on contracts.
- Consideration of tenders.
- Supervision of relevant works.
- Disconnection and reconnection of electricity, gas, water or drainage utilities where this is necessitated by the relevant works.
- Payment of contractors.
- Loan charge land registration fees

Requests for extension of time

It is a condition of payment of grant and loan assistance that the eligible works are carried out within 12months from the date of the approval of the application concerned (3months for Residential Landlord Loans). Only in exceptional circumstances will we agree to extend the period of time in which the approved works must be completed. Nonetheless, it is recognised that occasionally there will be valid and genuine reasons, beyond the control of the applicant, for not being able to complete the work on time. Requests for extension of time must be made in writing to the Council, explaining the circumstances of the case and the reasons why the works cannot be completed within the specified timescale, together with the

amount of additional time being requested. The particulars of each individual case will be considered on their own merits and the applicant (or agent acting on their behalf) will be notified of the outcome in writing.

Revisions after loan or grant approval

Where, owing to circumstances beyond the control of the applicant, the eligible works cannot be completed for the estimated costs submitted with the application, we will consider written requests for additional assistance. Requests will be considered in accordance with the following guidelines:

- Where the eligible works cannot be completed without carrying out additional unforeseen works;
- Where the additional costs would place the applicant in undue hardship.
- In all cases, the re-determination of an approval will be subject to the total amount of assistance not exceeding the relevant maximum level of assistance.

Appendix A

The Decent Homes Standard

The Decent Homes Standard is the English Government's standard for housing. Whilst not enforceable by statute, the Council uses it as a target for the standard of accommodation in the County.

The definition of a decent home is one which meets the four following criteria:

a) It meets the current minimum standard for housing
Dwellings below this standard are those defined as having category one hazards under section 2 of the Housing Act 2004.

b) It is in a reasonable state of repair

Dwellings which fail to meet this criterion are those where either:

– One or more of the key building components are old and, because of their condition, need replacing or major repair; or

– Two or more of the other building components are old and, because of their condition, need replacing or major repair.

c) It has reasonably modern facilities and services Dwellings which fail to meet this criterion are those which lack three or more of the following:-

– A reasonably modern kitchen (20 years old or less).

– A kitchen with adequate space and layout.

– A reasonably modern bathroom (30 years old or less).

– An appropriately located bathroom and WC.

– Adequate insulation against external noise (where external noise is a problem).

– Adequate size and layout of common areas for blocks of flats.

d) It provides a reasonable degree of thermal comfort

This criterion requires dwellings to have both effective insulation and efficient heating.

Appendix B

Works eligible for Disabled Facilities Grant

Section 23 of the Housing Grants, Construction and Regeneration Act 1996 sets out the purposes for which a grant must be approved, which can be summarised as follows:

- a) facilitating access to the home;
- b) making the home safe;
- c) facilitating access to a room used or usable as the principal family room;
- d) facilitating access to, or providing for, a room used or usable for sleeping;
- e) facilitating access to, or providing for, a lavatory, or facilitating the use of a lavatory;
- f) facilitating access to, or providing for, a bath or shower (or both), or facilitating the use of such;
- g) facilitating access to, or providing for, a room in which there is a washbasin, or facilitating the use of such;
- h) facilitating the preparation and cooking of food by the disabled occupant;
- i) improving any heating system in the home to meet the needs of the disabled occupant or, if there is no existing heating system in the dwelling, or any such system is unsuitable for use by the disabled occupant, providing a heating system suitable to meet his or her needs;
- j) facilitating the use of a source of power, light or heat by altering the position of one or more means of access to or control of that source or by providing additional means of control;
- k) facilitating access and movement by the disabled occupant around the home in order to enable him or her to care for a person who is normally resident there and is in need of such care; and
- l) such other purposes as may be specified by order of the secretary of state. Since May 2008, local authorities are also required to fund works which facilitate a disabled occupant's access to and from a garden or works which make access to a garden safe for a disabled occupant.

Appendix C

Glossary of Terms

Category 1 Hazard:

Under the Housing Health and Rating System, scores in excess of 1000 are banded A, B, or C and are classified as Category 1 hazards. The Council has a duty to take action to remove or reduce the risks for category 1 hazards. Hazards scoring 999 or less are classified as Category 2 hazards and the Council has discretion to take action in such cases.

All Wales Landlord Accreditation Scheme:

Available to private landlords to certify their properties and management practices as reaching a Council standard which exceeds the statutory minimum.

Decent Homes Standard:

The Government's target standard for housing in England. See appendix C for details.

Disabled Facilities Grant:

A grant to fund alterations to a disabled person's home to improve access, and help them move around within their home freely and safely. Also, to assist them to use essential facilities such as kitchens and bathrooms and services within the home, so that occupants with disabilities can manage as independently as possible. Adaptations of a minor nature (e.g. provision of a handrail, flashing doorbell, ramp etc.), are dealt with outside of this policy. Works costing in excess of £1000 are classed as a major adaptation and can be processed as a Disabled Facilities Grant. If you consider you need a disabled adaptation, we will ask an occupational therapist to assess whether or not you meet the criteria for a Disabled Facilities Grant and that the proposed works will meet your needs.

Equity Loan:

The Council facilitates the lending of money to home owners for property improvements/repairs in exchange for a share in the value of the property. There are no regular repayments or interest added to the loan. The Council recovers its money when the property is next sold or transferred to a new owner. Example: If the unimproved value of the property is £100,000 and the cost of the works required is £10,000, the council or its administrator will take a 10% share of the value of the property (although not a "share" of ownership), repayable when the property is sold. Family member: (of the applicant): Husband, wife, person living with the applicant as wife or husband, son, daughter, step-son, step-daughter, and son-in-law, daughter-in-law, parent, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece, whether the relationship is by blood or marriage.

Housing Health and Safety Rating System (HHSRS): Introduced by the Housing Act 2004. This is the primary method of assessing housing conditions. A dwelling is assessed for hazards that may present potential harm to occupants, visitors and passers by, across 29 categories. Individual hazards are given a score by reference to a prescribed method of calculation to indicate their severity.

Home Improvement Agency (HIA):

Charitable organisation who work in partnership with the Council to provide advice and assistance with adaptations, improvements and repairs for older and vulnerable people.

House in Multiple Occupation (HMO):

Covers most types of accommodation where there are groups of people living together who do not constitute a family and where these people share amenities and/or common entrance.

Loan Assessment:

By law, to enable you to decide whether the offer of a loan is suitable for you, the council or its partner must give you certain information about the loan and relevant procedures. This information is included in the 'customer information document'. An officer from Street UK Ltd will arrange an interview with you to explain how the loan works, and will issue you with a copy of the customer information document.

OT:

Occupational Therapist - assesses client's needs for disabled adaptations.

Owner's interest:

owning the freehold of the property or having it on a tenancy of which not less than five years remain unexpired at the date of the application.

Priority One DFG Adaptation:

A referral for a Disabled Facilities Grant where the service user and/or carer at immediate high risk needing alternative care arrangements until/unless work is completed.

Reasonable and practicable assessment:

A legal requirement, carried out by Housing Renewal. This must be completed before a Disabled Facilities Grant can be approved. The property is inspected to check that the proposed works are technically feasible, that there are no other reasonable alternative solutions, and that there are no other health and safety issues. The property is assessed using the Housing Health and Safety Rating System.

Test of resources (means test):

This is an assessment of an applicant's ability to fund works themselves and determines if a contribution has to be made towards the financial assistance offered by the Council. It is carried out in accordance with the legislatively determined means test for mandatory Disabled Facilities Grants.

Vulnerable households:

The Government definition of households who are in receipt of one of the following means-tested or disability related benefits:-Income Support; Income-based Job Seekers' Allowance; Income related Employment Support Allowance; Housing Benefit; Working Families Tax Credit; Disabled Person's Tax Credit; Disability Living Allowance, care component; Disability Living Allowance, mobility component; Industrial Injuries Disablement Benefit; War Disablement Pension, Attendance Allowance, Pension Credit, Child Tax Credit.

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **DIRECTOR OF LIFELONG LEARNING**

SUBJECT: **QUARTERLY MONITORING REPORT ON
PROGRESS WITH IMPLEMENTATION OF THE
ESTYN ACTION PLAN**

1.00 PURPOSE OF REPORT

1.01 To consider the progress with implementation of the Action Plan following the 2011 Estyn Inspection of Local Authority Education Services for Children and Young People (LAESCYP).

2.00 BACKGROUND

2.01 Flintshire County Council was subject to a full LAESCYP inspection by Her Majesty's Inspectorate for Education and Training in Wales (Estyn) in October 2011.

2.02 The outcome of the inspection was reported to Executive on 21st February 2012 and Lifelong Learning Overview and Scrutiny on 23rd February 2012. Several sections of the report match the local authority's own views of its progress and performance including support for additional learning needs, promoting social inclusion and well-being, access and school places, partnership working and resource management.

2.03 Flintshire County Council complained to Estyn about inflexible and inappropriate conclusions in relation to the school standards element of the framework. Concerns were also expressed about inaccurate information used within the inspection and within draft reports. Standards achieved in Flintshire on key indicators are set out at Appendix 2. Estyn made a number of amendments to report drafts prior to publication, but also concluded that the judgements were within the range possible to the team. Good is defined as many strengths and no important areas requiring significant improvement. Adequate is defined as strengths outweigh areas for improvement.

3.00 CONSIDERATIONS

3.01 All education providers produce action plans to address Estyn inspection recommendations following inspection. The Action Plan was submitted to Estyn April 2012, following consideration by Lifelong

Learning Overview and Scrutiny on 22 March 2012 and Executive on 27 March 2012. A copy of the full Estyn Action Plan is in the Member's Library.

3.02 The Estyn Inspection recommendations are:

- Improve standards and performance to reduce the percentage of schools that are in the bottom 25% when compared to similar schools across Wales and reduce the gap in performance between boys and girls;
- Improve the standard and quality of provision in primary schools by: -
 - addressing a trend of declining attendance;
 - reducing fixed term exclusions; and
 - reducing school balances and deficits in line with national guidelines;
- Improve how senior officers and all elected members work together to: -
 - improve standards for all learners;
 - improve self-evaluation and reporting to members; and
 - reorganise secondary schools, reduce surplus places and make better use of resources;
- Reduce the number of days' education that learners in Flintshire miss due to fixed term exclusions of six days or more in all of its secondary schools;
- Improve the monitoring arrangements for the Children and Young People's Partnership to effectively track the progress of children and young people;
- Prioritise areas for improvement identified in its self-evaluation of education services.

3.03 Progress with implementation of the action plan will be monitored by an Estyn team in early 2013. The team will be led by Mererid Stone HMI.

4.00 RECOMMENDATIONS

4.01 Members are asked to consider progress with implementation of the Estyn Action Plan.

5.00 FINANCIAL IMPLICATIONS

5.01 Financial options and implications from specific projects will need to be considered as part of developing revenue and capital programmes for future years.

6.00 ANTI POVERTY IMPACT

6.01 There are no anti poverty implications arising directly form this report.

7.00 ENVIRONMENTAL IMPACT

7.01 There are no environmental implications arising from this report.

8.00 EQUALITIES IMPACT

8.01 The inspection report and action plan comply with the Council's equalities requirements. The inspection report notes good practice in Social Inclusion and Additional Learning Needs.

9.00 PERSONNEL IMPLICATIONS

9.01 There are no personnel implications arising directly from this report.

10.00 CONSULTATION REQUIRED

10.01 The Action Plan has been consulted upon with school and service partner representatives.

11.00 CONSULTATION UNDERTAKEN

11.01 Not applicable.

12.00 APPENDICES

12.01 Appendix 1 – LAESCYP Inspection Action Plan Progress Monitoring Report

Appendix 2 – Standards in Flintshire

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

**Contact Officer: Ian Budd
Telephone: 01352 704010
Email: ian.budd@flintshire.gov.uk**

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Estyn Action Plan Monitoring

1. The completion of individual actions is the responsibility of named officers. If an action can not be completed by the date included in the PIAP, a revised date should be included and a reason for the delay. Any delays must be discussed with
2. Evidence of the completion of an action will be needed.
3. The Lead Officers(s) for the recommendation will need to demonstrate how completion of an action contributes to the overall outcome.
4. Elected members will confirm progress through formal scrutiny programmes. These will include consideration of the regular annual performance reports, supplemented by the regular cyclical quarterly performance monitoring reports.
5. The Chief Officer Project Board will monitor overall progress with this activity plan.

Rec	Ref	Action	Who	By When	Action Taken to date	Complete/ Revised completion date	Reason for delay	RAG
1.1	1.1.1	Continue to monitor, challenge and support targeted primary schools identified as underperforming in 2012-2013.	JD/Primary SIT	Jan 2012 - Apr 2013	Officers continue to target and monitor those schools identified as requiring additional support. Termly meetings are held with schools in the lower stages to monitor the progress of agreed actions. One school has been placed in a category of requiring 'significant improvement'. This school had already been identified as a school in need of more intensive support and work is continuing in the raising of standards. Three schools have been re-visited by Estyn. One of the schools has been removed from category of 'in need of significant improvement', and two schools have been removed from Estyn monitoring.	Ongoing		
	1.1.2	Increase the use of the Council's intervention powers where serious concerns are identified.	ED/JD	From Jan 2012	In accordance with revised protocols, letters of concern have been sent to two schools and the governing bodies are implementing action plans to move the schools forward.	Completed		
	1.1.3	Provide targeted INSET to primary schools in the lower quartiles to raise pupils' literacy and numeracy standards and plan with schools the use of the SEG grant funding. Further develop focused skill-rich science scheme of work to raise standards across all schools.	DB/JR/JH/AJ/L M/RW/ER	Spring/Summer 2012	Targeted schools have received literacy support on a half-termly basis. 45 teachers attended Read, Write, Inc spelling training in March and a further 11 schools have been trained in Read, Write, Inc. RWI Manager Meetings are held termly and monitoring visits have taken place to targeted schools implementing RWI. Initial data indicates the programme is having a very positive impact on standards. 31 teachers attended the Year 3 and 4 three day literacy course with a focus on boys literacy and there have been 4 half day training sessions on developing higher order literacy skills for Year 5 and 6 teachers. 26 schools have received Numicon resources and training for approximately 50 staff. RM intervention packs have been produced for Year 2 and 51 schools (90 members of staff) attending training. NFER assessment papers have been purchased to measure the impact of the intervention. 14 schools (Year 1/2 and Year 3/4 teachers) have also been targeted for training and support to enhance the skills of teachers. A new mental maths resource has been produced for the Foundation Phase which is a complete scheme for Nursery to Year 2. Training has been delivered in twilight sessions to 62 schools to date. Science curriculum planning has been revised to ensure relevant links to the development of literacy, numeracy and ICT skills and appropriate differentiated outcomes for mixed age classes. Early feedback from schools utilising the new up-graded scheme is very positive and standards in one school in the lower quartile have risen significantly.	Ongoing		

1.1.4	Continue to strengthen primary standardisation and moderation procedures in line with statutory assessment arrangements through subject co-ordinator meetings, training of all Foundation Phase teachers in the end of Foundation Phase outcomes and supporting Foundation Phase Partnerships in the development of standardised portfolios.	AJ/DB/RR	Spring/Summer/Autumn 2012	Key Stage 2 English, Welsh, maths and science cluster meetings have been held for all schools this term focusing on standardisation and moderation to ensure consistency in the end of key stage assessments across Flintshire. Cluster portfolios of evidence are used to exemplify standards. 2 half day sessions have been undertaken to moderate examples of literacy and mathematics for all Year 1 and 2 FP teachers. FP Partnerships are working on collating standardised portfolios to exemplify standards in mathematical development. Literacy and numeracy co-ordinator meetings have been held focusing on improving levelling, teaching strategies and planning for literacy and numeracy across the curriculum.	Ongoing		
1.1.5	Continue to provide and improve effectiveness of primary cluster group meetings and meetings of the Foundation Phase Partnership Boards to ensure the sharing of good practice and to further improve teaching strategies, planning and assessment.	DB/JR/AJ/LMa/ER	Spring/Summer/Autumn 2012	Foundation Phase Partnership Boards are working on collating standardised portfolios to exemplify standards in mathematical development. Literacy and numeracy co-ordinator meetings have been held focusing on improving levelling, teaching strategies and planning for literacy and numeracy across the curriculum.	Ongoing		
1.1.6	Analyse primary and secondary school outcomes in 2012 in order to re-prioritise planned support.	JD/KG/SIT	Autumn 2012	Provisional data is not received until the Autumn	On Target		
1.1.7	Agree revised set of performance targets with Secondary Headteachers Federation and meet with individual schools to agree targets for 2012 to 2014.	KG	Spring Term 2012	Secondary Headteachers Federation agreed new set of targets, to include levels 6 & 7 at KS3 and targets for the group of FSM learners. All schools visited to complete targets and aggregate targets calculated by SMIT	Completed		
1.1.8	Curriculum Support officers to target schools placed in the lower quartile in their subject at KS3 for additional support.	SIT Subject Specialists	Summer term 2012	Completed	Completed		
1.1.9	Planned Support 2012-13 to be targeted at underperforming areas in secondary schools.	KG/SIT	Summer term 2012	Planned Support agreed.	On Target		
1.1.10	Subject Forums and PLC, organised to ensure sharing of good practice between schools.	SIT Subject Specialists	Autumn Term 2012		On Target		
1.1.11	Deliver programmed Governor training on understanding data and supportive challenge in schools.	KB	Summer Term 2012	Governor training Programme resumes September 2012.	Sep-12		
1.2							
1.2.1	Subject Officers/Link Officers to monitor, challenge and support boys' literacy and numeracy developments in primary schools with high levels of boys' underperformance.	AJ/DB, Link Officers	Spring/Summer/Autumn 2012	The literacy and numeracy officers monitor, challenge and support teachers in targeted schools and training has been given to support the raising of boys literacy and numeracy standards. Read, Write, Inc developments are being monitored by the literacy officer and the impact on boys' reading. Impact needs to be evaluated.	Ongoing		
1.2.2	Three day literacy course aimed at Year 3 & 4 teachers focusing on teaching phonics, spelling, reading and oracy into writing. One module focused on improving	JH/DB	Day 1 – 29 Sept 2011 Day 2 – 12 Jan 2012 Day 3 – 26 Apr 2012	31 teachers attended the Year 3 and 4 three day literacy course with a focus on boys literacy. The literacy and numeracy officers have monitored and supported teachers in targeted schools.	Completed		
1.2.3	Sharing of best practice and information to primary schools from the 'Tribal' 3 year programme to counteract the under-achievement of boys and from	DB	Summer/Autumn 2012		On Target		
1.2.4	Sharing and monitoring of best practice in targeted groups of schools with high levels of boys under-	DB	Summer/Autumn 2012		On Target		
1.2.5	Literacy officer support to schools' PLCs focused on raising boys' literacy and dissemination of practice.	DB	Summer/Autumn 2012		On Target		
1.2.6	Production of a mental maths resource for the Foundation Phase and training for all schools in the use of the resource.	AJ	Autumn 2011/Spring 2012		Completed		
1.2.7	Introduce an improved science scheme of work for science at Key Stage 2 which provides pupils with more engaging, contextualised activities and tasks that appeal to boys. Units to be designed to contain a wider variety of written communication genres to appeal to boys and more focused opportunities to develop pupils' oral skills through science. 24 half termly units will be produced	AJ	Units to be completed and uploaded by Easter 2012.		Completed		

	1.2.8	Consolidate the use of the 'Science Enquiry Games' resource book received by each school in the spring term 2012. Focus to be on developing games and activities in this resource pack which appeal strongly to boys and also pupils with a variety of learning styles.	RW/1 or 2 days' INSET depending on numbers.	Summer term 2012.	25 primary schools attended 'Science Enquiry Games' INSET led by an internationally-recognised expert in science pedagogy. Two review visits have been undertaken to assess to impact of the resource and in one school the quality of pedagogy has improved significantly.	On Target		
	1.2.9	Support PLC in planning and implementation of improvement programme targeting boys reading in Welsh at KS2. Evaluate impact during summer term.	ER/RR	Autumn 2012		On Target		
	1.2.10	Target schools where boys are underachieving in year 5 in Welsh. Plan, implement and monitor intervention in discussion with targeted schools.	ER/RR	Summer 2013		On Target		
2.1	2.1.1	Set targets to reduce absences from individual schools for IWO service and request that schools report as a matter of course to Governors on a termly basis. Ensure that Governors are trained and fully aware of expectations on attendance and exclusion matters.	TP/IWO service in collaboration with SIT and Lead officers.	Easter 2012	IWOs target individual schools that have learners who are poor attendees. Attendance targets are set. School attendance rates are shared on a half termly basis. Governors will be made aware of expected attendance rates through the Governor training programme starting in September 2012.	Sep-12	The Governor training Programme resumes in September 2012	
	2.1.2	Ensure that IWO service realise what previous targets were and set new improved targets. Share with schools on a half termly basis their attendance rates. Share with schools expected standards and challenge if not achieved.	TP/IWO service in collaboration with SIT and Lead officers	Easter 2012	IWOs set improving targets and discuss with schools on a termly basis. Outcomes and impact will be reported to Lifelong Learning Overview and Scrutiny Committee.	Ongoing		
	2.1.3	Target support towards those schools most in need.	TP and IWO service in collaboration with SIT and Lead officers	Easter 2012	IWO service do target those most in need with action plans. All schools have set Attendance targets for academic year. These are monitored by officers to improve the overall attendance percentage and is helping reduce fixed term exclusions.	Ongoing		
	2.1.4	Encourage schools to reduce the numbers of days exclusion placed upon pupils by introducing a universal tariff for misdemeanours.	DM/schools	Sep-12	DM to produce a consultation paper by October half term that will set out suggested tariffs for misdemeanours. IWO	Completed		
	2.1.5	Support targeted schools in developing a range of strategies including rewards for pupils and use of partner agencies and parents to improve attendance rates.	TP and IWO Service in collaboration with SIT and Lead officers	Immediately	IWO service link with SIT and lead officers to improve attendance. Other agencies including CYPP,TAF,VS, Social Services, Youth Services are used to engage with parents and learners	Completed		
	2.1.6	Review current IWO involvement using quality assurance framework	TP and IWO Service in collaboration with SIT and Lead officers	Easter 2012	Quality assurance framework is used	Completed		
2.2	2.2.1	Delegate Social Inclusion funding to schools so that schools can target support more immediately.	DM with schools working party	Sep-12	Working party agreed that consortia working would be the most effective way of delegating. DM meeting with all consortia groups feedback to follow on proposals	On Target		
	2.2.2	Encourage schools to develop a "universal tariff" for exclusions to ensure consistency and fairness.	DM with schools/Link Officers	Dec-12	DM to write consultation paper for suggested tariffs for misdemeanours (for exclusion purposes). Acceptance by secondary schools on the importance of for guidance on exclusions for smoking, alcohol consumption and drug issues.	On Target		
	2.2.3	Encourage schools to develop in house strategies to avoid/reduce exclusions.	DM with schools/Link Officers	Sep-12	Discussions currently taking place to set up on-site inclusion centres in 3/4 secondary schools. Tentative agreement with schools but funding needs to be identified for their establishment.	Apr-13		
	2.2.4	Change the referral process to short term PRU- schools responsible and further encourage all schools to support the Managed Moves Protocol.	DM with schools/Link Officers	Feb 2012 (secondary) Sept 2012 (Primary)	Referral process to short term PRU changed -review of process on 29th June. Managed Move protocol now fully accepted and now used in primary schools. (More promotion required in primary settings)	On target		
	2.2.5	Training for schools on classroom management and behaviour management to reduce the requirement to exclude	DM with schools/Link Officers/ BSS	Ongoing	Training provided in accordance with the strategy.	Ongoing		

	2.2.6	Encourage Governing bodies to challenge decisions made by heads. Training for governors.	DM with schools/Link Officers	Easter 2012	Training directory for Behaviour Management for schools to be completed by end of Summer Term for the following academic year. This will include training for Governors.	Summer Ter	The Governor training Programme resumes in September 2012	
	2.3	2.3.1	Develop a policy on school balances for inclusion in the Scheme for Financing Schools.	LM	Apr-12		Policy developed	Completed
		2.3.2	Consult with internal stakeholders, review responses and update policy. Draft policy approval by Director and Head of Finance	IB/KF/LM.	Apr 2012		Approved	Completed
		2.3.3	Submit draft policy to Schools Budget Forum for consideration. Update if necessary.	IB/LM	May-12		Approved by Schools Budget Forum	Completed
		2.3.4	Circulate draft policy to Head Teachers and Chairs of Governors.	LM	May-12		Draft policy circulated to Heads, Governors and Unions	Completed
		2.3.5	Establish robust systems for monitoring adherence to policy	PH	Sep-12		Work in progress for monitoring protocol.	On target
	3.1	3.1.1	Review reporting outcomes and improvement strategies to LLOSC	ED/KG/JD	May-12		Agreed in principle - Working group to look at scrutinising performance	Jun-12
		3.1.2	To broaden the membership of half-termly Performance Monitoring Meetings with Members	IB/ED	May-12		Agreed in principle - Working group to look at scrutinising performance	Jun-12
		3.1.3	To widen the brief of half termly performance monitoring meetings to include Primary, Secondary, Inclusion and Resource Management Strategies	IB/ED	May-12		Agreed in principle - Working group to look at scrutinising performance	Jun-12
		3.1.4	To revise the school/LA partnership agreement with particular reference to LA responsibility for monitoring and evaluating performance of schools.	IB/ED	Apr-13		Agreed in principle - project underway	
	3.2	3.2.1	Annual Scrutiny consideration of performance on education targets	ED/KG/JD	Feb-12		Implemented	Completed
		3.2.2	Implement revised quarterly performance reporting arrangements.	ED/TD/GY	Feb-12		Implemented - regular meetings being held	Completed
		3.2.3	Review of protocols on self-evaluation and reporting to elected members	IB/ED/TD/KA/GY	May-12		Agreed in principle	
		3.2.4	General member induction including factsheets, training events and tailored support for office holders	IB/KA	Sep-12		Member Induction Event held for new councillors.	Completed
De	3.2.5	Publish annual timeline of performance information and performance reporting framework	KA/GY	Jun-12			Devised and distributed via the Policy and performance Unit. GY to distribute to DMT.	Completed
	3.2.6	Member Workshop on educational performance	ED/TD/KA	Sep-12			Autumn term	On target
	3.2.7	Undertake self-evaluation of 2011/12 outcomes	7. IB/TD/ED/KG/J	Nov-12			Work plan for Summer Break	On target
	3.3	3.3.1	Consult on the agreed options for the three area reviews	CE/IB/TD	Feb/Mar 2012		Consultations were completed with communities in March 2012.	Completed
		3.3.2	Continue with consultation process and to engage Elected Members in the strategic and operational aspects of secondary school area reviews.	CE/IB/TD/NSM	May-12		The outcomes of the consultation were reported to Cabinet on 12 June 2012 and to County Council on 17 June 2012. Further reports on the next stages of review are scheduled for July 2012.	Completed

	3.3.3	Prepare and submit Business Plan for 21 st Century School Programme bids.	TD/PV/IE	Summer 2012	Currently being developed through Project Boards but no clear guidance given from WG as yet.			
	3.3.4	Continue with area reviews of secondary schools (including post 16 provision) and progress primary reviews.	CE/IB/TD/ED/KG and Elected Members	Dec-12	Secondary Reviews moving forward. Reports on two amalgamations and Rhos y Cae agreed at Cabinet 12.06.12. Post 16 Project Board established	On Target		
	3.3.5	Examine and review primary schools provision against the School Modernisation Policy framework.	IB/TD/ED/JD and Elected Members	Jan 2013-		On Target		
	3.3.6	Complete proposals for amalgamations in accordance with policy.	TD/PV	Apr – Jul 2013	Reports on two amalgamations and Rhos y Cae agreed at Cabinet 12.06.12. Need to populate FWP for future reports.	On Target		
4	4.1	Ensure that Governors are carrying out hearings for 'long' fixed term exclusions with LA representation whenever possible.	DM/TP and SIT/KG	Sep-12	Governor training will help to ensure that hearings do happen	Dec-12	The Governor training Programme resumes in September 2012	
	4.2	Ensure governor training contains element of challenge to Heads.	DM/TP and SIT	From Easter 2012	Governor training will encourage Heads to be challenged over lengths of exclusions.	Dec-12	The Governor training Programme resumes in September 2012	
	4.3	Encourage schools to look at other options to exclusion through training, purpose of exclusion agenda and multi-agency working. e.g. Multi Agency Planning Meetings, in house exclusion areas, using PRUs and early identification.	DM/TP and SIT	From Easter 2012	DM currently discussing with schools other options for schools other than exclusion. Schools being encouraged to develop in house provision rather than exclusion. Further use of Multi Agency Planning meetings is being encouraged.	Ongoing		
	4.4	Target schools for challenge and support that are using long exclusions as a matter of course.	DM/TP and SIT	From Feb 2012	Targeted schools have specific plans in place.	Ongoing		
	4.5	Report exclusions with comparative data on a half termly basis to the Education Management Group.	JS/DM/TP and SIT	From Feb 2012	Exclusions now reported on a monthly basis trends are showing that Permanent exclusions are very rare and fixed term exclusions are being reduced with schools contacting the Local Authority for advice more readily due to the monthly reports.	Ongoing		
	4.6	Encourage schools to sign up to a "universal tariff" approach.	DM/TP and SIT	From Sept 2012	Universal tariff consultation paper to be written by DM	On Target		
5	5.1	Develop the high level templates	CYPP Coordinators	First phase by July 2012	High Level templates (service specifications) completed.	Completed		
	5.2	Develop the commissioning programme for Families First	CYPP Coordinators	Second phase Sept 2012	Fully developed 2 of 3 meetings taken place	On Target		
	5.3	Ensure that local indicators are added to the "national givens"	CYPP Coordinators	Second phase by Sept 2012	Local indicators are led by 'national givens'	Completed		
	5.4	Ensure that National Families First Outcomes are considered	CYPP Coordinators	Second phase by Sept 2012	National Families First outcomes inform and drive all considerations	Completed		

6	6.1	To devise a format for prioritising areas for improvement from within the self-evaluation document.	1. KG/ED	Mar-12	Priorities template established	Completed		
	6.2	Prioritise the areas for improvement and utilise the improved Quality Assurance Format.	2. KG/ED/TD	Mar-12	Areas prioritised and included in draft School Improvement Strategy	Completed		
	6.3	Monitor, progress and evaluate priority areas termly at Directorate Management Team Meetings.	3. DMT	Termly	Monthly cycle of meetings established for monitoring and planning	Completed		
	6.4	To revise priorities on an annual basis linked to service plans and incorporate Quality Assurance proforma into the Directorate Plan/CYPP.	4. DMT	Annually – Feb/Mar	Ongoing - performance management standing item at monthly DMTs	Ongoing		

SUBJECT (NB Annual Performance Report Goes to March LLOSC)		PERFORMANCE								
		LA 2008	Wales 2008	Rank 2008 (out of 22)	LA 2010	Wales 2010	Rank 2010 (out of 22)	LA 2011	Wales 2011	Rank 2011 (out of 22)
KS1 (7)	ENGLISH	84.8	82.4	6	81.4	82.9	14	85.8	84.1	8
	WELSH	92.7	88.5	5	95.1	90.2	=3	92.6	90.9	8
	MATHS	87.0	86.8	11	83.8	87.5	19	88.5	88.0	12
	SCIENCE	90.6	89.7	9	90.5	90.3	=8	92.2	90.4	5
	CORE SUBJECT INDICATOR (CSI)	81.7	80.7	=9	77.6	81.6	19	83.8	82.7	9
KS2 (11)	ENGLISH	81.9	79.8	5	82.8	81.9	10	83.8	83.4	=13
	WELSH	81.7	77.0	9	82.4	81.0	15	77.9	82.0	=20
	MATHS	84.0	81.3	4	84.3	83.3	7	85.5	84.9	=12
	SCIENCE	88.6	85.6	=2	86.9	86.4	11	87.1	87.1	12
	CSI	77.9	75.5	5	78.3	78.2	11	80.8	80.0	=12
	CSI boys	73.7	71.6	8	74.3	74.4	12	76.2	76.2	13
	CSI girls	82.0	79.6	5	82.7	82.2	11	85.6	84.0	=6
KS3 (14)	ENGLISH	75.5	69.5	2	76.8	72.5	5	82.5	76.0	2
	WELSH AS FIRST LANGUAGE	61.4	72.3	17/17	66.7	76.8	16/17	78.7	81.3	13/18
	MATHS	76.7	72.5	3	81.0	75.5	3	82.0	77.9	=5
	SCIENCE	78.2	73.7	=3	82.4	77.1	4	85.5	80.3	2
	CSI	64.6	59.6	4	69.3	63.7	6	73.8	68.0	4
	CSI boys	61.8	54.8	1	66.1	58.7	4	68.1	63.0	4
	CSI girls	67.5	64.5	6	72.5	69.0	=6	79.4	73.3	3
	ART	82.6	75.3	2	87.2	78.9	4	90.9	82.2	1
	DESIGN & TECHNOLOGY	83.7	75.1	1	84.0	78.1	4	87.1	81.3	4
	GEOGRAPHY	82.2	71.9	1	83.4	74.2	2	84.9	77.7	2
	HISTORY	81.2	71.8	1	82.8	74.4	1	85.9	77.7	2
	IT	81.4	76.4	3	86.9	80.6	3	89.0	83.1	3
	MODERN FOREIGN LANGUAGE	73.2	61.6	2	74.0	67.0	3	79.3	70.4	3
	MUSIC	75.0	71.5	7	85.2	77.0	1	85.2	80.4	5
	PHYSICAL EDUCATION	70.1	72.0	=15	78.1	73.9	5	81.5	78.0	6
WELSH AS SECOND LANGUAGE	58.4	54.1	8	66.4	59.4	4	69.9	64.6	4	
KS4 (16)	L2 Threshold (incl. E/W&M)*	45.2	45.6	10	58.5	49.4	1	58.2	50.1	1
	L1 Threshold *	90.1	86.8	3	94.0	89.7	1	93.7	90.3	2
	CSI *	45.2	45.6	10	57.6	48.0	1	57.3	48.7	1
	AVERAGE WIDER POINTS SCORE	347.8	356.0	14	385.1	394.0	13	414.0	423.0	15
	Attendance	92.5	91.0	1	92.2	91.1	1	92.4	91.4	=2
Unauthorised Absence	0.8	1.8	2	0.6	1.6	=2	0.5	1.5	=1	
NEETS	Not in Education, Employment & Training (NEET)	7.2	7.1	14	2.8	5.4	2	2.7	4.4	=1

* Definitions:

KS4 CSI - A*-C at GCSE in Eng/Welsh + Maths +Sc

KS4 L2 - 5A* - C at GCSE (or equiv) in A* - C in Eng/Welsh + Maths

KS4 L1 - 5A* - G at GCSE (or equiv)

x Data not available yet

CSI Core Subject indicator (CSI) at Key Stage 1,2 & 3 measures how well pupils are doing at English or Welsh as a first language, Maths and Science

Yellow Yellow above is benchmark for Free School Meals. The recorded figures were:
 . January 2011 14.7% (6th in Wales on FSM/deprivation)

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **HEAD OF FINANCE**

SUBJECT: **CAPITAL PROGRAMME 2011/12 (OUTTURN)**

1.00 PURPOSE OF REPORT

1.01 To provide Members with the capital programme outturn information for 2011/12.

2.00 BACKGROUND

2.01 The Council approved a Housing Revenue Account capital programme for 2011/12 of £10.059m at its meeting of 15th February 2011, and a Council Fund capital programme of £17.232m at its meeting of 1st March 2011.

3.00 CONSIDERATIONS

3.01 Programme - Movements

3.01.1 The table below sets out how the programme has changed during 2011/12.

	Council Fund	Housing Revenue Account	Total
	£m	£m	£m
Council 15.02.11. (HRA) and 01.03.11. (Council Fund)			
Original Capital Programme	17.232	10.059	27.291
Executive 18.10.11.			
Revised Capital Programme	29.038	12.597	41.635
Executive 13.12.11.			
Revised Capital Programme	29.240	11.450	40.690
Executive 27.03.12.			
Revised Capital Programme	26.303	11.745	38.048
Outturn Report			
As Previously Reported	26.303	11.745	38.048
Movement During the Final Quarter	3.339	0.143	3.482
	29.642	11.888	41.530
Other Changes During the Final Quarter			
Not Yet Committed (Previous Quarter) - Adjustment	0.133	0	0.133
Rollover (Slippage) to 2012/13 (Previous) - Adjustment	0.090	0	0.090
	29.865	11.888	41.753
Rollover (Slippage) to 2012/13 (Current)	(2.272)	(1.490)	(3.762)
Revised Programme and Outturn	27.593	10.398	37.991

3.01.2 From the table it can be seen that the previously reported programme total of £38.048m has decreased to £37.991m by way of the inclusion of net increased Council Fund schemes of £3.339m, increased HRA programme schemes of £0.143m, a 'not yet committed' adjustment of £0.133m, and a reduction of £0.090m to the month 9 rollover figure; these adjustments were offset by a year-end rollover total of £3.762m, £2.272m of which relates to the Council Fund, and £1.490m to the HRA.

3.01.3 Detailed cumulative information relating to each programme area is provided in Appendix A, and summarised below –

REVISED PROGRAMME	Original Budget 2011/12	Rollover from 2010/11	Changes	Not Yet Committed	Rollover to 2012/13	Savings	Outturn
	£m	£m	£m	£m	£m	£m	£m
Corporate Services	0.605	0.749	0.276	0	(0.697)	0	0.933
Clwyd Theatr Cymru	0.025	0.027	0.075	0	(0.050)	0	0.077
Community Services	3.965	2.313	(0.392)	0	(0.321)	0	5.565
Environment	5.846	2.765	3.435	(0.164)	(1.404)	(0.065)	10.413
Lifelong Learning	6.791	4.379	3.439	0	(3.800)	(0.204)	10.605
Council Fund Total	17.232	10.233	6.833	(0.164)	(6.272)	(0.269)	27.593
Housing Revenue Account	10.059	2.796	(0.967)	0	(1.490)	0	10.398
Programme Total	27.291	13.029	5.866	(0.164)	(7.762)	(0.269)	37.991

3.02 Changes During This Period

3.02.1 A summary of those changes recorded during the reporting period (together with supporting narrative), is provided in Appendix B.

3.03 Not Yet Committed (Generally Financed) Budgets

3.03.1 A Council Fund total of £0.164m (funded by way of general financing resources) was freed up during the course of the year, to be used for ongoing capital programme purposes; this represents a reduction of £0.133m to the figure reported at month 9, subsequent to the approval given to carry forward (into the 2012/13 capital programme) the funding for DDA compliance works at Buckley Westwood C.P. School).

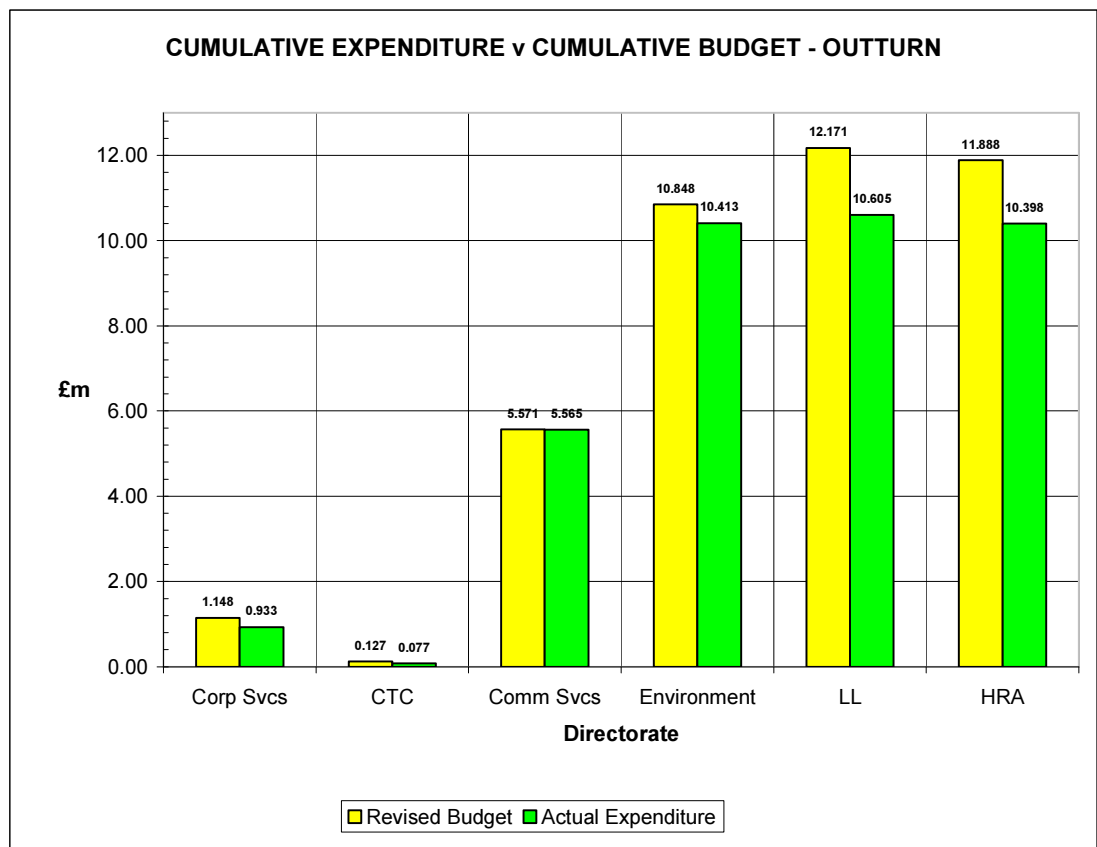
3.04 Capital Expenditure / Outturn v Revised Budget

3.04.1 Outturn across the whole programme amounted to £37.991m, representing 90.99% of the revised budget total of £41.753m (56.65% as at the previous quarter, and 69.59% at outturn 2010/11).

3.04.2 The Council Fund outturn v revised budget figure was 92.39% and the HRA equivalent 87.47% (as detailed in the table below). The outturn position (by directorate) is displayed in the chart over page.

EXPENDITURE/OUTTURN	Revised Budget	Outturn	Variance Outturn v Budget (Under)/Over	% Outturn v Budget
	£m	£m	£m	%
Corporate Services	1.148	0.933	(0.215)	81.27
Clwyd Theatr Cymru	0.127	0.077	(0.050)	60.63
Community Services	5.571	5.565	(0.006)	99.89
Environment	10.848	10.413	(0.435)	95.99
Lifelong Learning	12.171	10.605	(1.566)	87.13
Council Fund Total	29.865	27.593	(2.272) →	92.39
Housing Revenue Account	11.888	10.398	(1.490) →	87.47
Programme Total	41.753	37.991	(3.762) →	90.99

3.04.3 The significant variances (those greater than £0.025m) are individually listed in Appendix C, together with the reasons for such, and the required remedial action; all other variances (those less than £0.025m), are aggregated within Appendix C, for each directorate.



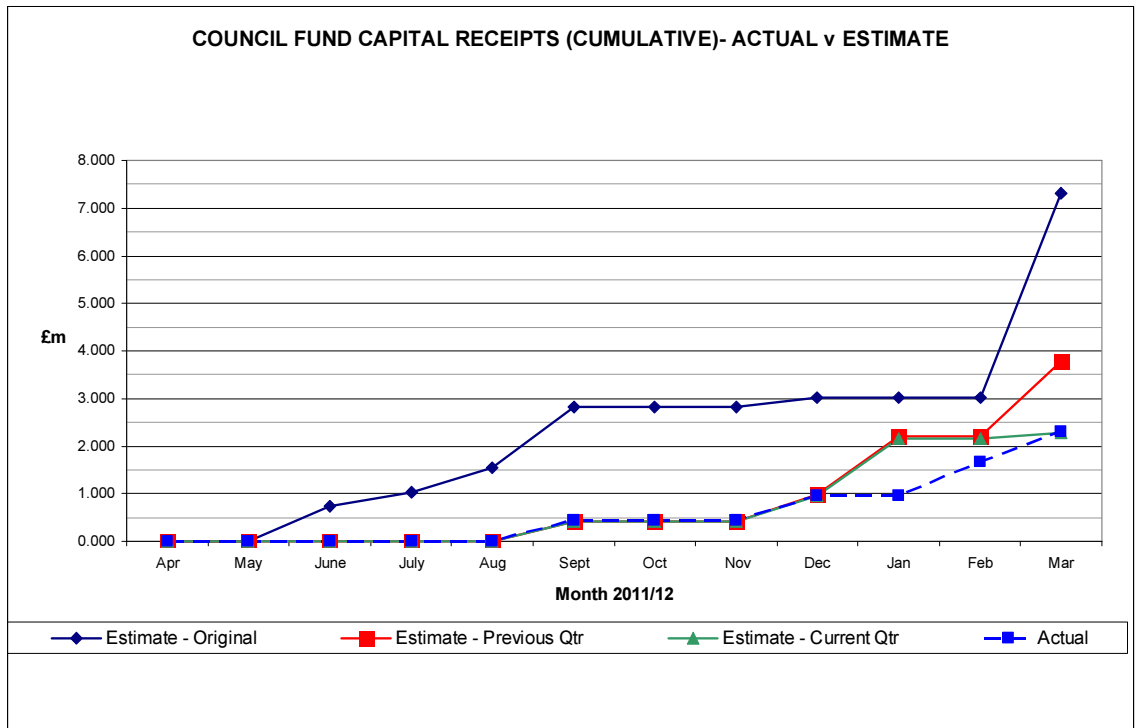
3.05 Financing

3.05.1 The capital programme outturn total was financed as summarised below –

FINANCING RESOURCES			
	General Financing	Specific Financing	
	Supported Borrowing / General Capital Grant / Capital Receipts	Grants & Contributions / CERA /Reserves/ Prudential Borrowing	Total Financing
	£m	£m	£m
Final Monitoring			
Council Fund	20.350	7.243	27.593
Housing Revenue Account	1.716	8.682	10.398
Outturn - Total Financing Resources	22.066	15.925	37.991

3.05.2 That element of the Council Fund total financed from general (non-specific) financing resources, relies in part on the generation of capital receipts from asset disposals. The chart over page provides details of the moving (cumulative) capital receipts position – 4 line graphs, 3 of which record the moving estimate and 1 recording actual receipts.

3.05.3 The cumulative position at month 9 was reported to Executive on 27th March 2012. At that time, the final 2011/12 capital receipts figure was forecast at £3.769m. The outturn position is a reduced total of £2.301m, influenced by a range of factors such as the re-profiling/rescheduling of the timing of anticipated receipts, revised values, and some movement of potential disposals to/from the list.



3.05.4 The HRA resources are ring-fenced and used only for HRA purposes.

3.06 Rollover (Slippage)

3.06.1 The value of 2011/12 rollover (Council Fund and HRA) at £7.762m, represents a significant reduction of £5.267m on the equivalent 2010/11 figure of £13.029m.

Within the total of £7.762m, is the £4.090m (now reduced to £3.999m) that was reported to Executive at the month 9 stage (Executive 27th March 2012); the £4.090m represented the value of reviewed spending plans in respect of programme works/contract retention releases in 2012/13.

Comparative year-on-year information is provided in the table below, with details of individual service rollover figures for 2011/12 provided as part of the Appendix A information.

ROLLOVER		Analysis		
From	Into	Total	Council Fund	HRA
		£m	£m	£m
2009/10	2010/11	9.698	7.326	2.372
2010/11	2011/12	13.029	10.233	2.796
2011/12	2012/13	7.762	6.272	1.490

4.00 RECOMMENDATIONS

4.01 The Cabinet is requested to note and approve the report.

5.00 FINANCIAL IMPLICATIONS

5.01 As set out in sections 2 and 3 of the report.

6.00 ANTI POVERTY IMPACT

6.01 None.

7.00 ENVIRONMENTAL IMPACT

7.01 Many of the schemes in the programme are designed to improve the environment, infrastructure and assets of the Authority.

8.00 EQUALITIES IMPACT

8.01 None.

9.00 PERSONNEL IMPLICATIONS

9.01 None.

10.00 CONSULTATION REQUIRED

10.01 None.

11.00 CONSULTATION UNDERTAKEN

11.01 None.

12.00 APPENDICES

12.01 Appendix A : Capital Programme – Changes During 2011/12
Appendix B : Changes During This Period
Appendix C : Variances

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Capital Programme Monitoring Papers 2011/12

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CAPITAL PROGRAMME - CHANGES DURING 2011/12

Council Fund :

Corporate Services

Information Technology

0.315 0.607 0 0.289 1.211 0 (0.212) (0.070) 0 0.929

Flintshire Connects

0 0 0.275 0 0.275 0 (0.270) (0.001) 0 0.004

Corporate Finance

0.290 0.142 (0.263) (0.025) 0.144 0 0 (0.144) 0 (0.000)

0.605 0.749 0.012 0.264 1.630 0.000 (0.482) (0.215) 0.000 0.933

Theatre

Clwyd Theatr Cymru

0.025 0.027 0.055 0.020 0.127 0 0 (0.050) 0 0.077

0.025 0.027 0.055 0.020 0.127 0.000 0.000 (0.050) 0.000 0.077

Community Services

Private Sector Renewal/Improvement

3.965 2.072 (0.518) 0 5.519 0 (0.315) (0.005) 0 5.199

Depot (Housing)

0 0.204 (0.170) 0 0.034 0 0 0.001 0 0.035

Learning Disability

0 0.001 0 0 0.001 0 0 0.001 0 0.002

Children's Service

0 0 0 0.276 0.276 0 0 0 0 0.276

Physical & Sensory Disability

0 0.010 0 0 0.010 0 0 (0.003) 0 0.007

Travellers' Sites

0 0.026 0.020 0 0.046 0 0 0 0 0.046

3.965 2.313 (0.668) 0.276 5.886 0.000 (0.315) (0.006) 0.000 5.565

Key to Headings {	(Changes :	Previous = Cumulative as at previous quarter
	(Current = As at this quarter (See Appendix B)
	{	Not Yet Committed :	Cumulative (See Section 3.03)
	(Rollover :	Cumulative (See 3.06)

APPENDIX A (Cont'd .)

CAPITAL PROGRAMME - CHANGES DURING 2011/12

	Original Budget 2011/12	Rollover from 2010/11	Changes (Previous)	Changes (Current)	Revised Budget	Not Yet Committed 2011/12	Rollover to 2012/13 (Previous)	Rollover to 2012/13 (Current)	Savings	Outturn 2011/12
	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m
Environment										
Administrative Buildings	0.752	0.649	0.214	0.083	1.698	0	(0.082)	(0.118)	(0.002)	1.496
Cemeteries	0	0.020	0	0	0.020	0	0	0	0	0.020
Industrial Units	0	0.023	0.300	0	0.323	0	0	(0.027)	(0.035)	0.261
Public Conveniences	0	0.017	(0.015)	0	0.002	0	0	0	0	0.002
Sustainable Waste Management	0	0.009	1.065	0.121	1.195	0	0	(0.009)	(0.028)	1.158
Engineering	0.448	0.437	0	0.033	0.918	(0.164)	(0.374)	(0.030)	0	0.350
General Environmental Enhancement	0.020	0.023	0.180	0.073	0.296	0	0	(0.008)	0	0.288
Highways	1.976	0.810	0.239	0.396	3.421	0	(0.072)	(0.156)	0	3.193
Planning Grant Schemes	0	0	0	0.006	0.006	0	0	0.000	0	0.006
Ranger Services	0	0.006	0	0.004	0.010	0	0	(0.010)	0	0
Regeneration	0.550	0.756	(0.394)	0.021	0.933	0	(0.440)	(0.078)	0	0.415
Transportation	2.100	0.015	0.024	1.085	3.224	0	0	0	0	3.224
	5.846	2.765	1.613	1.822	12.046	(0.164)	(0.968)	(0.436)	(0.065)	10.413

APPENDIX A (Cont'd .)

CAPITAL PROGRAMME - CHANGES DURING 2011/12

	Original Budget 2011/12	Rollover from 2010/11	Changes (Previous)	Changes (Current)	Revised Budget	Not Yet Committed 2011/12	Rollover to 2012/13 (Previous)	Rollover to 2012/13 (Current)	Savings	Outturn 2011/12
	£m	£m	£m	£m	£m	£m	£m	£m	£m	£m
Lifelong Learning										
Leisure Centres	0	0.001	0.234	0.002	0.237	0	0	0	0	0.237
Swimming Pools	0	0.013	0.002	0	0.015	0	0	0	0	0.015
Learning Pathways 14-19 Network	0	0.003	0.026	0.003	0.032	0	0	0	0	0.032
Countryside and Heritage	0	0	0.022	0	0.022	0	0	(0.010)	0	0.012
Recreation Grounds	0	0	0	0.005	0.005	0	0	0	0	0.005
Play Areas	0	0	0.368	0.073	0.441	0	0	(0.004)	0	0.437
Libraries	0	0.002	0	0.010	0.012	0	0	0	0	0.012
Education - General	4.240	0.204	(4.088)	0.189	0.545	0	(0.002)	0	(0.204)	0.339
Primary Schools	0.090	0.884	1.101	0.291	2.366	0	(0.067)	(0.517)	0	1.782
Schools Modernisation	2.385	1.557	2.440	0.140	6.522	0	(0.806)	(0.416)	0	5.300
Community Youth Clubs	0	0.007	0	0.002	0.009	0	0	0.002	0	0.011
Secondary Schools	0	0.739	1.454	0.082	2.275	0	(0.731)	(0.184)	0	1.360
Special Education	0	0.876	0.723	0.108	1.707	0	(0.601)	(0.428)	0	0.678
School Improvement	0	(0.001)	0.001	0.023	0.023	0	0	0	0	0.023
Early Years	0	0	0.183	(0.009)	0.174	0	0	0	0	0.174
Minor Works, Furniture & Equipment	0.076	0.004	0	0.038	0.118	0	0	0	0	0.118
Schools - Additional Funding	0	0.090	0.016	0.000	0.106	0	(0.027)	(0.009)	0	0.070
	6.791	4.379	2.482	0.957	14.609	0.000	(2.234)	(1.566)	(0.204)	10.605

APPENDIX A (Cont'd .)

CAPITAL PROGRAMME - CHANGES DURING 2011/12

Housing Revenue Account :

Housing Revenue Account
Programme

Original Budget 2011/12	Rollover from 2010/11	Changes (Previous)	Changes (Current)	Revised Budget	Not Yet Committed 2011/12	Rollover to 2012/13 (Previous)	Rollover to 2012/13 (Current)	Savings	Outturn 2011/12
£m	£m	£m	£m	£m	£m	£m	£m	£m	£m
10.059	2.796	(1.110)	0.143	11.888	0	0	(1.490)	0	10.398
10.059	2.796	(1.110)	0.143	11.888	0.000	0.000	(1.490)	0.000	10.398

Totals :

Council Fund

Housing Revenue Account

Grand Total

17.232	10.233	3.494	3.339	34.298	(0.164)	(3.999)	(2.273)	(0.269)	27.593
10.059	2.796	(1.110)	0.143	11.888	0	0	(1.490)	0	10.398
27.291	13.029	2.384	3.482	46.186	(0.164)	(3.999)	(3.763)	(0.269)	37.991

CHANGES DURING THIS PERIOD					
	Detail (With General Funding Unless Specified)	Increase *	Decrease	Net	Total
		£m	£m	£m	£m
Council Fund :					
Corporate Services					
Corporate Finance	Movement of budget to Lifelong Learning (Recreation Grounds £0.005m), and return of over-provided budget from Environment (Administrative Buildings £0.018m and Ranger Services £0.006m) - Health & Safety related works				
	Movement of budget to Clwyd Theatr Cymru £0.020m, Environment £0.012m and Lifelong Learning £0.012m for Feasibility studies	0.019	(0.044)	(0.025)	
Information Technology	Servers £0.204m, and ICT Security £0.085m - Capital Expenditure financed from Revenue Account (CERA)	0.289		0.289	
		0.308	(0.044)	0.264	0.264
Clwyd Theatr Cymru					
Programme	Theatre Feasibility Study, funded from corporate provision	0.020		0.020	
		0.020	0.000	0.020	0.020
Community Services					
Children's Services	Works at Arosfa, Mold £0.273m and other minor capital works £0.003m - CERA	0.276		0.276	
		0.276	0.000	0.276	0.276
Environment					
Administrative Buildings	Energy Efficiency Measures - Funding/Salix contributions £0.089m, Asset Disposal costs £0.012m and reduced funding requirement for Health and Safety Works (£0.018)	0.101	(0.018)	0.083	
Sustainable Waste Management	Wheeled Bins - prudential borrowing in place of leasing for which revenue cover exists £0.085m, Sandycroft Recycling Park - Welsh Government funding £0.036m	0.121		0.121	
Engineering	Welsh Government Land Drainage funding for works at Leeswood £0.002m and flood alleviation scheme, Mold £0.031m	0.033		0.033	
General Environmental Enhancement	Welsh Government Substance Misuse Action Fund funding £0.047m and Countryside Council for Wales funding £0.026	0.073		0.073	
Highways	Warren Bank, Broughton - Welsh Government grant £0.394m, and Highways feasibility study funded from corporate provision £0.002	0.396		0.396	
Planning Grant Schemes	Tree planting works funded by way of Section 106 monies - Castle Cement	0.006		0.006	
Ranger Services	Visitor Centre, Wepre Park, Feasibility Study, funded from corporate provision £0.010m, and reduced funding requirement for Health & Safety Works	0.010	(0.006)	0.004	
Regeneration	Holywell Townscape Heritage Initiative - Heritage Lottery Fund/CADW funding	0.021		0.021	
Transportation	Additional Welsh Government Taith Smartcard funding £0.110m and Taith Consortium Bus Strategy funding £1.217m, offset by reduced Taith allocations £0.242	1.327	(0.242)	1.085	
		2.088	(0.266)	1.822	1.822

CHANGES DURING THIS PERIOD (continued)					
	Detail (With General Funding Unless Specified)	Increase *	Decrease	Net	Total
		£m	£m	£m	£m
Council Fund :					
	Lifelong Learning				
Leisure Centres	Deeside Leisure Centre - Sports Council Funding	0.002		0.002	
Learning Pathways 14-19 Network	Adjusted Welsh Government funding	0.003		0.003	
Recreation Grounds	Pandy Pool, Health and Safety related works	0.005		0.005	
Play Areas	Section 106 monies/Grants & Contributions £0.050m and CERA £0.032m	0.073		0.073	
Libraries	Buckley Museum refurbishment works	0.010		0.010	
Education - General	ICT Equipment - prudential borrowing in place of leasing for which revenue cover exists	0.189		0.189	
Primary Schools	Welsh Government Investment & Maintenance Grant £0.289m; Caerwys CP - Feasibility Study, funded from corporate provision £0.002m	0.291		0.291	
Schools Modernisation	net funding adjustment with the introduction of Welsh Government Additional School Improvement Grant £0.130m; Feasibility Study (Argoed School), funded from corporate provision £0.010m	0.140		0.140	
Community Youth Clubs	Works at Gronant and Holywell Youth Centre - CERA	0.002		0.002	
Secondary Schools	Welsh Government Investment & Maintenance Grant	0.082		0.082	
Special Education	Welsh Government Investment & Maintenance Grant	0.108		0.108	
School Improvement	Welsh Government funding adjustment	0.023		0.023	
Early Years	Foundation phase - Adjusted Welsh Government funding (£0.018k), offset in part by client contributions £0.009m		(0.009)	(0.009)	
Schools - Furniture & Equipment	Welsh Government Schools Target Hardening Grant	0.038		0.038	
		0.966	(0.009)	0.957	0.957
Total - Council Fund					3.339
Housing Revenue Account :					
	Housing Revenue Account Programme				
	Reduced Fuel Substitution Grant funding £0.244m (net), offset by Community Energy Saving Programme (CESP) funding of £0.093m, and Fusion 21 funding £0.047m, together with additional CERA £0.247	0.387	(0.244)	0.143	
		0.387	(0.244)	0.143	0.143
Grand Total					3.482
					3.482

* Increases reflect new funding

CORPORATE SERVICES

Capital Budget Monitoring 2011/12 (Month 12)

Programme Area	Total Budget (£m)	Profiled Budget (£m)	Actual Exp. (£m)	Variance (Under)/Over (£m)	Variance Previous Quarter (£m)	Cause of Variance	Action Required
Information Technology	0.999	0.999	0.929	(0.070)	0.00	As soon as the new procurement contract was finalised, an order for £0.034m was placed with the new supplier as planned but delivery did not take place until April. The remaining variance relates to the contract for the new Telephone System. This budget is committed as part of the contract but elements of the programme were not complete at 31 March.	
Corporate Finance	0.144	0.144	0.000	(0.144)	0.000		The corporately held Health & Safety and Feasibility Studies budgets will be vired to programme areas as required.
Other Variances (Aggregate)	0.005	0.005	0.004	(0.001)	0.000		
Total:	1.148	1.148	0.933	(0.215)	0.000		

Variance = Expenditure v Profiled Budget

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CLWYD THEATR CYMRU

Capital Budget Monitoring 2011/12 (Month 12)

Programme Area	Total Budget (£m)	Profiled Budget (£m)	Actual Exp. (£m)	Variance (Under)/Over (£m)	Variance Previous Quarter (£m)	Cause of Variance	Action Required
Minor Works	0.050	0.050	0.000	0.050	0.000	The variance of £50k is wholly attributable to the feasibility study for the Major Capital Project for the theatre. The contract has been let and the study is expected to be completed around the end of July 12. As yet, there has been no spend allocated to this project.	
Other Variances (Aggregate)	0.077	0.077	0.077	0.000	0.000		
Total:	0.127	0.127	0.077	0.050	0.000		

Variance = Expenditure v Profiled Budget

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COMMUNITY SERVICES

Capital Budget Monitoring 2011/12 (Month 12)

Programme Area	Total Budget (£m)	Profiled Budget (£m)	Actual Exp. (£m)	Variance (Under)/Over (£m)	Variance Previous Quarter (£m)	Cause of Variance	Action Required
Private Sector Renewal and Improvement :							
Other Variances (Aggregate)	5.204	5.204	5.199	(0.005)	0.046		
Other Programme Areas :							
Other Variances (Aggregate)	0.367	0.367	0.366	(0.001)	(0.017)		
Total :	5.571	5.571	5.565	(0.006)	0.029		

Variance = Expenditure v Profiled Budget

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ENVIRONMENT

Capital Budget Monitoring 2011/12 (Month 12)

Programme Area	Total Budget (£m)	Profiled Budget (£m)	Actual Exp. (£m)	Variance (£m)	Variance Previous Quarter (£m)	Cause of Variance	Action Required
Administrative Buildings & Energy (ZTB)	1.614	1.614	1.496	(0.118)	(0.235)	<ul style="list-style-type: none"> Fire Safety Order Works totalling £84k were not completed as planned. Work totalling £20k at Theatre Clwyd Car Park and £10k on Hawarden Rectory will now be completed in 2012/13 	<ul style="list-style-type: none"> Ensure all committed works are completed as soon as possible in the 2012/13 financial year. Listed building consent awaited before work to commence on Rectory
Engineering (ZTE)	0.381	0.381	0.351	(0.030)	0.029	<ul style="list-style-type: none"> The level of anticipated costs on Mold Flood Alleviation (FA) Scheme up to the 31st March were slightly under what was anticipated 	<ul style="list-style-type: none"> Approval given for WEFO funding element of the Mold FA scheme. WG funding will only be released upon completion of detailed design. Scheme due to be completed during 2013/14.
Highways (ZTH)	0.957	0.957	0.912	(0.045)	(0.028)	<ul style="list-style-type: none"> Works at Halkyn Road, Holywell will now be completed in 2012/13 fully utilising the remaining Section 106 monies 	
Neighbourhood Services (ZTH)	2.392	2.392	2.281	(0.111)	(0.098)	<ul style="list-style-type: none"> The anticipated commitment for the Local Asset Backed Vehicle (LABV) was not required in 2011/12 and this is likely to now be required in 2012/13 	

ENVIRONMENT

Capital Budget Monitoring 2011/12 (Month 12)

Programme Area	Total Budget (£m)	Profiled Budget (£m)	Actual Exp. (£m)	Variance (£m)	Variance Previous Quarter (£m)	Cause of Variance	Action Required
Regeneration (ZTS)	0.493	0.493	0.415	(0.078)	(0.018)	<ul style="list-style-type: none"> The anticipated project expenditure for the Flint Townscape Heritage Initiative scheme has been delayed due to some third parties involved required to meet the funding requirements of the Heritage Lottery Fund, together with obtaining the necessary permissions to complete the works. 	
Industrial Units (ZTU)	0.288	0.288	0.261	(0.027)	(0.002)	<ul style="list-style-type: none"> Work on the access road to Bromfield Industrial Estate, Mold will now take place in April 2012 	<ul style="list-style-type: none"> Ensure all committed works are completed as soon as possible in the 2012/13 financial year
Other Variances (Aggregate)	4.725	4.725	4.697	(0.028)	(0.278)	<ul style="list-style-type: none"> Cumulative variances over the remaining capital programme within the Environment Directorate 	
TOTAL	10.850	10.850	10.413	(0.437)	(0.630)		

Variance = Expenditure v Profiled Budget

LIFELONG LEARNING

Capital Budget Monitoring 2011/12 (Month 12)

Programme Area	Total Budget (£m)	Profiled Budget (£m)	Actual Exp. (£m)	Variance (£m)	Variance Previous Quarter (£m)	Cause of Variance	Action Required
Primary Schools	2.299	2.299	1.782	(0.517)	(0.151)	Various. Delayed invoices from Contractors / unreleased retention due to defects / Use of Additional Allocation from WG / etc.	
Schools Modernisation	5.716	5.716	5.300	(0.416)	0.006	£377k rollover on CQ Amalgamation (3 year scheme). £39k rollover Shotton Amalgamation (at Design Stage).	
Secondary Schools	1.544	1.544	1.360	(0.184)	(0.017)	Delayed schemes. Use of Additional Allocation from WG has resulted in £105k rolling forward on Saltney, St. Davids.	
Special Education	1.106	1.106	0.678	(0.428)	0.008	Various. Delayed invoices, unreleased retentions due to defects / Use of Additional Allocation from WG / etc. £133k released funding reallocated to LLL following decision of Executive 27th March 2012.	
Other Variances (Aggregate)	1.506	1.506	1.485	(0.021)	(0.020)		
Total:	12.171	12.171	10.605	(1.566)	(0.174)		

Variance = Expenditure v Profiled Budget

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HOUSING REVENUE ACCOUNT (HRA)

Capital Budget Monitoring 2011/12 (Month 12)

Programme Area	Total Budget (£m)	Profiled Budget (£m)	Actual Exp. (£m)	Variance (£m)	Variance Previous Quarter (£m)	Cause of Variance	Action Required
Major Works	7.270	7.270	5.931	1.339	(0.133)	<p>Glan -y-Morfa - (Variance £0.102m)</p> <ul style="list-style-type: none"> Phase 2 contract price lower than anticipated due to good tender return. Works complete and available funds will be rolled over for Glan-y-Morfa phase 3. <p>Fire Risk Assessments - (Variance £0.685m)</p> <ul style="list-style-type: none"> Delays progressing work is principally due to revised specifications imposed by the Fire Officer this program will roll over and complete in 12/13. <p>DDA Audit - (Variance £0.059m)</p> <ul style="list-style-type: none"> Pre-tender technical preparation and extended 	

HOUSING REVENUE ACCOUNT (HRA)

Capital Budget Monitoring 2011/12 (Month 12)

Programme Area	Total Budget (£m)	Profiled Budget (£m)	Actual Exp. (£m)	Variance (£m)	Variance Previous Quarter (£m)	Cause of Variance	Action Required
						<p>consultation has slowed progress on this project. The remaining works will complete in early 12/13</p> <p>Maisonettes - (Variance £0.222m)</p> <ul style="list-style-type: none"> Flint Regeneration Home loss payments. Remaining tenants to be decanted throughout 12/13 	
Accelerated Programmes	0.796	0.796	0.774	0.022	0.004	Rollover is due to retentions	
WHQS Improvements	2.264	2.264	2.135	0.129	0.087	Retentions and some Kitchens replacements pushed into 12/13 due to No access.	
Disabled Adaptations	1.196	1.196	1.196	0.00	0.195		

HOUSING REVENUE ACCOUNT (HRA)

Capital Budget Monitoring 2011/12 (Month 12)

Programme Area	Total Budget (£m)	Profiled Budget (£m)	Actual Exp. (£m)	Variance (£m)	Variance Previous Quarter (£m)	Cause of Variance	Action Required
Other Variances (Aggregate)	0.362	0.362	0.362	0.000	(0.034)		
Total:	11.888	11.888	10.398	1.490	0.119		

Variance = Expenditure v Profiled Budget

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **HEAD OF FINANCE**

SUBJECT: **REVENUE BUDGET MONITORING 2012/13**

1.00 PURPOSE OF REPORT

1.01 To provide Members with an update on revenue budget monitoring for the Council Fund and Housing Revenue Account (HRA).

2.00 BACKGROUND

2.01 The HRA for 2012/13 was agreed by Council on 21st February 2012 and the Council Fund was agreed on 1st March 2012.

3.00 CONSIDERATIONS

3.01 As in previous years, during the early part of the financial year 2012/13, resources have been dedicated to the closure of the accounts for 2011/12 as a first priority. The draft Statement of Accounts is to be presented to the Audit Committee on 17th July and the 2011/12 revenue outturn report is included on the agenda for this meeting.

3.02 Whilst detailed budget monitoring has been deferred for final accounts work, the Corporate Finance Team continue to liaise with all directorates to ensure that any significant issues are identified at an early stage and corrective actions put in place.

3.03 The areas that have been subject to the most review are those in relation to the impacts of the economy, demographic and organisational change and a number of potential variances have been identified. However Directors are, as required by the Council's financial procedure rules, working on the basis of managing any shortfall identified within their overall cash limited budgets.

3.04 Now that the draft Statement of Accounts and final outturn for 2011/12 have been completed, full detailed monitoring is being carried out on both the Council Fund and HRA budgets.

- 3.05 At this early stage in the financial year, projecting the outturn position on a number of budgets is challenging, particularly where they are demand led. Detailed below are some of the potential risks/financial pressures that have been identified to date that may affect the financial position.
1. *Out of County Placements* – Although 2011/12 saw a reduction in the costs of this service, it still remains demand led and subject to volatility due to the numbers and high costs of individual placements.
 2. *Leisure* – There are pressures within Leisure relating to the continued new redevelopments and the delay in the implementation of the new staffing structure (which is now estimated to be implemented in November 2012).
 3. *Facilities* – The directorate is currently working to mitigate the following risks:
 - *Catering Service* – currently projected to overspend, however project plans have been developed to capture and initiate the recommendations of the APSE review. The project scope includes work on cost reduction / procurement, improved and themed menus, take-up strategies and on-line payments.
 - *Cleaning Service* – loss of income from contracts such as Mold Law courts will require restructuring of the service and budgets
 4. *Free School Meals and School Remissions* – The pressures identified during 2011/12 within these two budgets is likely to continue due to the economic climate.
 5. *Occupational Therapy Service* – Pressure identified due to increasing demand for this service. It is hoped that the implementation of new processes will reduce this pressure.
 6. *Family Placement* – Continuation of pressure as a result of an increase in the number of foster care places within the service and the increasing number of court orders for Residence and Specific Guardianship which invariably attract an ongoing allowance for the carers.
 7. *Housing Services* – Projected high demand due to the current economic climate and recent Welfare Reforms.
 8. *Streetscene* – Projected overspend due to the delay in full implementation of the 6 day working week.
- 3.06 The first priority for Service managers is to work to manage these pressures within their budgets both through positive management action to address the pressure, and the identification of further in year efficiencies to mitigate their effects, before considering any corporate support for temporary budget flexibility. In particular levels of vacancy

savings are likely to remain high due to the delay in implementation of service reviews (eg Public Protection).

- 3.07 A detailed report on the projected outturn for the Council Fund and HRA, as at the end of first quarter (Month 3 June), will be presented to Cabinet in September.

CONTINGENCY RESERVE

- 3.08 The final level of contingency reserve brought forward into 2012/13 was £0.992m as detailed in the final outturn report (also on this agenda).

- 3.09 The final outturn report notes that this figure is after taking into account the following commitments in 2012/13:
- The use of £0.973m to meet one-off / timelimited costs in 2012/13 (as agreed during the 12/13 budget process)
 - The ringfencing of £1.500m to support Organisational Change costs in 12/13 (as recommended and agreed in the Month 11 monitoring report).

4.00 RECOMMENDATIONS

- 4.01 Cabinet is recommended to note the report.

5.00 FINANCIAL IMPLICATIONS

As set out in the report

6.00 ANTI POVERTY IMPACT

None directly as a result of this report.

7.00 ENVIRONMENTAL IMPACT

None directly as a result of this report.

8.00 EQUALITIES IMPACT

None directly as a result of this report.

9.00 PERSONNEL IMPLICATIONS

None directly as a result of this report.

10.00 CONSULTATION REQUIRED

None directly as a result of this report.

11.00 CONSULTATION UNDERTAKEN

None directly as a result of this report.

12.00 APPENDICES

None.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **HEAD OF FINANCE**

SUBJECT: **REVENUE BUDGET MONITORING 2011/12
(OUTTURN)**

1.00 PURPOSE OF REPORT

1.01 To inform members of the Council Fund and the Housing Revenue Account Outturn for 2011/12 (subject to audit) and the impact on the respective level of reserves as at 31st March 2012. The figures are included in the Draft Statement of Accounts 2011/12 which will be reported to Audit Committee on 17th July.

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Appendix 9	Council Fund - Achievement of Efficiencies

2.00 BACKGROUND

2.01 Members are requested to note the final outturn as detailed below:

- Council Fund – Net underspend of £2.835 (Underspend of £2.266m at Month 11)
- Housing Revenue Account – Net underspend of £0.737m (Underspend of £0.497m at Month 11)

3.00 **CONSIDERATIONS**

- 3.01 The last report to Cabinet on 12 June detailed the position at month 11. Therefore the table below compares the final outturn position to month 11.

COUNCIL FUND

- 3.02 The table below shows a final outturn in-year underspend of £2.835m.

TOTAL EXPENDITURE AND INCOME	Original Budget	Revised Budget	In-Year Over / (Under) spend		Non Ring-fenced		Ring-fenced	
			Month 11	Final Outturn	Month 11	Final Outturn	Month 11	Final Outturn
	£m	£m	£m	£m	£m	£m	£m	£m
Directorates								
Community Services	57.374	57.220	(1.932)	(1.917)	(1.279)	(1.264)	(0.653)	(0.653)
Environment	32.262	31.811	(0.118)	(0.130)	(0.118)	(0.130)	-	-
Lifelong Learning	109.110	110.696	1.341	1.325	1.812	1.796	(0.471)	(0.471)
Corporate Services	16.436	18.486	(0.569)	(0.565)	(0.569)	(0.565)		
Total Directorates	215.182	218.213	(1.278)	(1.287)	(0.154)	(0.163)	(1.124)	(1.124)
Central and Corporate Finance	26.190	23.159	(0.988)	(1.548)	(0.988)	(1.548)		
Total	241.372	241.372	(2.266)	(2.835)	(1.142)	(1.711)	(1.124)	(1.124)

- 3.03 The Original Budget column reflects the budget approved by Council on 1st March 2011. The Revised Budget column reflects in-year virements which have been approved in compliance with Financial Procedure Rules, and includes a number of technical adjustments such as the allocations from central contingencies, non-standard inflation, single status project costs, and the contributions to the cost of employment efficiency being moved from Corporate Services to Central and Corporate Finance.
- 3.04 The significant in-year variances at final outturn are detailed in Appendices 2-6 (Council Fund), and Appendix 8 (HRA). The significant changes for the Council Fund from Month 11 are detailed in Appendix 1.
- 3.05 The underspend of £2.835m is made up of a £1.287m underspend on services, increased by a £1.548m underspend from Central and Corporate Finance. The underspend represents 1.2% of the Council's Net Budget and shows that the Council has kept expenditure within its means whilst still meeting priorities and performance standards. The main reason for the movement from Month 11 relates to the reviewed accounting treatment for the impairment of Landsbanki investments. This followed the issuing of revised guidance on 1st June 2012 which reduced the impairment charges by £0.361m.

PROGRAMME OF EFFICIENCIES

- 3.06 The 2011/12 budget contained £8.920m of specific efficiencies. This was an ambitious target and as such the level of achievement has been monitored regularly throughout the year. The Month 11 Report stated that this report would provide an analysis of the final position on the 2011/12 programme of efficiencies. This analysis (summarised in the table below) indicates that £7.897m (88.5 %) of the efficiencies included in the 11/12 budget have been

achieved, resulting in a net under-achievement of £1.023m. This good level of achievement is broadly consistent with the projected figures throughout the year. It is important to note that the impact of this analysis is already accounted for in the overall final outturn figures.

Status of Efficiency	Value of Budgeted Efficiency £m	Value of Projected Efficiency £m	(Under) Over Achievement £m
ALREADY ACHIEVED	5.500	6.005	0.505
ACHIEVEABLE IN PART	3.022	1.892	(1.130)
NOT ACHIEVEABLE	0.398	0.000	(0.398)
Total	8.920	7.897	(1.023)

3.07 Appendix 9 provides further details for each Directorate.

BRIEF OVERVIEW OF THE YEAR

3.08 The 2010/11 Outturn report to Executive in July advised that the final level of unearmarked reserves was £1.808m more than the £0.291m anticipated when the 2011/12 budget was set. The 2011/12 budget was funded by a temporary use of reserves of £1.613m and this was repaid early from these additional resources.

3.09 The projected outturn was relatively consistent through months 3 – 6 ranging from a projected overspend of £0.233m to £0.320m. During the latter part of 2011, attention focussed on ensuring a balanced 2012/13 budget, both in terms of the recurring base budget and the identification of one-off funding made available through an increased contingency reserve.

3.10 Management actions were put in place to review spending commitments with a view to eliminating the 2011/12 projected overspend and also to identify areas that could contribute to the 2012/13 budget on a recurring and one-off basis.

3.11 The financial projection significantly improved over the subsequent months and resulted in the final outturn position detailed in this report. This was due to a number of factors including:

- Vacancy savings relating to service reviews, such as Transforming Social Services for Adults, in preparation for implementation during 2012/13
- Out of County placements underspent by £0.922m (compared to an overspend of £1.015m in 2010/11) due partly to the work of the task and finish group and their regional partners
- Increased income from investments (£0.208m)
- Greater than anticipated refunds of VAT following House of Lords decision (Fleming and Conde Nast Publications Ltd) were received

totalling £0.685m

- The one-day of industrial action resulted in a reduction in staffing costs of £0.240m
- A review of centrally held contingencies relating to superannuation costs resulted in a saving of £0.487m
- A late notification of a change in accounting for impairment of Landsbanki investments resulted in a benefit to the council of £0.361m

3.12 The increase in the unearmarked reserves towards the end of the financial year has enabled the Council to set aside funding of £0.973m for one-off pressures in the 2012/13 budget and create a ringfenced reserve of £1.500m for investment in organisational change.

4.00 NON STANDARD INFLATION / CENTRAL CONTINGENCIES

NON STANDARD INFLATION

4.01 The 2011/12 budget included £0.547m for items where costs were likely to increase by more than the standard rate of inflation. During the year these amounts have been held centrally until the additional requirement could be demonstrated. The final position in relation to these items is detailed below:-

- Fuel costs (£0.060m) – allocated in full.
- Street lighting energy (£0.037m) – allocated in full
- Energy costs (£0.450m) – an amount of £0.367m has been allocated. The remaining (£0.083m) was not required and forms part of the underspend within central and corporate.

CENTRAL CONTINGENCIES

4.02 The budget for 2011/12 included base budget provision of £0.337m in respect of increased employers pension contribution and £0.150m relating to the review of relief staff. As previously reported these amounts are no longer required and are shown as an underspend within central and corporate.

4.03 A further one-off contingency of £2.159m was also included in the 2011/12 budget relating to one-off exit costs associated with service modernisation. An amount of £1.344m of this allocation was spent in 2011/12 with the remaining £0.815m being carried forward into 2012/13 in line with the timing of the completion of the relevant service reviews.

5.00 UNEARMARKED RESERVES

5.01 The 2010/11 final outturn reported to Executive on 19th July showed unearmarked reserves at 31st March 2011 (above the base level of £5.476m) of £2.099m.

5.02 Appendix 7 details the movements during 2011/12 on unearmarked reserves and the level of contingency sum available. As a result of these movements

the final level of Contingency Reserve is £0.992m (above the base level of £5.476m). This takes into account the following commitments in 2012/13 as agreed in previous monitoring reports:

- The use of £0.973m to meet one-off / timelimited costs in 2012/13 (approved in the 2012/13 budget report)
- The ringfencing of £1.500m to support Organisational Change costs in 2012/13 (approved in the Month 11 monitoring report).

5.03 The remaining Contingency Reserve of £0.992m is £0.578m more than the £0.414m estimated when the 2012/13 Council Fund revenue budget was approved by County Council at the meeting on 1st March 2012.

SERVICE BALANCES

5.04 Service balances are made up of those balances held by departments which have previously been agreed can be carried forward. The Final Balances for these items are summarised below:-

	Estimated Balance as per Budget report 01/04/12 £m	Actual Balance as per Final Outturn 01/04/12 £m
Community Services	0.506	0.352
Environment	0.779	1.654
Lifelong Learning	0.050	0.043
Corporate Services	0.500	1.143
	1.835	3.192

6.00 HOUSING REVENUE ACCOUNT

6.01 On 15th February 2011, the Council approved a Housing Revenue Account (HRA) budget for 2011/12 of £25.262m. The budget provides for a closing balance of £0.885m, which at 3.5% of total expenditure satisfies the prudent approach of ensuring a minimum level of 3%.

6.02 The 2010/11 final outturn reported to Executive on 19th July 2011 showed a closing balance at the end of 2010/11 of £1.487m which was £0.236m higher than when the 2011/12 budget was set. This had the effect of increasing the opening balance for 2011/12 by the same amount.

6.03 The final outturn for 2011/12 is an underspend of £0.737m, which represents an increase of £0.240m on the projected position reported at Month 11. The HRA shows a final closing balance of £1.857m which at 7.35% of the total expenditure satisfies the prudent approach of ensuring a minimum level of 3%. The final year end balance (subject to audit) is £0.753m greater than the £1.104m that was projected when the 2012/13 HRA budget was approved at

the Council meeting on 21st February 2012.

6.04 Appendix 8 details the reasons for significant variances to budget for the year.

BRIEF OVERVIEW OF THE YEAR

6.05 The 2011/12 HRA budget provided for a total revenue contribution of £3.235m towards the funding of capital expenditure (CERA). During the year the following increases were approved to meet increased revenue expenditure on vacant properties:

- An amount of £0.450m was approved at Executive on 20th September 2011 (Month 3 report)
- An amount of £0.200m was approved at Executive on 27th March 2012 (Month 9 report)

6.07 The continued improvement in the financial management of the HRA during 2011/12 has also helped to enable delivery of the following service developments and improvements:-

Repairs Service:

- Service modernisation
- Outsourced stores to Travis Perkins
- Improved empty property periods
- Introduction of mobile working
- Repairs appointment and texting pilots
- Continued high investment in Capital improvements - from CERA

7.00 RECOMMENDATIONS

7.01 Members are recommended to:-

- a) Note the overall report.
- b) Note the final Council Fund Contingency Sum as at 31st March 2012 (Section 5).
- c) Note the final level of balances on the Housing Revenue Account (para. 6.03)

8.00 FINANCIAL IMPLICATIONS

The financial implications are as set out in Sections 3.00 – 6.00 of the report.

9.00 ANTI-POVERTY/ENVIRONMENTAL IMPACT

None

10.00 PERSONNEL IMPLICATIONS

None

11.00 CONSULTATION UNDERTAKEN

None

12.00 APPENDICES

Council Fund – Movement in Variances from Month 11 – Appendix 1

Council Fund Variances – Appendices 2 – 6

Council Fund – Movements on unearmarked reserves – Appendix 7

Housing Revenue Account Variances – Appendix 8

Council Fund - Achievement of Efficiencies – Appendix 9

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

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**COUNCIL FUND - REVENUE BUDGET 2011/12
FLINTSHIRE COUNTY COUNCIL**

**Budget Monitoring (Final Outturn)
Summary of Movement from Month 11**

	£m	£m
Month 11		
Out of County Ringfenced Budget	(0.922)	
Service Directorates	(0.356)	
Central and Corporate Finance	(0.988)	
Variance as per Executive Report		(2.266)
Final Outturn		
Out of County Ringfenced Budget	(0.922)	
Service Directorates	(0.365)	
Central and Corporate Finance	(1.548)	
Variance as per Directorate Returns		(2.835)
Change Requiring Explanation		(0.569)
<u>Community Services</u>		
• Minor changes of less than £0.050m	0.015	
		0.015
<u>Environment</u>		
• Routine Maintenance - Increased tipping fees for gully emptying between August and March as a result of the loss of the DIP facility have been offset by other areas of Routine Maintenance.	(0.038)	
• Waste Disposal and Civic Amenity Sites - Reallocation of Civic Amenity Site costs.	0.076	
• Minor changes of less than £25k	(0.050)	
		(0.012)
<u>Lifelong Learning</u>		
• Facilities Services - The projected effect of the warm March weather on catering income in schools worse than projected at Month 11.	0.054	
• Minor changes of less than £25k	(0.070)	
		(0.016)
<u>Corporate Services</u>		
• Minor changes of less than £5k	0.004	
		0.004
<u>Central and Corporate</u>		
• Central Loans and Investment Account - Net effect of a decrease in management expense of £0.039m, increase in interest income of £0.045, a decrease in the Minimum Revenue Position of £0.018m and a year end depreciation charge surplus of £0.047m.	(0.149)	

- Corporate (Other) - Net effect of the following variances: (0.315)

A previously reported pressure due to a payment of £0.075m to Conwy CC for the Regional Transformation Fund has now been accrued into the 2012/13 accounts following late notification by Conwy that the project was underspent in 2011/12.

The Collection Fund surplus outturn was £0.050m less than had been projected at Month 11.

A centrally held budget of £0.121m for NNDR charges on empty properties was not required by the service. This budget will remain for 12/13 but will be reviewed as part of the MTFP.

A reduction in Landsbanki Impairment of investment costs of £0.361m. This is a result of reviewed accounting treatment for the impairment of investments in accordance with the latest guidance received (LAAP82 - received June 1st 2012) which resulted in a more favourable position for the Council due to the effective reduction in the value of impairment charge to the revenue account in previous years.

The Net effect of the year-end Support Service recharges has resulted in an overspend of £0.192m. This largely relates to charges that have in the past been charged

- Other minor variances (0.096)

(0.560)

(0.569)

Total changes

COMMUNITY SERVICES

APPENDIX 2

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Day Services (Services for Older People)	1.309	1.110	(0.199)	(0.198)	Early impact of transport review (£0.033m) together with a reduction in the use of agency staff by utilising in house services (£0.020m) and Independent Sector provision (£0.032k).	Keep under review pending completion of Transforming Social Services for Adults (TSSA) programme.
Community Re-enablement (Services for Older People)	0.383	0.343	(0.040)	(0.040)	Mostly due to income exceeding budget offset by overspends in other areas.	Keep under review pending completion of Transforming Social Services for Adults (TSSA) programme.
Domiciliary Support (Services for Older People)	7.632	7.370	(0.262)	(0.262)	Increase in complexity of need and number of clients supported to live at home. This is resulting in an Increase in the amount of support to clients in need of double manning and complex care which has a significant impact on cost. However, changes to the delivery of the service, including reablement as part of TSSA, is leading to an improved outturn position and reduced pay costs (£0.046m). Additional Continuing Health Care funding has only just been secured (£0.179m); this is available only if certain criteria are met.	Continual review of individual care packages is contributing to reducing the overspend. Trend analysis continues to be used to improve projections of service demand. Reablement service is rolling out in line with TSSA.
Living Well (Services for Older People)	0.091	0.054	(0.037)	(0.037)	Mainly the result of reduced staffing levels due to maternity leave, a vacancy and a Social Worker seconded to PDSI.	The current service provision is being reviewed which may result in changes and is part of TSSA.

COMMUNITY SERVICES

APPENDIX 2

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Residential Services (Services for Older People)	8.413	8.518	0.105	0.105	The cost of covering for staff leave within this statutory service, (e.g. annual or sick leave), continues to be an issue resulting in a net overspend on staff costs. This is offset by an increase in the projected level of income from service users (£0.053m).	Use is being made of temporary Flintshire staff from other areas, to minimise the need for agency staff. Income levels continue to be monitored but depend on circumstances of individual service users.
					Purchased residential care is projected to overspend. This is mainly due to an additional week of payments in 2011/12 which is a 53 week year (impact approximately £0.145m). These overspends are partially offset by service user income exceeding budget.	
Professional Support (Services for Older People)	2.947	2.803	(0.144)	(0.144)	The projected underspend is mostly due to a number of vacant posts (£0.198m) offset by minor overspends in other areas as well as £0.051m requested carry forward mostly in respect of the need for additional HR support for TSSA in 2012/13	The service is being reviewed as part of TSSA.
Domiciliary Support (Physical Disability and Sensory Impairment).	1.591	1.567	(0.024)	(0.024)	This service is projected to underspend due to a combination of reduced third party care costs together with income expected to exceed its budget.	All care packages are being reviewed to ensure that they remain appropriate; this may, in some cases, lead to a reduction in payments and is part of TSSA.

COMMUNITY SERVICES

APPENDIX 2

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Residential Services (Physical Disability and Sensory Impairment)	0.882	0.757	(0.125)	(0.125)	The Service has underspent on purchased residential care (£0.110m) which is offset by a projected shortfall in income (£0.024m). This reflects changes in clients needs.	Continue to monitor as clients needs change
Professional Support (Physical Disability and Sensory Impairment)	1.488	1.731	0.243	0.243	This relates to additional specialist agency and associated costs required to meet an increase in the demand for OT assessment.	No new assessments are being undertaken by the third party provider. Review the Service Level Agreement. Review budget allocations following lean review.
Community Living (Learning Disability Services)	9.363	9.126	(0.237)	(0.238)	Expenditure on Purchased care is less than expected due to the timing of college placements together with lower than anticipated expenditure on residential placements. Care management is projecting a reduction of £0.120m due to delays in engagement of transition clients. This is offset by increased costs in the Supported Living Service and other minor movements.	Continue work on the identification and timing of new clients to moving into services. Continual review of care to existing clients. Continued monitoring and negotiation with Health of CHC packages. In dispute with Health on funding of some care packages.
Work Opportunities (Learning Disability Services)	1.888	1.853	(0.035)	(0.035)	Vacancy savings (£0.104m) mainly offset by a shortfall in income of (£0.054m) and an overspend in client transport (£0.030m).	Continue to monitor - part of phase II of TSSA.

COMMUNITY SERVICES

APPENDIX 2

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Day Services (Learning Disability Services)	0.996	0.976	(0.020)	(0.020)	Underspend on employee costs together with a reduction in the use of independent sector relief staff totalling £0.046m offset by overspends in other areas but mostly client transport.	Continue to monitor - part of phase II of TSSA.
Ringfenced Budgets (Mental Health)	0.324	0.162	(0.162)	(0.162)	Reflects current client packages for 2011/12.	Keep under review - potential volatility due to changes in client numbers and demands at short notice from prison or courts. Reduced budget in
Business Systems (Development & Resources)	0.790	0.645	(0.145)	(0.145)	The underspend is due to the timing of expenditure within Business Systems which relates to the continual development of PARIS and lower than	Continue to monitor.
Business Services Income (Development & Resources)	(1.511)	1.605	(0.094)	(0.094)	This is partially due to six weeks of income at the old, higher, rate being received in 2011/12 due to the timing of debtor invoices.	This income is one-off. Continue to review the average weekly income.
Supporting People (Development & Resources)	0.021	0.000	(0.021)	(0.021)		

COMMUNITY SERVICES

APPENDIX 2

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Management & Support (Development & Resources)	0.556	0.688	0.132	0.132	The overspend is mostly due to staff pay exceeding budget and includes a request for a carry forward of balances into 2012/13 to fund the continuing work of the TSSA Project Manager (£0.051m).	One-off
Family Placement (Children's Services)	1.775	2.111	0.336	0.336	The overspend is mainly as a result of an increase in the number of foster care places within the service. It is also due to the increasing number of court orders for Residence and Specific Guardianship which invariably attract an ongoing allowance for the carers. The overspend includes the effect of the additional week included in 2011/12	A close evaluation of the Family Placement Team is to commenced in Jan 12 which will examine the function of the team and include an expenditure analysis review.
Family Support (Children's Services)	0.340	0.261	(0.079)	(0.079)	The underspend in this service is mostly due to a reduction in the use of sessional staff. The use of sessional staff can fluctuate monthly depending on caseload.	
Prevention & Support (Children's Services)	0.100	0.039	(0.061)	(0.061)	The underspend in this service is mostly the result of an underspend in transport costs, however fluctuations in monthly costs can occur depending on caseload.	

COMMUNITY SERVICES

APPENDIX 2

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Professional Support (Children's Services)	5.373	5.149	(0.224)	(0.224)	The underspend relates to a commitment for a potential redundancy that was expected to have been met by the service before the end of the financial year, together with a delay in the recruitment to a post relating the implementation of the Childrens Act 2008. Expenditure on one off activities has been delayed due to operational priorities.	
Out of County Pooled Budget (Children's Services)	4.057	3.606	(0.451)	(0.451)	Costs reflect existing placements up until March 2012. This reflects initial reductions in payments to providers following re-negotiation of contracts.	<p>The task and finish group are continuing their work and benchmarking work has been completed. The focus of high cost placements is now a North Wales project and meetings have taken place.</p> <p>External consultants have been commissioned to assist with the negotiation process with providers within Flintshire and to make recommendations regarding the current processes deployed.</p>

COMMUNITY SERVICES

APPENDIX 2

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Homelessness (General) (Housing Services)	0.450	0.371	(0.079)	(0.099)	£0.042m savings as vacancies will not be filled until 2012. An additional one off £0.020m contribution from Supporting People for the sheltered Housing improvement project	
Resident Wardens (Housing Services)	1.247	1.111	(0.136)	(0.136)	Under spend due to vacancies not be filled until the new structure is in place in 2012/13.	Approval of the proposed new structure.
Ringfenced Budgets (Homelessness)	0.151	0.079	(0.072)	(0.072)	Mostly due to underspends on supplies and services	Continue to monitor.
Other variances (aggregate)	6.564	3.268	(0.086)	(0.081)	Various minor variances.	Continue to review but not expected to be recurrent.
Total :	57.220	55.303	(1.917)	(1.932)		

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ENVIRONMENT

APPENDIX 3

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Industrial Units	(1.616)	(1.495)	0.121	0.119	Shortfall of £0.219m from Industrial Estate Rental Income, due to the current economic climate reducing occupancy levels. Repairs & Maintenance and Electricity projected to exceed budget by £0.043m. Salary savings of £0.122m mitigate some of the above shortfalls.	Maximise occupancy levels throughout industrial units going forward.
Property Holdings	0.154	0.116	(0.038)	(0.038)	New tenancy agreement for Newtech Square leading to rental income of £0.049m and a reduction in NNDR payable by the authority of £0.037m.	
Agricultural Estates	(0.182)	(0.219)	(0.037)	(0.037)	Land Agent Vacancy	
Administration Buildings	1.187	1.200	0.013	0.014	Insurance Claim settlement for the Council Chamber repair and upgrade resulting in a betterment excess of £0.050m being incurred, the majority of which has been met from other service	
Corporate Property & Design	2.382	2.350	(0.032)	(0.032)	An income shortfall had previously been mitigated by vacancy savings. However, income is now projected to be higher than originally anticipated.	

ENVIRONMENT

APPENDIX 3

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Regulatory Services	0.268	0.249	(0.019)	(0.019)	Over recovery on Streetworks income. This now includes a request to carry forward £0.030m of the additional income for some essential resurfacing works to which Streetworks were directly involved with supervising.	
Car Parks	0.025	0.071	0.046	0.038	Car Park income is anticipated to be £0.046m short of target	Keep income levels closely monitored going forward and ensure the reduction in planned maintenance does not have a detrimental effect on
Transportation	1.586	1.451	(0.135)	(0.135)	Savings on Bus Operator payments for Bus Subsidies.	
Routine Maintenance	1.782	1.774	(0.008)	0.030	Increased tipping fees for gully emptying between August and March as a result of the loss of the DIP facility have been offset by other areas of Routine Maintenance	New arrangement for gully emptier/sweeper waste disposal needs identifying for 2012 - 13
Street Lighting	1.052	1.116	0.064	0.061	Additional cost of street lighting energy and inventory charges	To be met from various minor underspends on other works budgets within the Highways Maintenance service area. Final financial pressure allocation of £60k in 2012 - 13 will remove the overspend in subsequent years

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Neighbourhood Services (Streetscene Service Structure)	1.282	1.468	0.186	0.197	Impact of not implementing the Streetscene service staff structure by 1st October 2011. This also includes the loss of income from the North Wales Trunk Road Agency Technical Investigations Unit that was transferred to Gwynedd Council.	Full year implementation of the new structure within the 2011/12 financial year will remediate the on going overspend and deliver the additional £250k saving in 2012 - 13
Waste Disposal and Civic Amenity Sites	6.933	6.428	(0.505)	(0.581)	Diversions from landfill as a result of the introduction of the Managed Weekly Collections arrangement resulted in a significant diversion from landfill to recyclates. The savings reflect the reduction in landfill tax and tipping fees. The reallocation of some Civic Amenity Site costs resulted in a minor reduction in the variance at Period 12.	This underspend will be reduced by the increase in Landfill Tax in 2012 -13 which will be accommodated within the budget without the need for additional budget pressures. The balance of the underspend will provide the final £245k MWC service saving required in 2012 - 13.

ENVIRONMENT

APPENDIX 3

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Managed Weekly Collections - Waste Collection, Recycling, Sustainable Waste Management Grant and Waste Collection - Trading Account	3.175	3.727	0.552	0.550	The full roll out of the Managed Weekly Collection service commenced from November, on a five day working pattern, rather than six, reflecting the outcome of the Streetscene ballot in September 2011. Additional vehicles were required to be hired and additional staff taken on to maintain the service provision requirements operating on a five day working pattern. Additional costs have also been incurred for R&M relating to relocating the recycling function from Flint to Buckley and as a result of full roll out, significant numbers of new containers for recycling were required, costing up to £0.200m, due to the demand for these from householders.	The roll out of the full six day working pattern during the summer 2012 will allow the overspend to be remediated.in future years. The one off payments for recycling containers will not be required in future years
Winter Maintenance	0.999	0.999	0.000	0.000	The amount of salt used has been significantly lower than the two previous years, together with reductions in overtime and fuel costs. As a means of comparison, 4,000 tonnes of salt was used in 2011/12, compared with around 9,000 tonnes in 2010/11.	Underspend in 2011/12 transferred to a specific Reserve Account to mitigate the cost of severe winter weather in the future
Fleet Services	(0.011)	0.067	0.078	0.085	Above inflationary increases in materials not being reflected in income recharges made to clients.	Review charging arrangements to all service users

ENVIRONMENT

APPENDIX 3

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Planning Control	0.459	0.596	0.137	0.137	Costs awarded against the Council in relation to both the Public Inquiry for the proposed development on Ruthin Road, Mold and land at Broughton. Planning fee income has reduced against projections due to the ongoing economic climate and it is now anticipated to be slightly short of target.	Vacancy savings from other areas of Planning Services and additional land charges income can assist with mitigating a large proportion of this variance.
Planning	1.480	1.401	(0.079)	(0.079)	Vacancy savings ahead of service review implementation. Also assumes a request to carry over a further £0.075m of UDP/LDP allocation for use in 2012/13.	
Land Charges	(0.042)	(0.073)	(0.031)	(0.031)	Land Charges income (Search Fees) exceeded income target by £0.031m.	
Management Support & Performance	1.370	1.242	(0.128)	(0.123)	Further vacancy savings ahead of service review implementation, which were anticipated to be filled by financial year end. In addition, the annual fee totalling £0.033m for Ordnance Survey was not required to be paid in 2011/12 and beyond due to a change in funding arrangements.	The base budget for Ordnance Survey commitment has been reduced from 2012/13 onwards.

ENVIRONMENT

APPENDIX 3

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Public Protection	3.446	3.159	(0.287)	(0.289)	Net vacancy savings ahead of service review implementation, together with in-year leavers from posts within the new service structure. These outturn figures also make provision for carry forward requests totalling £0.067m being approved for works at cemeteries and dog fouling commitments which were unable to be carried out in 2011/12.	
Other variances (aggregate)	6.081	6.054	(0.027)	0.015	A number of variances of no more than £0.023m individually.	
Total :	31.811	31.681	(0.130)	(0.118)		

LIFELONG LEARNING

APPENDIX 4

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Out of County (Special – ringfenced budget)	3.090	2.619	(0.471)	(0.471)	Projection throughout the year has been based on updated information on existing placements up until March 2012.	The task and finish group are continuing their work and benchmarking work has been completed. The focus of high cost placements is now a North Wales project and meetings have taken place. External consultants have been commissioned to assist with the negotiation process with providers within Flintshire and to make recommendations regarding the current processes deployed.
					Following notification at Inclusion Senior Management Team (ISMT), 6 placements ended during the Summer Term.	
					Agreements for further income of £35k from the University Health Board for joint funded payments were received.	
					3 high cost placements have been heavily reduced and others have been slightly reduced following the involvement of Commercial and Clinical Solutions. Discussions are still ongoing with current placements.	
A further 4 placements were reduced following Commercial and Clinical Solutions involvement. An additional placement ended.						

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
cont.... Out of County (Special - ringfenced budget)					<p>During January several changes occurred as follows. 3 placements changed providers, 3 placements ended, 5 placements reduced their service requirement, 1 placement increased their service requirement and 1 new mother and baby placement was received into the Service.</p> <p>4 new placements were received into the Service during February and March. The extra costs of these new clients was partially offset by a discount received for 1 placement following continued Commercial and Clinical Solutions involvement.</p>	

LIFELONG LEARNING

APPENDIX 4

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Leisure Services .	3.496	3.893	0.397	0.413	Within Leisure Services, Deeside Leisure Centre suffered a loss of income due to closures caused by redevelopment of £0.061m.	Other methods of recovering this overspend were explored and contributed £0.033m.
					A large number of efficiencies and reduction of overspends which totalled £561k were made in the Leisure Service through Flintshire Futures and most of the expected savings are likely to be achieved. The one efficiency that has not been made during 2011-12 relates to the original staff re-organisation plan being delayed until November 2012. This has caused many of the posts in the original plan to be appointed on temporary posts whilst the new organisational chart is being created. The on-going effects of this have cascaded their way through the service and have caused a one off £0.121m overspend in 2011/12.	Leisure Services JEQ's have been submitted for scoring, the expected implementation date is November 2012.

LIFELONG LEARNING

APPENDIX 4

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
cont.... Leisure Services					The Energy Unit advised that Gas price increases of up to 35% were to be expected this year. This has affected all services that have premises, particularly Leisure. The effect of this price rise is within the provision of Non Standard Inflation currently held centrally.	Further work is ongoing in liaison with the Energy Efficiency Unit.
					A Remedy Hearing following an Employment Tribunal judged that an employee had been unfairly and wrongfully dismissed at a cost of £55k.	
					The first full months repayment for the new Extreme Zone and Spa was repaid in January. As these activity areas only opened part way through January there wasn't a full months income to offset the repayment. This is a one off situation.	

LIFELONG LEARNING

APPENDIX 4

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
cont.... Leisure Services					February and March are the highest income generating months for Leisure Services. The extreme hot weather, particularly in March, had a very detrimental effect on income. The Ice Rink income alone was £63k less than received in the average taken over the last 5 years, with other indoor sports income at every site also negatively effected. Income generation has improved during poor weather in April.	
Schools Related	(1.634)	(1.406)	0.228	0.232	Schools Service Level Agreements have been identified as a risk for some time. The implications of this have only been firmed up during January.	Budget holders are to be notified of the impact of this on their 2012/13 budget, and take decisions where required to reduce expenditure accordingly.
					It has been decided that a further £32k of the Schools Service Level Agreement relating to Corporate overheads is to remain in Lifelong Learning for 2011/12. Corporate overheads have remained static in 2011/12 although school subscriptions have reduced.	This is to be revisited during 2012/13.

LIFELONG LEARNING

APPENDIX 4

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
cont... Schools related					There has been an increase in the number of pupils partaking in the Music Service (£94k) following service changes, however, fees at current levels do not recover full service costs. The Service has incurred one off costs of £25k for I.T. to invoice pupils. Extra staffing to cope with the increased delivery of the Service has incurred the remainder of the overspend, which has also suffered additional costs through sickness and maternity cover.	These additional expenses are largely one off costs which will not be incurred in future years.
Inclusion Services	5.598	5.975	0.377	0.361	The Inclusion Service has received grant streams in the region of £0.302m in previous years which have mitigated their overspend. These are no longer available from 2011/12 onwards. The major cause of the overspend is on Auxiliary Support Workers (ASWs) providing pupil support in schools.	In 2012/13 a budget allocation of £300k has been approved to replicate lost grant funding.
					Amendments to other grants on which the service could draw on previously have been tightened further.	Service changes to match reduction in grants.

LIFELONG LEARNING

APPENDIX 4

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Youth and Community	1.412	1.455	0.043	0.050	Implementing only staffing changes in relation to the approved Youth Service Strategy in 2011/12 has left a budget shortfall in relation to accommodation. The Accommodation Review has been rescheduled for 2012/13.	
					The Workwise/Wheels to Work project has been wound up, the net effect was a one off cost to the service of £0.030m.	Various grant streams were approached to reduce this without success.
Pupil / Student Transport	6.388	6.573	0.185	0.185	The School Transport service will overspend on College Transport by approximately £0.174m as there is insufficient budget to cover the additional costs of increased numbers of students attending college courses, particularly at the start of the academic year when student numbers are at their highest.	Progress Policy Review and consultation on Post 16 entitlements. Efficiency projects within existing policy 1) Special needs project 2) Hazardous routes
					Approximately £20k of savings were realised due to the school buses not running during the Industrial Action day in November.	

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Service Units	2.092	2.278	0.186	0.178	The figures received from September showed that there is a larger take up of Free School Meals than is budgeted for.	The level of budget provision for free school meals will be re-assessed during the current service planning/ budget process in order to keep pace with changes within the wider economic climate.
					There was a further increase of £67k due to greater Free School meals take up between January and March, taking the total for this year to £141k.	Working with Facilities, a detailed analysis is taking place to ascertain the reasons for the increase.
					School Remissions costs increased by £60k during February and March. £20k of this was for school trips which only equated to £1.2k last year, and £40k was from information received from the Music Service in March.	A review of the Remissions Policy is planned.
Facilities Services	1.038	1.493	0.455	0.401	Within the Facilities Service, figures extracted from the Office for National Statistics show food price inflation to be 3.8% above our 2% budget uplift which equates to a £0.065m overspend.	Non-standard inflation has been provided for in the 12/13 budget process.

LIFELONG LEARNING

APPENDIX 4

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
cont....Facilities Services					The Cleaning Service is struggling to find the £0.100m in year efficiency target, further work is currently being undertaken. An addition to this is the loss of the surplus generating contract with the Law Courts.	Implementation of agreed daytime cleaning at County Hall.
					The Catering Service is continuing to overspend in the absence of a comprehensive efficiency and kitchen rationalisation strategy. The draft APSE review has now been received which will be used to form the basis of this strategy.	A project scope for Facilities Services to review organisational structure design principles and service delivery has been approved. It includes work on (i) cost reduction/procurement (ii) improved and themed menus (iii) take-up strategies (iv) on-line payments.
					Sickness rates amongst school cooks since September is considerably higher than average	
					The extreme hot weather during March had a negative effect on school meals take up as less hot meals were sold than would usually be expected.	
Other variances (aggregate)	89.216	89.141	(0.075)	(0.008)	Multiple variances under £0.050m.	
Total :	110.696	112.021	1.325	1.341		

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CORPORATE SERVICES

APPENDIX 5

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Chief Executive	2.274	2.138	(0.136)	(0.136)	Vacancy savings £0.051m.	
					Employee Consultation efficiency £0.038m.	
					Employee Safety Measures efficiency £0.025m	
					Other minor efficiencies £0.022m.	
Finance	3.355	2.983	(0.372)	(0.373)	The net position on staffing costs is an underspend of £0.185m , this is after taking into account several vacancies and the additional costs of senior interim staff and essential additional resources. This is due to the delay in the implementation of the Finance Function Review and also the increased workload within Benefits. These are being carefully monitored and will continue until the results of the Finance Function Review are implemented. This is in line with the anticipated revised cost of the Finance Structure.	

CORPORATE SERVICES

APPENDIX 5

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
cont... Finance					In order to keep on top of backlogs within Housing Benefits it has been necessary to engage an outside data centre to process claims £0.049m.	
					Savings on essential car allowances and transport costs due to staff vacancies £0.012m.	
					Additional costs of software, software maintenance and consultants due to legislative changes and upgrades to systems £0.032m.	
					Additional funding received from WAG £0.040m.	
					Benefits Subsidy - additional income received £0.232m	
					Various decreases in running costs/decrease in income received, £0.015m.	

CORPORATE SERVICES

APPENDIX 5

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Legal & Democratic Services	3.247	3.094	(0.153)	(0.153)	Additional Income - Legal Services £0.038m	
					Reduction in Members' Allowances payable and expenses, £0.104m .	
					Recruitment costs £0.022m	
					Other minor variances £0.033m .	
Human Resources & Organisational Development	2.676	2.855	0.179	0.179	During the identification of the 1% efficiencies in 2010/11, £0.025m was surrendered on a permanent basis for ISA registration although the budget allocation was only temporary. The efficiency has therefore reduced the CRB checks budget by £0.025m.	
					ISA Registration budget error £0.025m pressure.	ISA Registration/CRB checks. A budget pressure form has been completed for 2012/13. A review is currently underway to identify possible ways of reducing CRB check expenditure.

CORPORATE SERVICES

APPENDIX 5

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
cont... HR & OD					CRB Checks £0.066m pressure.	A report on CRB checks is currently being prepared for CMT which will make recommendations to reduce future costs.
					Vacancy savings £0.124m .	
					Corporate Training refreshments pressure £0.030m	
					Organisational Design pressure of £0.123m .	This expenditure relates to the OD Project which will generate efficiencies through ongoing service reviews.
					HRMIS Phase 2 in year pressure of £0.025m .	
ICT & Customer Services	5.819	5.723	(0.096)	(0.099)	Payroll SLA pressure £0.034m	
					Estimated deficit D&P £0.260m .	
					Vacancy Savings (vacancies on hold pending outcome of Service Reviews) £0.326m .	
					Other minor efficiencies £0.030m .	
Clwyd Theatr	1.115	1.128	0.013	0.013		
Total :	18.486	17.921	(0.565)	(0.569)		

CENTRAL CORPORATE FINANCE

APPENDIX 6

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Central Loans & Investment Account	13.974	13.766	(0.208)	(0.059)	The outturn of £13.766m reflects a net decrease in Interest/Principal/Debt Management expenses of £0.096m, a net increase in Temporary Investment and Other Interest income of £0.091m, an increase in the Minimum Revenue Provision of £0.026m and a depreciation charge surplus of £0.047m.	
Financing & Funding (insurance, banking etc.)	2.419	1.700	(0.719)	(0.734)	The outturn of £1.685m reflects a decrease in Audit Fees of £0.056m, a decrease in Other Buildings income of £0.012m, an increase in Additional Superannuation costs of £0.015m, write-offs income of £0.012m, an increase in Bank Charges of £0.007m and an adjusted Windfall Income total of £0.685m, which takes account of Rateable Value reductions, the write-off of unclaimed NNDR credits and the refund of VAT following a recent House of Lords decision (Fleming and Conde Nast Publications Ltd).	

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Corporate Other	6.766	6.145	(0.621)	(0.195)	Non-Standard Inflation underspend of £0.083m relating to energy costs not required in 11/12.	
					Flintshire Futures Cost of Employment £0.236m shortfall in achievement of full efficiency.	Delays in negotiations for the Terms and Conditions element of the Cost of Employment project led to an under achievement of the efficiency by £0.236m.
					Part year savings of £0.045m identified relating to the implementation of the Occupational Health collaboration project with Wrexham.	Full year savings have been included in the current budget.
					An overachievement of the centrally held Matrix efficiency resulted in an underspend of £0.190m.	An increase in the efficiency is also included in the current budget.

CENTRAL CORPORATE FINANCE

APPENDIX 6

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
...cont Corporate Other					An underspend has now been confirmed on the 1st and 2nd Tier Officer Appraisal Review budget of £0.075m.	
					The effects on pay of the day of industrial action resulted in a reduction in costs of £0.240m for non teaching staff.	
					A centrally held procurement saving target of £0.511m has not been allocated.	This is now included as a pressure in the current budget.
					As indicated in the Month 7 report the budget for 2011/12 included base budget provision of £0.337m in respect of increased employers pension contribution and £0.150m relating to the review of relief staff. The further detailed work has now been completed and it can be confirmed that these amounts are not now required resulting in a saving of £0.487m. A further saving of £0.228m has also been identified relating to the reductions in the total superannuation payable by the Council due to early payment.	Future year impacts of these savings will be included in the budget strategy going forward.

CENTRAL CORPORATE FINANCE

APPENDIX 6

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
...cont Corporate Other					The £0.328m Single Persons Discount Efficiency was only partially achieved. Other items effecting the Collection Fund included banding adjustments on 86 properties. The net effect is a shortfall of £0.200m.	
					A surplus of £0.016m on the cycle to work and nursery vouchers schemes.	
					Carbon Reduction Commitment costs of £209k needed to be shown in the 2011/12 accounts due to a change in accounting guidance received.	
					A centrally held budget of £0.121m for NNDR charges on empty properties was not required by the service. This budget will remain for 12/13 but will be reviewed as part of the MTFP.	

CENTRAL CORPORATE FINANCE

APPENDIX 6

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
...cont Corporate Other					A reduction in Landsbanki Impairment of investment costs of £0.361m. This is a result of reviewed accounting treatment for the impairment of investments in accordance with the latest guidance received (LAAP82 - received June 1st 2012) which resulted in a more favourable position for the Council due to the effective reduction in the value of impairment charge to the revenue account in previous years.	
					Print and Printer review efficiency of £0.030m.	
					A previously reported pressure due to a payment of £0.075m to Conwy CC for the Regional Transformation Fund has now been accrued into the 2012/13 accounts following late notification by Conwy that the project was underspent in 2011/12.	

CENTRAL CORPORATE FINANCE

APPENDIX 6

Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
....cont Corporate Other					The Net effect of the year-end Support Service recharges has resulted in an overspend of £0.192m. This largely relates to charges that have in the past been charged to trading accounts such as Leisure and Facilities that are now not treated as trading accounts for accounting purposes. The Support Costs are calculated after all other accounts have closed down. A decrease in Other Miscellaneous Expenditure of £0.018m.	
Total :	23.159	21.611	(1.548)	(0.988)		

APPENDIX 7

Movements on Council Fund Unearmarked Reserves

	£m	£m
Un-earmarked Reserves as at 1 April 2011	7.575	
Less - Base Level	<u>(5.476)</u>	
Amount Available for Delegation to Executive		2.099
Less repayment of temporary use of reserves for 2011/12 budget.	(1.613)	
Less allocation from contingency reserve to meet one-off / time limited costs in 2012/13	(0.973)	
Add - amounts transferred from other balances	0.144	
Add Final Underspend as at 31 st March 2012	<u>2.835</u>	<u>0.393</u>
Initial Level of Total Contingency Reserve as at 31st March 2012		2.492
Ringfenced for Investment in Change (5.03)		(1.500)
Final Level of Total Contingency Reserve as at 31st March 2012		0.992

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HRA Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Rental Income	(24.529)	(24.322)	0.207	0.207	£0.100m projected adverse variance on voids 1.94% at pd11 averaged at 2.5% over the full year against a budget of 2%. £0.051m council tax for maisonettes awaiting demolition, £0.068m on rent bad debts.	
Repairs and Maintenance	9.302	9.032	(0.270)	(0.267)	Additional Subcontractors to cover for absent staff and to maintain services whilst staff trained on mobile working. Write offs on obsolete stores materials of £80k.	
Estate Management	1.812	1.590	(0.222)	(0.222)	£0.105m savings on salaries and we have not yet needed to implement 24 hour evacuation in high rise flats. £0.135m savings on grounds adhoc maintenance and communal HRA land.	
Building Maintenance Trading Account	0.000	0.305	0.305	0.244	Additional Subcontractors to cover for absent staff and to maintain services whilst staff were trained during implementation of mobile working. Write offs on obsolete stores materials. £0.05m Increase of year end professional support recharges.	

HRA Budget Monitoring 2011/12 (Final Outturn vs. Month 11)

Service	Revised Budget (£m)	Projected Outturn (£m)	Variance (£m)	Variance Month 11 (£m)	Cause of Variance	Action Required
Finance and Support	2.211	1.613	(0.598)	(0.399)	£0.085m savings on the re-negotiation of the insurance contract and third party claims less than anticipated. £0.042m saving on non reimburseable ballot costs. £0.040m saving on Consultancy fees. £0.100m Carry forward request for early retirement and redundancy costs delayed into 2012/13. £0.252m saving on year end support recharges for HRA's portion of Flintshires central costs.	
Other variances (aggregate)	11.572	11.412	(0.160)	(0.060)		
Total :	0.367	(0.370)	(0.737)	(0.497)		

Final Outturn

Efficiency Description	Budgeted Efficiency (£m)	Actual efficiency (£m)	Variance Negative = underachievement Positive = overachievement (£m)	Current Position	Further information to support current position status or other relevant information
Grouped Operational (APPENDIX 6a)					
<i>Corporate Finance - Corporate Services</i>					
Cost of Employment	1.000	0.764	(0.236)	EFFICIENCY ACHIEVABLE IN PART	Directorate teams have achieved the Management Control Items which make up the majority of the efficiency. Terms & Conditions will now be reviewed as part of Single Status negotiations and budgets will be adjusted as single status is implemented.
TOTAL	1.000	0.764	(0.236)		
Tactical (APPENDIX 6c)					
<i>Chief Executive - Corporate Services</i>					
Voluntary Sector Efficiencies	0.008	0.008	0.000	EFFICIENCY ALREADY ACHIEVED	
Reduction in hours of Clerical Assistant	0.004	0.004	0.000	EFFICIENCY ALREADY ACHIEVED	
Nuclear Free Local Authorities Membership	0.002	0.002	0.000	EFFICIENCY ALREADY ACHIEVED	
WLGA Subscription	0.015	0.000	(0.015)	EFFICIENCY ACHIEVABLE IN PART	This efficiency has been achieved in part but the existing pressure on the Corporate Subscriptions budget has absorbed the saving.
Policy Performance & Partnerships Review	0.024	0.024	0.000	EFFICIENCY ALREADY ACHIEVED	
Consultation and Publications	0.005	0.005	0.000	EFFICIENCY ALREADY ACHIEVED	
<i>HR & OD - Corporate Services</i>					
Corporate Training move to Northop	0.008	0.000	(0.008)	EFFICIENCY NOT ACHIEVABLE	Accommodation was required at Greenfield Business Centre for First Aid Training provision until September. Efficiency will be achieved in full from 2012/13.
<i>Finance - Corporate Services</i>					
Financial Status Enquiries	0.002	0.002	0.000	EFFICIENCY ALREADY ACHIEVED	All necessary action has been taken.

Efficiency Description	Budgeted Efficiency (£m)	Actual efficiency (£m)	Variance Negative = underachievement Positive = overachievement (£m)	Current Position	Further information to support current position status or other relevant information
<i>ICT & Customer Services - Corporate Services</i>					
Efficiency Savings - reduced supplies & services spend	0.106	0.106	0.000	EFFICIENCY ALREADY ACHIEVED	
Corporate Administration Review	0.138	0.138	0.000	EFFICIENCY ALREADY ACHIEVED	
Undertake a Telecommunication tariff review.	0.040	0.019	(0.021)	EFFICIENCY ACHIEVABLE IN PART	The full efficiency on the telephone maintenance has been achieved but a small number of the budgets belonged to schools, grant funded budget etc. and could not be collected. Some of the efficiencies collected in 2011/12 were only part year effect and so the efficiency should increase slightly in 2012/13.
<i>Legal & Democratic - Corporate Services</i>					
Legal Staffing Review	0.074	0.074	0.000	EFFICIENCY ALREADY ACHIEVED	All necessary action has been taken.
Member Training	0.007	0.007	0.000	EFFICIENCY ALREADY ACHIEVED	All necessary action has been taken.
<i>Corporate Finance - Corporate Services</i>					
Pay Award (09/10)	0.968	0.968	0.000	EFFICIENCY ALREADY ACHIEVED	All necessary action has been taken.
1% Recurring Efficiencies from 10/11 in-year process	0.243	0.218	(0.025)	EFFICIENCY ACHIEVABLE IN PART	£0.025m further ISA Registration saving not achievable.
ISA Registration	0.030	0.030	0.000	EFFICIENCY ALREADY ACHIEVED	
Single Persons Discount Review	0.328	0.128	(0.200)	EFFICIENCY ACHIEVABLE IN PART	This review has now been completed.
TOTAL	2.002	1.733	(0.269)		

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **HEAD OF FINANCE**

SUBJECT: **PRUDENTIAL INDICATORS - ACTUALS 2011/12**

1.00 PURPOSE OF REPORT

1.01 To provide Members with 2011/12 (actual) prudential indicator figures as required under the Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

2.00 BACKGROUND

2.01 The background to this item is provided in the report to Executive of 21st February 2012 (subject : Prudential Indicators 2012/13 to 2014/15). The Prudential Code has been developed by the Chartered Institute of Public Finance and Accountancy (CIPFA) as a professional code of practice to support local authorities in determining their programmes for capital investment in fixed assets. Local authorities are required by Regulation to have regard to the Prudential Code when carrying out their duties under Part 1 of the Local Government Act 2003.

2.02 The framework established by the Prudential Code is intended to support local strategic planning, local asset management planning and proper option appraisal. The objectives of the Code are to ensure, within a clear framework, that the capital investment plans of local authorities are affordable, prudent and sustainable, and that treasury management decisions are taken in accordance with good professional practice; the 2012/13 Capital Programme has been prepared on this basis - affordable in terms of implications for Council Tax and housing rents, prudent and sustainable in terms of implications for external borrowing.

2.03 The Prudential Code sets out the indicators that must be used, and the factors that must be taken into account in preparing such.

3.00 CONSIDERATIONS

3.01 Actual (2011/12) prudential indicators have now been calculated in respect of the following:

- capital expenditure

- ratio of financing costs to net revenue stream
- capital financing requirement
- authorised limit for external debt

The prudential indicators for capital expenditure are based on the Council's capital programme (that takes into account the Council's asset management and capital investment strategies), and are supplemented (for capital accounting purposes) by the value of finance leases held. The capital expenditure totals are the starting point for the calculation of the prudential indicators, and essentially provide the base financial data from which all other indicators follow.

- 3.02 Prior year (2010/11) actuals and 2011/12 estimate totals are included for information purposes, together with forward totals for 2012/13 (as previously provided in the report of 21st February 2012).
- 3.03 Actual (2011/12) capital expenditure for the Council Fund and the Housing Revenue Account (HRA) is £43.026m as shown in the table below, (this total includes £5.035m in relation to Finance Leases as described in 3.05).

CAPITAL EXPENDITURE				
	2010/11	2011/12	2011/12	2012/13
	Actual	Estimate	Actual	Estimate
	£m	£m	£m	£m
Council Fund	22.072	17.232	32.628	23.825
Housing Revenue Account	8.205	10.059	10.398	9.398
Total	30.277	27.291	43.026	33.223

- 3.04 Capital expenditure and related funding issues are part of the agenda for meetings of the Corporate Asset Management Group (CAMG). A detailed analysis and commentary regarding 2011/12 actual expenditure will be provided in the capital outturn report.
- 3.05 The capital programme actual totals in 3.03 are supplemented (for capital accounting purposes) by the value of those finance leases associated with the re-development of Deeside Leisure Centre and Flint Pavillion.
- 3.06 The actual ratio of financing costs to net revenue stream for 2011/12 is 5.76% for the Council Fund and 8.68% for the HRA.

RATIO OF FINANCING COSTS TO NET REVENUE STREAM				
	2010/11	2011/12	2011/12	2012/13
	Actual	Estimate	Actual	Estimate
	%	%	%	%
Council Fund	5.707	5.831	5.755	5.959
Housing Revenue Account	9.799	8.857	8.678	8.343

The HRA net revenue stream is the amount to be met from Welsh Government grants and from rentpayers, and the Council Fund equivalent is the amount to be met from Welsh Government grants and local taxpayers. The HRA ratio continues to fall in line with reducing capital financing costs attributable to long term debt outstanding, consequent to the introduction of the Major Repairs Allowance in Wales in 2004, from which point all new borrowing relates to the Council Fund only.

- 3.07 The actual (cumulative) capital financing requirement for 2011/12 is £178.251m, being the measure of the Council's underlying need to finance capital expenditure by borrowing or other long term liabilities as at 31st March 2012; the reducing HRA debt outstanding total as referred in section 3.06 above is evidenced in the table below :

CAPITAL FINANCING REQUIREMENT				
	2010/11	2011/12	2011/12	2012/13
	Actual	Estimate	Actual	Estimate
	£m	£m	£m	£m
Council Fund	146.592	147.920	151.047	154.570
Housing Revenue Account	28.085	27.324	27.204	26.555
Total	174.677	175.244	178.251	181.125

The 2012/13 estimated totals shown in the table above have been revised since the report to Executive of 21st February 2012 to reflect current information available.

- 3.08 The actual authorised limit for external debt for 2011/12 is £197.4m, with separately identified limits for borrowing and other long term liabilities such as finance leases :

AUTHORISED LIMIT FOR EXTERNAL DEBT				
	2010/11	2011/12	2011/12	2012/13
	Actual	Estimate	Actual	Estimate
	£m	£m	£m	£m
All Borrowing (Capital/Revenue)	196.100	195.200	191.400	198.020
Other Long Term Liabilities	2.200	2.200	6.000	9.600
Total	198.300	197.400	197.400	207.620

Whilst the authorised limit for external debt for 2011/12 was not breached, it was necessary for the Head of Finance to use the delegated authority to effect movements between the separately identified limits for borrowing and other long term liabilities during the year, in order to accommodate the funding arrangements of the capital investment made at Deeside Leisure Centre, which were classified as finance leases after the 2011/12 prudential indicators had been set. The 2012/13 figures have been set higher to reflect this revised classification.

4.00 RECOMMENDATIONS

4.01 Cabinet is requested to note and approve the report.

5.00 FINANCIAL IMPLICATIONS

5.01 None; the financial information provided is retrospective.

6.00 ANTI POVERTY IMPACT

6.01 None.

7.00 ENVIRONMENTAL IMPACT

7.01 None.

8.00 EQUALITIES IMPACT

8.01 None.

9.00 PERSONNEL IMPLICATIONS

9.01 None.

10.00 CONSULTATION REQUIRED

10.01 None.

11.00 CONSULTATION UNDERTAKEN

11.01 None.

12.00 APPENDICES

12.01 None.

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Final accounts working papers 2011/12
Various Welsh Government and CIPFA papers

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **EXECUTIVE**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **HEAD OF FINANCE**

SUBJECT: **ANNUAL TREASURY MANAGEMENT REPORT FOR 2011/12**

1.00 PURPOSE OF REPORT

1.01 To present to Members the draft Annual Treasury Management Report for 2011/12.

2.00 BACKGROUND

2.01 On 17th February, 2010 the Council adopted the 2009 edition of the CIPFA Treasury Management in the Public Services: Code of Practice, which requires the Council to approve a treasury management strategy before the start of each financial year, a mid year report, and an annual report after the end of each financial year.

2.02 The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to Cabinet, and for the execution and administration of treasury management decisions to the Head of Finance, who acts in accordance with the Council's Policy and Strategy Statement and Treasury Management Practices.

2.03 The Council has nominated the Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies. A treasury management update was provided to the Audit Committee at each quarterly meeting during 2011/12. The Treasury Management Mid Year Report 2011/12 was presented to Cabinet on 18th October 2011 and Council on 22nd November 2011.

2.04 Council approved the 2011/12 Treasury Management Policy and Strategy Statement at its meeting on 1st March 2011. This report provides members with a review of the treasury management function in 2011/12 which was reviewed by the Audit Committee on 25th June 2012. Any comments from the Audit Committee will be reported verbally at Cabinet.

2.05 The Council approved the Treasury Management Policy & Strategy Statement for 2012/13 on 1st March 2012. A mid year update will be provided to the Audit Committee on 25th September 2012, Cabinet on 16th October 2012 and Council on 13th November 2012.

3.00 CONSIDERATIONS

3.01 The draft Treasury Management Annual Report for 2011/12 is attached as Appendix A. In summary, The Annual Report concluded the following:

- Confirms that the treasury function operated within the limits detailed within the Treasury Management Policy & Strategy Statement 2011/12.
- The financial environment within which the treasury function operated remained challenging and this is likely to continue for the foreseeable future.
- The Policy was implemented in a pro-active manner with security and liquidity as the focus.

4.00 RECOMMENDATIONS

4.01 That the Cabinet approves and recommends to Council:

- The draft Treasury Management Annual Report for 2011/12.

5.00 FINANCIAL IMPLICATIONS

5.01 None directly as a result of this report.

6.00 ANTI POVERTY IMPACT

6.01 None directly as a result of this report.

7.00 ENVIRONMENTAL IMPACT

7.01 None directly as a result of this report

8.00 EQUALITIES IMPACT

8.01 None directly as a result of this report

9.00 PERSONNEL IMPLICATIONS

9.01 None directly as a result of this report.

10.00 CONSULTATION REQUIRED

10.01 None directly as a result of this report.

11.00 CONSULTATION UNDERTAKEN

11.01 Sterling Consultancy Services.

12.00 APPENDICES

12.01 Draft Treasury Management Annual Report for 2011/12.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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FLINTSHIRE COUNTY COUNCIL

TREASURY MANAGEMENT *DRAFT*

ANNUAL REPORT 2011/12

1.00 INTRODUCTION

- 1.01 The Council approved the Treasury Management Policy and Strategy Statement (Policy Statement) 2011/12 including key indicators, limits and an annual investment strategy on 1st March 2011.
- 1.02 The Policy Statement was produced based on the 2009 edition of the CIPFA Treasury Management in the Public Services: Code of Practice.
- 1.03 The purpose of this report is to review the outcomes from 2011/12 treasury management operations and compare with the Policy Statement.

2.00 TREASURY MANAGEMENT COMPLIANCE STATEMENT 2011/12

- 2.01 Treasury management comprises the management of the local authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
- 2.02 All treasury management activity undertaken during 2011/12 complied with the approved Policy and Strategy Statement 2011/12, the CIPFA Code of Practice 2009, and the relevant legislative provisions.
- 2.03 The Authority's current policy is to appoint an external consultant to advise on its treasury management function. The external adviser is Sterling Consultancy Services.

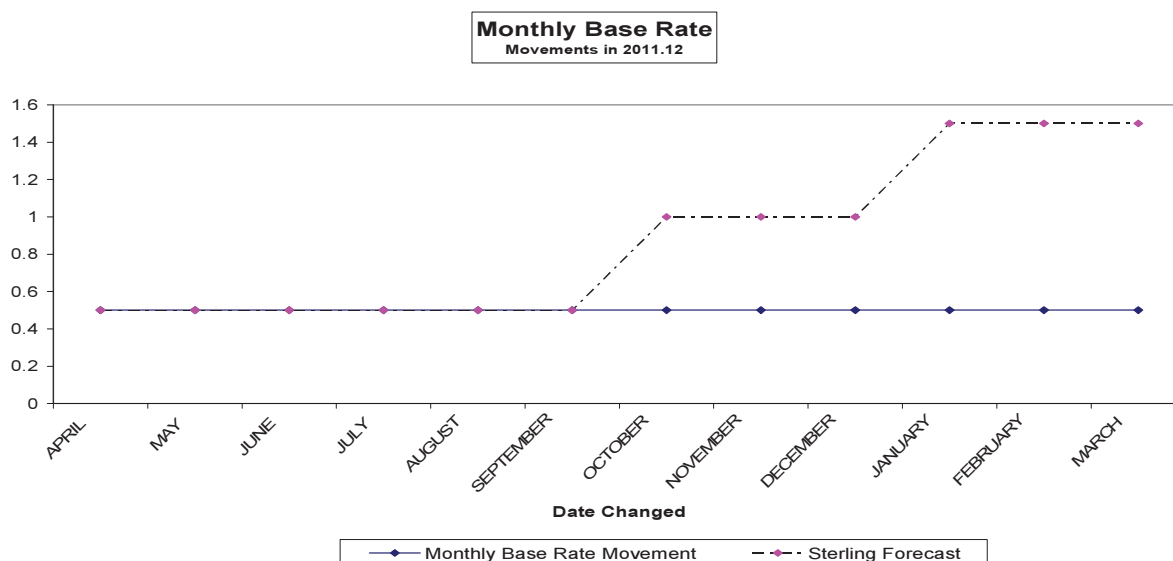
3.00 ECONOMIC & INTEREST RATE REVIEW 2011/12

- 3.01 The UK base rate remained at 0.50% throughout 2011/12.
- 3.02 The 2011/12 maximum and minimum PWLB rates for fixed maturity loans were:

Period	Maximum	Minimum	31/03/2012
4 to 5 years	3.73%	1.81%	2.05%
9 to 10 years	4.89%	2.90%	3.21%
10 to 15 years	5.29%	3.05%	3.85%
15 to 25 years	5.44%	3.54%	4.32%

- 3.03 The graph below shows the movement in U.K. base rate during 2011/12 and Sterling's November 2010 forecast for 2011/12 upon which the Strategy was based. As can be seen from the graph, the forecasted rise in Base Rate to 1.5% did not materialise, as interest rates have remained lower for longer than generally forecast. Sterling provided revisions to this forecast during the year and

their review of the year follows.



3.04 Annual Review 2011/12 by Sterling Consultancy Services

The Eurozone debt crisis dominated the financial year 2011/12. The apparent inability of leaders to either agree on remedial policies or implement fiscal consolidation measures prompted frequent bouts of market volatility, exacerbated by multiple sovereign rating downgrades, as investors positioned themselves for potential government defaults or even the break-up of the Eurozone itself. Investor confidence in struggling Eurozone nations, such as Greece, Italy and Spain, dived, prompting sharp upward movements in government borrowing rates. This pressure toppled a number of political leaders, culminating in the appointment of unelected technocrats in Greece and Italy to ensure these countries implemented austerity measures. Greece, unable to access financial markets for funding, was bailed out for a second time, a requirement of which was a selective default on private sector-owned bonds.

Exposure to the Eurozone periphery and new regulation reducing the probability of government support placed downward pressure on the creditworthiness of many European banks, prompting a raft of credit rating downgrades and sharp rises in Credit Default Swap (CDS) spreads. This led to an increase in funding costs, as wholesale interbank lending rates rose sharply above policy rates. Dexia, a banking group based in Belgium, France and Luxembourg was the main casualty, but was bailed out and broken up by the respective governments. Two Danish banks failed, while Spain forced its regional banking sector to consolidate.

The European Central Bank (ECB) pulled the Eurozone back from the brink in late December. The central bank cut interest rates and flooded the Eurozone

banking sector with cheap long-term loans, immediately reducing the near-term risk of a liquidity crisis and temporarily calming financial markets. The action had a marked impact on Eurozone wholesale interbank lending rates; 3-month Euribor declined from 1.34% at the start of December to 0.77% at the end of March. The decline in funding rates for UK banks was less significant, but 3-month LIBOR still fell from 1.08% to 1.03%. Unfortunately, the ECB action could not prevent the debt crisis causing a sharp decline in household and business confidence, eventually pushing the Eurozone into recession.

The UK's reliance on the Eurozone as a major trading partner was illustrated when the country followed the Eurozone into recession over the last six months of the financial year. Other factors responsible for the fall in economic activity included the government's deficit reduction programme and the weakness in household and business spending. The decline in household spending was the result of low confidence and the erosion of disposable income by persistently elevated inflation, subdued wage growth, higher taxes and rising unemployment. Businesses were in a similarly weak position, with access to credit restricted or too expensive due to a risk-averse banking sector, and subdued domestic and foreign demand.

Weakening economic growth and signs of further deterioration in the Eurozone prompted the Bank of England to loosen monetary policy in October, despite above target inflation. With Bank Rate already at 0.5%, the Monetary Policy Committee (MPC) voted for a further £50bn of quantitative easing (QE), which, in addition to safe haven buying, helped push gilt yields to record lows over the next few months. Policymakers justified the action because they were confident inflation would fall quickly back to target during 2012. However, although the annual Consumer Price Index (CPI) rate declined from the September peak of 5.2%, a combination of higher crude oil and food prices caused the rate to rise slightly in March to 3.5%, leaving Bank of England policymakers in the unenviable position of setting policy to battle both weak growth and high inflation.

4.00 TREASURY MANAGEMENT ACTIVITIES DURING 2011/12

4.01 The following were the main treasury activities during 2011/12:

- The Head of Finance received a monthly update on Treasury activities.
- The Council received a Mid Year Report on 22nd November 2011.
- Quarterly updates reports were presented to the Audit Committee including the Icelandic monies at risk (see paragraph 7).
- All Members were invited to a training session undertaken by Sterling Consultancy Services on 17th January 2012, which was hosted by Audit Committee.
- The new Policy and Strategy Statement 2012/13 was approved by Council on 1st March 2012.

- The Council continues to be an active member of both the CIPFA Treasury Management Forum and the CIPFA Benchmarking Club.
- The Council's cash flow was managed on a daily basis. During the year the Authority acted both as a borrower and as a lender and was a net borrower over the year in question. The maximum investments the Authority had on deposit at any one time was £84.4m and the maximum long-term borrowing at any one time was £173.6m. The average investment balance was £70.9m.

4.02 At the time of writing the 2011/12 Treasury Management Policy Statement (the Policy) in early 2011, it was hoped that the global financial environment was starting to stabilise and this confidence was reflected in the implementation of the Policy in the first quarter of 2011/12. The Audit Committee report of 13th July 2011, listed the main activities for members including two long term investments both at an interest rate of 2.65% which boosted the average interest rate to over 1% compared to 0.8% in 2010/11.

4.03 Unfortunately, this optimism was short lived as the risks of a sovereign debt default by Greece and the potential knock on effects to financial stability re-surfaced. Sterling, the Council's advisers, changed the counterparty credit risk marker to a 'red flag' status and immediate action was taken to de-risk the approach. As reported to Audit Committee of 14th December 2011, from early September 2011 in anticipation of further deterioration of market conditions, the following investment practices were followed:

- Money 'on call' with banks
- Deposits with other local authorities
- Use of AAA Money Market Funds
- Use of the Debt Management Office

4.04 This approach was still within the Treasury Management Strategy, however some distance from the planned approach outlined in the Policy. The above low risk approach did mean that the average interest rate would reduce.

4.05 By the time of the Audit Committee report of 26th March 2012, the red flag status had been removed to an 'amber status' following steps taken by European policy makers to alleviate some of the risks. The restriction of only having money on call was lifted and as a first step deposits could be made with banks and buildings societies on the Council's counterparty list for up to 3 months, thus marginally increasing the interest rate that could be achieved. This continues to be the position in 2012/13.

5.00 TREASURY MANAGEMENT DEBT STRATEGY

5.01 The total long term debt outstanding, brought forward into 2012/13 totalled £173.6

million. Loans with the Public Works Loans Board were in the form of fixed rate (£144.66m) and variable rate (£10m). The remaining £18.95m was variable in the form of Lobo's (Lender's Option, Borrower's Option). The Council's average borrowing rate throughout the year was 5.43%.

5.02 The Debt Strategy as stated in the Policy Statement 2011/12 and outcomes are recorded below:

- (1) To effect borrowing required in 2011/12 at the cheapest cost commensurate with future risk based on interest rate forecasts outlined in the strategy statement

For a number of years the Council has not taken any new long term borrowing and used available cash reserves to fund capital expenditure as the most financially effective means of financing. No borrowing was required during 2011/12.

- (2) The Head of Finance will keep under review, along with its Treasury Consultants; the opportunities which may arise for restructuring the Council's debt in order to take advantage of potential savings as interest rates change and to enhance the balance of the long term portfolio (amend the maturity profile and/or the balance of volatility). Any actions carried out under delegated powers will be reported to the Cabinet and County Council as appropriate.

Debt was reviewed throughout the year. No debt-restructuring opportunities arose.

- (3) To manage the Council's debt maturity profile, i.e. to leave no one future year with a high level of repayments that could cause problems in re-borrowing with the limits stated within the strategy statement.

The debt maturity profile as at 31 March 2012 is shown on page 11. This shows a debt maturity profile in line with CIPFA's recommendations of having no more than 10% of the debt portfolio maturing in any one future year. The Council remained within the approved Prudential Limits for Debt Maturity.

- (4) To monitor and review the level of variable interest rate loans in order to take greater advantage of interest rate movements, within the limits stated in the strategy statement.

The Council had one variable PWLB rate loan during 2011/12. The interest rate on this loan varied between 0.59% - 0.71% during the year. The interest rate on the Council's LOBOs can be increased by the lender but the Council has the

opportunity to repay. As forecast, this event did not occur in 2011/12 as market rates remain low. The Council remained within the approved Prudential Limits for Variable Interest Rate Exposure.

6.00 TREASURY MANAGEMENT INVESTMENT STRATEGY

6.01 The Council's investment strategy during 2011/12 was:

Investments will be made in accordance with the Guidance on Local Government Investments issued by the Welsh Government under section 15(1)(a) of the Local Government Act 2003, and with the institutions identified in the authorised lending list. Investments will be made with the aim of meeting cash flow requirements whilst achieving a level of return greater than would be secured by internal investment and maintaining capital security and policy flexibility.

6.02 Investment transactions totalled £252.4m in 2011/12 with interest earned amounting to £635k on an average balance of £70.9m. The weighted average temporary investment rate obtained in the year was 0.9%. This compares with the Policy Statement which assumed an average rate of 1.00% on an average balance of around £60m, estimating income of £590k. A full list of transactions undertaken during the year is available in the background papers. All investments were made in accordance with the Treasury Management Policy & Strategy Statement 2011/12.

6.03 The weighted average temporary investment rate obtained in the year of 0.9% is higher than the seven day LIBID rate of 0.48% which is a proxy of a return without effective cash flow management.

6.04 No temporary borrowing costs were incurred during 2011/12 which is a measure of the accuracy of short term cash flow management.

6.05 The maturity of investments was regularly reviewed with the aim of maximising returns whilst managing the risk of future interest rate movements and counterparty risk. As at 31st March 2012, the maturity of investments is shown in the table below:

Maturity Due	Actual %	Forecast %
< 1 month	55.0%	35%
1 – 3 months	16.9%	55%
3 – 12 months	19.9%	
> 12 months	3.6%	10%
Icelandic Investments	4.6%	

The table above only illustrates the position as at 31st March 2012. The

percentages fluctuated throughout the year but marginally more cash was held short term than forecast following the red credit risk alert from Sterling in September 2011 as explained in paragraphs 4.02 to 4.05.

6.06 The Investment Strategy set a Prudential Limit of £40 million for non-specified investments. In 2011/12, non-specified investments were limited to investments over 364 days including forward deals with counterparties which meet the credit rating criteria and Money Market Funds. As part of this strategy, the following longer term investments were made during 2011/12.

Amount (£)	Counterparty	Date From	Date to	Period (days)	Interest rate (%)
£2 million	Bank of Scotland	09/05/11	27/07/12	445	2.65
£2 million	Bank of Scotland	02/05/11	27/07/12	434	2.65
£2 million	Doncaster MBC	30/10/11	16/04/13	561	1.3

6.07 Cash balances in relation to other Funds were utilised in the year and interest was paid at the following rates and times as stated in the Treasury Management Practices –

- Education Trust Funds – base rate, annually
- Optec Youth Exchange Fund – average monthly rate, quarterly
- Insurance Fund – average seven day rate, annually
- Education Delegated Fund – average seven day rate, annually

6.08 It is Council policy to minimise daily cash flow balances. However, on certain occasions it is uneconomic to deal (below £200,000) and therefore, the balance is kept in the bank account.

7.00 LANDSBANKI INVESTMENTS - UPDATE

7.01 On 7th October 2008, Landsbanki was placed in receivership. At that time Flintshire had £3.7 million of Council monies invested with the UK subsidiary. The investments were made as follows –

- £1.2 million maturing 17th October 2008 (invested on 22nd July 2008)
- £1.5 million maturing 14th November 2008 (invested on 1st September 2008)
- £1.0 million maturing 18th November 2008 (invested on 8th September 2008)

- 7.02 In late 2011, it was confirmed that Priority status had been upheld by the Icelandic Supreme Court, with Local Authority Investors, including Flintshire County Council, being recognised as preferential creditors. The Winding Up Board of Landsbanki made a distribution to priority creditors on 17th February 2012. Flintshire received £1,087,776.79 of the £3.7million original investment. In March 2012, the Winding Up board announced that recoveries in the Landsbanki Administration would now likely be 100% of their deposits, subject to potential future exchange rate fluctuations. Although this is only a forecast and not guaranteed, it is marginally higher than the 95% previously forecast. The impact on Flintshire County Council will not be known until the final distribution is made.
- 7.03 The future pattern of distributions is not known. The 2011/12 accounts were to be closed taking account of the guidance from the Wales Audit Office and CIPFA. It was therefore assumed for accounting purposes that the repayment would be made as follows –

Date	%
December 2012	8.00
December 2013	8.00
December 2014	8.00
December 2015	8.00
December 2016	8.00
December 2017	8.00
December 2018	22.00
Total	70.00

- 7.04 However, a further distribution of £458,173.80 was made on 29th May 2012. We are awaiting further guidance on how future distributions should be accounted for.
- 7.05 Council Officers have been and continue to provide information to assist the Local Government Association (LGA), Welsh Local Government Association (WLGA) and other bodies who are seeking to recover investments.

8.00 PERFORMANCE COMPARISON WITH TREASURY MANAGEMENT INDICATORS

- 8.01 Flintshire County Council is a member of the CIPFA Treasury Management Benchmarking Club. The draft 2011/12 report compared the Council with 57 other authorities. The final report will be issued at the end of June 2012. Whilst this benchmarking information assists in reviewing comparative performance, it must be recognised that not all Councils are in the comparison (57 out of several hundred) and that the size of Councils and their historic Treasury Management positions do not provide comparable situations and so results from benchmarking need to be reviewed with care. The data provided showed that the weighted

average long term borrowing rate for Flintshire of 5.4% was higher than the benchmarking group average of 4.5%. The reason for this difference reflects the Council's historic borrowing and no new borrowing since 2001/02 where rates have been lower. The weighted average investment rate was 0.9% compared with the benchmarking group average of 1.2%. The main reasons for the lower average rate are:

- Average investment balance of the benchmarking group is over £87m compared with £70.9m for the Council. These higher balances may assist larger councils with access to counterparties and better rates for longer periods.
- The average term in days for fixed investments less than 365 days was 54 days for the Council compared with 92 days for the group.

8.02 As explained in section 4, a very low risk appetite was followed in the second half of 2011, which reduced the average interest rate achievable.

8.03 The table below compares actual rates achieved with the benchmarking rates as stated in our Treasury Management Practices. Despite the low risk approach, the rate achieved was above 3 month LIBID (London Interbank Bid Rate).

	<u>2011/12 ACTUAL</u>	<u>7 DAY LIBID</u>	<u>3 MONTH LIBID</u>	<u>BENCHMARK</u>
INVESTMENTS	0.9%	0.5%	0.8%	-
BORROWING	5.4%	-	-	4.5%

9.00 CONCLUSION

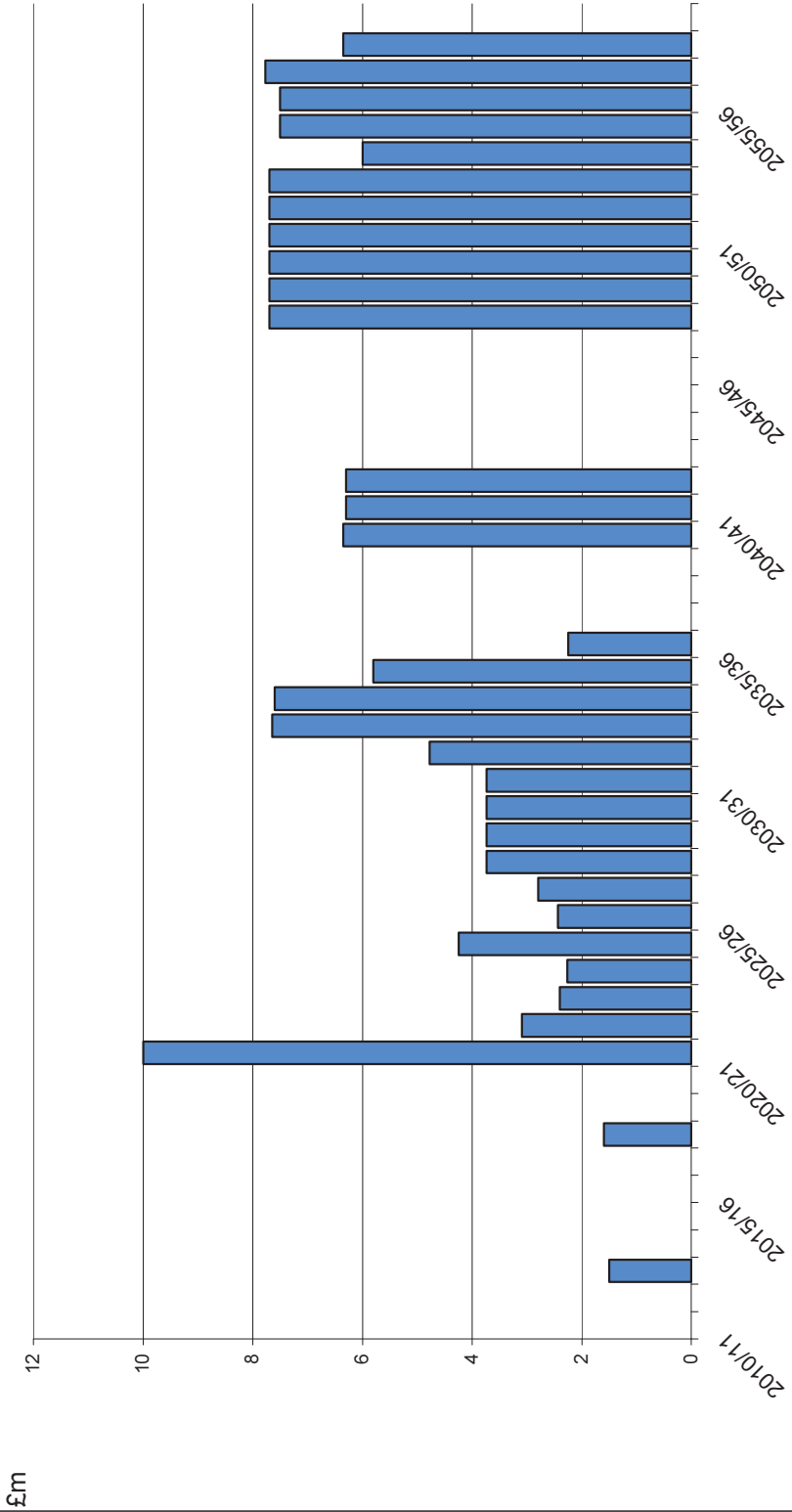
9.01 The treasury management function has operated within the statutory and local limits detailed in the 2011/12 Treasury Management Policy Statement.

9.02 There is a Policy Statement adopted for 2012/13 which was revised from the 2011/12 statement, with the view of continuing to improve performance by managing the various treasury risks.

9.03 The financial environment within which the treasury function operates remains challenging and this is likely to continue for the foreseeable future.

9.04 The Policy was implemented in a pro-active manner with security and liquidity as the focus.

Debt Maturity Profile



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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**
DATE: **TUESDAY, 10 JULY 2012**
REPORT BY: **HEAD OF FINANCE**
SUBJECT: **COUNCIL TAX GRANTS FOR PENSIONERS**

1.00 PURPOSE OF REPORT

1.01 To provide cabinet with information and recommendations on the continuation of a Welsh Government Grant Scheme in 2012-13 that enables the Council to operate a local scheme which provides financial assistance to pensioners to pay their Council Tax.

2.00 BACKGROUND

2.01 For the past three years, the Welsh Government has provided a grant scheme, targeted specifically to pensioners liable to pay Council Tax.

2.02 During 2011-12, the grant scheme enabled the Council to provide over 8,250 individual grant awards to pensioner households with the maximum level of grant award set at £18.50 based on the funding that was made available. To qualify for an award, pensioners were required to be either in receipt of partial Council Tax Benefit or have applied directly to the Council for an award under the Council's 'Apply on Advert' campaign that featured in the 'Your Community Your Council' publicity in early September.

2.03 The Minister for Local Government and Communities announced in late May 2012 a further £4m funding package across Wales (the same level as in 2011-12) to enable local authority pensioner grant schemes to continue for a further year. In line with the older adults formula used in the calculation of the Standard Spending Assessment, Flintshire has been allocated grant funding of £164,158 during 2012-13.

2.04 To access the latest round of funding, the Council was required to confirm it's proposed scheme within a very short window of opportunity and by no later than 30th June 2012. The Head of Finance has provisionally secured the funding from the Welsh Government pending the approval of this report at cabinet.

2.05 In accepting the latest round of funding, there is an additional requirement for local authorities under this year's scheme to provide taxpayers who benefit from grants with details of the UK

- 2.06 Government's agenda to localise Council Tax support from 2013-14. The Council is currently in discussion with officials from the Welsh Government and other local authorities to coordinate how best to deliver the message of the localisation of Council Tax support and wider welfare reform. This will be done when further information is made available about a potential replacement Council Tax support scheme that will operate in Wales from April 2013.

3.00 CONSIDERATIONS

- 3.01 The 2012-13 grant funding is at a similar level to the previous year and given the positive outcomes of the previous scheme whereby over 8,250 pensioners benefit from a small grant towards Council Tax, it is proposed to continue with the same scheme as previously adopted.

- 3.02 In order to qualify for a fixed grant award in 2012-13, which will be credited against Council Tax accounts, having the effect of marginally reducing monthly instalments, pensioners are required to :-

- Be liable to pay Council Tax at a property in Flintshire which is their sole or main residence on the 30th September 2012; **and**
- Be aged 60 years or over on the 30th September 2012 and be in receipt of State Retirement Pension; **and either**
- Be in receipt of Council Tax Benefit on the 30th September 2012 but not in receipt of 100% Council Tax Benefit; **or**
- Have responded to and qualified for a grant award under the Council's previous 'Apply on Advert' campaigns and not be in receipt of any Council Tax Benefit on the 30th September 2012; **or**
- Have responded to the Council's latest 'Apply on Advert' campaign by 30th September 2012 designed to target new applications from pensioners who meet the scheme criteria but have not qualified or applied previously; **or**
- Have responded to the Council's 'Apply on Advert' campaign after 30th September 2012 but before 31st March 2013 and meeting all other qualifying conditions. This element of the scheme is designed to provide a 'ring fenced' contingency fund to deal with late applications on a 'first come first served' basis.

- 3.03 The continuation of this scheme will provide an opportunity for all pensioners liable to pay Council Tax to apply for an award. Individual awards, in reality, are likely to remain fairly small in value given the number of applications qualifying previously together with the potential for new applications. The awards will have the effect of reducing monthly or weekly instalments marginally in most cases.

- 3.04 All grants will be fixed at a level when the total number of applications is known after the 30th September 2012 deadline date for new applications, allowing for a contingency to support up to 100 late

applications.

4.00 RECOMMENDATIONS

4.01 That cabinet agree to adopt the Pensioner Grant Scheme in 2012-13 as detailed in the report.

5.00 FINANCIAL IMPLICATIONS

5.01 The Welsh Government has provided an administrative grant of £5,000 to partly cover the additional costs associated with the implementation of the 2012-13 schemes.

5.02 The overall grant awards will be cost neutral to match, as far as possible, the £164,158 funding provided by the Welsh Government.

6.00 ANTI POVERTY IMPACT

6.01 The purpose of the grant scheme is part of the Welsh Government strategy to help combat poverty, particularly with pensioners. The continuance of this scheme in 2012-13 will provide some low level financial assistance to those pensioners who are either in receipt of partial Council Tax benefit or who apply for a grant award.

7.00 ENVIRONMENTAL IMPACT

7.01 None

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 The Welsh Government has previously held discussions with the Welsh Local Government Association in relation to the introduction of this scheme.

12.00 APPENDICES

12.01 None

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

Section 31 of the Local Government Act 2003
Welsh Government - Help for Pensioner Grant – May 2012

Contact Officer: David Barnes, Revenues Manager
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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**
DATE: **TUESDAY, 10 JULY 2012**
REPORT BY: **DIRECTOR OF COMMUNITY SERVICES**
SUBJECT: **CHILDREN'S SERVICES INSPECTION**

1.00 PURPOSE OF REPORT

- 1.01 To advise Elected Members of the outcome of the inspection in March 2012 of Children's Assessment and Care Management within Flintshire County Council's Social Services for Children, and agreement of the action plan in response to the inspection report.

2.00 BACKGROUND

The Care and Social Services Inspectorate Wales (CSSIW) was set up in 2007 as an operationally independent division of the Welsh Government. This body has powers and functions enabled through legislation including the Health and Social Care (Community Health and Standards Act) 2003 which allow CSSIW to review Local Authority Social Services at a local and national level to inform the public whether services are up to standard and promote the improvement of services to help safeguard the interests of vulnerable children and their families.

The Inspection Team wished to examine the Council's performance in relation to four criteria namely:-

- a) Children, young people and their families and carers are supported by assessment, care management and review practices which comply with national policy, statutory guidance and regulations.
- b) Children, young people, and their families and carers benefit from consideration and use of a range of support services appropriate to their needs.
- c) Children, young people, their families and carers are supported by staff who are properly supervised and receive appropriate management support.
- d) Improved outcomes for children, young people, their families and carers are supported by effective and consistent,

performance management and quality assurance arrangements.

The methodology that was used was a random selection of files, interviews with children, young people, their families and carers together with a range of professional workers who were involved with the assessment and case management process of the case selected. Prior to their arrival, the inspection team viewed a range of documentation and performance management information to assist with their understanding of how the Council was managing and delivering support for children and young people

The Inspection took place from 12/03/2012 to 23/03/2012 including six full days on site inspection.

3.00 CONSIDERATIONS

3.1 The Community Services Directorate and the council have to consider the outcome of this Inspection Report and have in place an Action Plan to respond to the recommendations from the Inspection Report.

3.2 The headline summary from the Inspection Report was as follows:

- Flintshire County Council is committed to further developing and modernising Children's Services and now has leadership arrangements in place to deliver upon its potential. There are early signs of a strong focus upon communication and in working closely with the workforce to gain commitment to modernised ways of delivering services. This has been evidenced by initiatives such as 'back to the floor', where senior managers work at frontline locations, workforce conferences and newsletters. Morale is good, and there is a commitment to identifying 'rising stars' within the organisation, with active encouragement for them to shape policy and procedures.
- The Head of children's Services provides strong strategic and operational leadership. Social work staff and their managers feel well supported and this is evidenced through a number of initiatives, such as active caseload weighting, that ensures a considered approach to pressures in demand which are managed within a supportive framework.
- Information about the role of the Children's Services is widely available and there is an effective response to those who make contact, with prompt advice and support arrangements. There are good systems in place to ensure work is appropriately prioritised. Partnership

arrangements work well in delivering a co-ordinated approach to meeting need.

- There is an increasing focus upon prevention and early intervention that supports the whole family, with better outcomes for children as fewer are needing care.

3.3 The Inspectors also referenced evidence of detailed and comprehensive pre-birth risk assessments that were both analytical and outcome focused (4.6 p4). Regional partners identified the council as one of the best to engage with in North Wales (5.2 pp6).

3.4 Inspectors found that targeted work is having an impact and the Council is committed to developing robust arrangements for Out of County Placements (5.4 pp6). Inspectors found a clear sense of purpose together with the enthusiasm and commitment to deliver responsive services (6.2 pp7). They felt that a culture of flexibility has been established to ensure that workload pressure in key areas could be shared with others (6.6 pp8). They expressed the view that Elected Members were actively involved, well informed, responsive and supportive of new developments (7.4 pp9).

4.00 RECOMMENDATIONS

4.01 That members accept the findings of this inspection and the resultant action plan (appendices 1 and 2).

5.00 FINANCIAL IMPLICATIONS

5.01 None.

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 None

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 There may be a need to increase the number of social workers on the duty and Assessment Team at some stage.

10.00 CONSULTATION REQUIRED

10.01 Completed.

11.00 CONSULTATION UNDERTAKEN

11.01 Consultation has been undertaken with relevant Managers in Children's Services, and with Senior Members and Corporate Management Team colleagues.

12.00 APPENDICES

CSSIW Inspection Report, Inspection of services for children and families, Flintshire County Council

Inspection Report Action Plan

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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CSSIW Inspection Report

Inspection of services for children and families

Flintshire County Council

Focus of inspection

- Access, assessment and care management arrangements.
 - The range of services for children, young people, their families and carers.
 - Workforce management direction and support
 - Quality assurance and performance management arrangements.
-

Date of Inspection

March 2012

Inspection Team

Lead Inspector: Rob Gifford

Team Inspectors: Marc Roberts, Angela Mortimer and Vicki Webb

This report is available from our website www.cssiw.org.uk

Please contact us if you need other formats at cssiw@wales.gsi.gov.uk

Acknowledgements

CSSIW would like to thank all the children and young people, families, carers, staff and everyone else who participated in this inspection.

1. Introduction

- 1.1. The Care and Social Services Inspectorate Wales (CSSIW) was set up in 2007 as an operationally independent division of the Welsh Government. The powers and functions of the Inspectorate are enabled through legislation including the Health and Social Care (Community Health and Standards Act) 2003. Our powers allow us to review local authority social services at a local and national level, to inform the public whether services are up to standard, to promote improvement of services and to help safeguard the interests of vulnerable people who use services and their carers.
- 1.2. We may also work in collaboration with other audit, inspectorate and regulatory bodies in Wales to review areas of mutual interest or concern. The work of the inspectorate in Wales also includes:
 - Inspection of social services arrangements provided by councils.
 - Registration of social care services.
 - Inspection of registered social care services.
 - Investigation of possible breaches of the Care Standards Act 2000 and supporting regulations by service providers.
 - Responding to complaints concerning both children's and adult services.
 - Reinforce standards in regulated services and encourage councils and providers to commission, provide and manage better services.
 - Promote joint working with other national regulators.
- 1.3. We aim to ensure the experiences of people who use, or need, local services are at the heart of our work

2. Methodology

- 2.1. CSSIW sought to evaluate the quality of assessment and care management services for children and young people.
- 2.2. Specifically, the Inspection Team wanted to look at council performance in relation to four criteria, both in terms of current performance and possibilities for improvement for the future:
 - A. Children, young people, their families and carers are supported by assessment, care management and review practices which comply with national policy, statutory guidance and regulations;
 - B. Children, young people, their families and carers benefit from consideration and use of a range of support services appropriate to their needs;

- C. Children, young people, their families and carers are supported by staff who are properly supervised and receive appropriate management support;
 - D. Improved outcomes for children, young people, their families and carers are supported by effective and consistent, performance management and quality assurance arrangements.
- 2.3. Before visiting the council, the Inspection Team reviewed a range of documentation and performance management information to understand how the council was managing and delivering support for children and young people. Some emerging themes and issues were identified at the start of the inspection and these were tested and examined in further detail when the Inspection Team conducted its onsite work.
- 2.4. Inspectors randomly selected a number of case files for close scrutiny and subsequently interviewed children, young people, their families and carers, together with a range of professional workers who were involved with the assessment and care management process for that particular case.
- 2.5. Inspectors additionally conducted a series of discussions with a range of people which focused upon the council's arrangements for delivering assessment and care management services for children, young people, their families and carers. These included social services managers, central support staff, social workers, duty staff, other council employees, as well as representatives of external voluntary sector agencies and organisations, such as the health service.
- 2.6. Inspectors gathered evidence from all these activities and this was then evaluated to come to conclusions about how well Flintshire County Council was supporting children and young people and to identify any potential areas where it may need to improve.

3. Headline summary

- 3.1. Flintshire County Council is committed to further developing and modernising children's services and now has leadership arrangements in place to deliver upon its potential. There are early signs of a strong focus upon communication and in working closely with the workforce to gain commitment to modernised ways of delivering services. This has been evidenced by initiatives such as 'back to the floor', where senior managers work at front-line locations, workforce conferences and newsletters. Morale is good, and there is a commitment to identifying 'rising stars' within the organisation, with active encouragement for them to shape policy and procedures.
- 3.2. The Head of Children's Services provides strong strategic and operational leadership. Social work staff and their managers feel well supported and this is evidenced through a number of initiatives, such as active caseload weighting, that ensures a considered approach to pressures in demand which are managed within a supportive framework.
- 3.3. Information about the role of the Children's Services is widely available and there is an effective response to those who make contact, with prompt advice and support arrangements. There are good systems in place to ensure work

is appropriately prioritised. Partnership arrangements work well in delivering a co-ordinated approach to meeting need.

- 3.4. There is an increasing focus upon prevention and early intervention that supports the whole family, with better outcomes for children as fewer are needing care.

4. Evaluation: Criteria A

- 4.1. The evaluation tested whether children, young people, their families and carers were supported by assessment, care management and review practices which comply with national policy, statutory guidance and regulations.
- 4.2. Inspectors found evidence of a range of information media that publicised advice and support on the council website and through printed leaflets. Arrangements for receiving enquiries from the public and other professionals are generally sound and there is strong management oversight and support for the work of front-line staff. Referral numbers for assessment are low. Inspectors directly observed the practice of duty and assessment workers and found that appropriate checks were being undertaken and that practice supported procedures. Thresholds for referral are described within a 2005 policy document, although not all workers were found to be applying this consistently.
- 4.3. A total of 30 cases file were selected randomly for analysis by Inspectors, of which 16 were for allocated for detailed scrutiny and case tracking. Of these, most were found to be compliant with national policy, statutory guidance and regulations. For example, all demonstrated that initial decisions were made by a manager within one working day – this mirrored reported performance data by the council.
- 4.4. Staff within the duty and assessment service described themselves as being well supported and Inspectors found evidence that both front-line and senior managers actively monitored and took action to control caseloads and allocation of work. The consequence is that staff morale is good, with corresponding increased stability of the workforce and improving sickness rates.
- 4.5. Inspectors found that referrals for assessments are appropriately prioritised and that response is effectively targeted where risk is highest. Initial assessments were found to be timely and this corresponds to recent council performance data for the second quarter of 2011/12 at 93% which shows improvement on a position that was already significantly above the Wales average of 67%.
- 4.6. The quality of assessment was mainly of a good standard and Inspectors saw some detailed and comprehensive pre-birth risk assessments that were both analytical and outcome-focused. There were examples of sensitive and creative work that effectively involved children, young people and their families in improving the quality of their lives. Thresholds for instigating a core assessment were less well understood and this was evidenced within interviews with staff and managers.

- 4.7. Work needs to be done in ensuring that there is a consistent approach to the application of risk assessment on a general level, as Inspectors found in observation, interview and file analysis that this was not always achieved. The council has significantly invested in equipping staff with knowledge and skills to use in assessing risk, but different tools are being used to determine this with corresponding variances in interpretation.
- 4.8. The Independent Review Officer (IRO) role is central to monitoring the council's performance with regard to looked after or accommodated children. Inspectors found strong commitment to challenging poor performance with robust senior management support in promoting high standards. This was evidenced by issues being identified and addressed at earlier stages than had previously been achieved, as a consequence of the recently revised reporting arrangements where IROs are now directly managed by the Head of Service. Worker attendance at reviews needs to be assured if children and young people are to be consistently well served, and there is senior management commitment to ensuring this standard is met.
- 4.9. The council needs to ensure that the incorporation of the IROs within the new safeguarding unit assures independent reporting arrangements and fulfils statutory requirements for direct management arrangements, specifically with regard to case management and resource control.

4.10. What Flintshire does well to support outcomes

- 4.10.1. There is a wide range of accessible information available to the public.
- 4.10.2. There is a timely response to those who contact the council.
- 4.10.3. Checks with organisations such as the police are carried out promptly.
- 4.10.4. Referrals are prioritised in a considered and appropriate way.
- 4.10.5. Lower priority work that cannot be immediately allocated is managed by senior officers.
- 4.10.6. Initial assessments are timely, and the quality of a number of those examined was good. There were some very detailed pre-birth assessments that were analytical and outcome-focused.
- 4.10.7. Strong commitment to Independent Reviewing Officer role in challenging poor practice with looked after children.

4.11. What Flintshire needs to do to improve outcomes

- 4.11.1. Ensure that thresholds for services are consistently understood by all workers.
- 4.11.2. Ensure a consistent understanding of the requirement to conduct core assessments.
- 4.11.3. Develop a more consistent approach to the application of risk assessment, the tools that are used and how recording is processed.

- 4.11.4. Consistent social worker commitment to ensuring attendance at, and timeliness of, reviews for looked after children.
- 4.11.5. Ensure the new safeguarding structure maintains the integrity of the IRO role.

5. Evaluation: Criteria B

- 5.1. The evaluation tested whether children, young people, their families and carers benefitted from consideration and use of a range of support services appropriate to their needs.
- 5.2. Interviews with a representative sample of partner organisations confirmed good working arrangements to support positive outcomes and there was a strong commitment to working collaboratively. Regional partners identified the council as one of the best to engage with in North Wales, and there was recognition that there was a sustained emphasis upon ensuring that 'the child is the focus'. The council is regarded as an effective communicator and open to change.
- 5.3. The Children and Young People's Partnership is described as 'very active', and the current plan adopts an inclusive approach to 'making a positive difference', recognising that collaboration and partnership working is fundamental in making it happen. There is a commitment to refocusing efforts on prevention and early intervention that will reduce the need for intensive, higher-cost interventions, later on.
- 5.4. Inspectors found evidence on case files, performance data and within interviews that targeted work is having an impact and an example of this was demonstrated in fewer out-of-county placements, better outcomes for children and young people, with corresponding reduced expenditure. The council is committed to developing robust commissioning arrangements for future out-of-county placements.
- 5.5. Advocacy and support services are largely effective, and there are two participation groups; one that brings together children in care and another that represents those leaving care. Both of these groups nominate representatives who participate in the Children's Services Forum – this provides the main focus for service improvements for looked after children and care leavers, and underpins the council's role in corporate parenting.
- 5.6. The 'Pride of Flintshire' Awards' event is a much-valued initiative that celebrates the achievements and success of looked after children and care leavers. Held annually, its purpose is to raise esteem and confidence by rewarding hard work and effort – this is an important element of the corporate parenting role, and universally acknowledged as an excellent example of creativity and enterprise by the council.
- 5.7. Progress has been made in developing the range of accommodation for homeless young people; however the council recognises that more work needs to be done to ensure that this is appropriate in all cases. Supported lodging is the preferred option for most young people, but there are limited options for those with enhanced needs.

5.8. What Flintshire does well to support outcomes

- 5.8.1. Wide ownership of shared agenda to improve services. Effective working relationship with key partner organisations, particularly police and health services.
- 5.8.2. Positive outcomes from out-of-county commissioning work with fewer placements and improved control of expenditure.
- 5.8.3. Focus upon the child, with established advocacy and participation frameworks.
- 5.8.4. 'Pride of Flintshire Awards' is a valued celebration of the achievements of looked after children and care leavers

5.9. What Flintshire needs to do to improve outcomes

- 5.9.1. The availability of appropriate accommodation for homeless young people.

6. **Evaluation: Criteria C**

- 6.1. The evaluation tested whether children, young people, their families and carers were supported by staff that are properly supervised and receive appropriate management support.
- 6.2. Inspectors interviewed a range of staff and managers who reported that morale was good, support was readily available and professional supervision was, in the main, regularly provided. This was corroborated through examination of case files and supervision records, although inconsistency in its application was evident. There was, however, a clear sense of purpose, together with the enthusiasm and commitment to deliver responsive services.
- 6.3. Front-line workers and managers provided positive feedback on the capacity of senior managers to keep in touch with important issues and concerns of social workers. They expressed views of feeling valued. Communication was described as very good and Inspectors saw evidence of this through attendance at workforce meetings and examination of staff newsletters.
- 6.4. The council acknowledges previous issues with turnover of staff and relatively high sickness rates, but there is evidence that both have reduced following concerted management efforts, although high sickness levels remain in some teams. There is reduced dependency on the use of agency staff and this has ensured greater stability within the workforce and consistency of practice, together with associated cost savings. Worker and managers expressed a desire to ensure a great component of experienced staff within the duty and assessment service and there was a clear commitment in working towards this goal.
- 6.5. Inspectors saw evidence of caseload weighting and active senior management support to enable appropriate control of workflows. This ensured that individual capacity was routinely considered when work

allocation was being processed, with higher priority work being assigned accordingly.

6.6. A culture of flexibility has been established in order to ensure that workload pressures in key areas could be shared with others where possible. Inspectors found confirmation of this procedure within case file records.

6.7. Workforce planning is increasingly well developed and is underpinned by staff development and training programmes that generally offer wide opportunities for supporting service modernisation.

6.8. What Flintshire does well to support outcomes

6.8.1. Workforce morale is high and employees feel valued and supported.

6.8.2. Senior managers are 'in touch' with operational front-line issues.

6.8.3. Staff turnover is falling and there is a corresponding reduced use of temporary agency workers.

6.8.4. There is a system of active caseload weighting in place that considers capacity when allocating new work.

6.8.5. Flexible approach to pressures in duty system, whereby other teams can offer worker resources when required.

6.8.6. There is a clear expectation regarding the frequency of professional supervision and management appraisal.

6.8.7. Effective workforce development and appropriate staff training opportunities.

6.9. What Flintshire needs to do to improve outcomes

6.9.1. Ensure appropriate component of experienced workers within duty system.

6.9.2. Train first-line managers in order to ensure a more consistent quality of professional supervision.

6.9.3. Continue to address staff sickness issues in some areas, considering the cause and impact.

7. Evaluation: Criteria D

7.1. The evaluation tested whether improved outcomes for children, young people, their families and carers were supported by effective and consistent, performance management and quality assurance arrangements.

7.2. The council has a clear vision for service development that is well communicated and widely understood. Plans are increasingly outcome focused and encourage an enabling relationship with a range of partners. There is closer scrutiny of capacity to meet changes and address risk.

- 7.3. The new Director is ambitious to secure strong quality assurance measures and there are increasingly robust governance and reporting arrangements. Inspectors saw evidence of regular use a range of performance management tools and reporting mechanisms that tracked progress against targets.
- 7.4. Elected members are actively involved, well informed, responsive and supportive of new developments, such as the 'reform to transform' programme. Senior managers are persuasive and credible in enabling a shared vision of local priorities and improved outcomes.
- 7.5. The council is keen to test compliance of practice with policies and procedures and uses a case file audit programme to provide assurance. This supplements professional supervision arrangements, and is used by senior managers to additionally assess standards of recording and decision making. Inspectors, however, found examples of first-line management authorisation of assessment documentation that was recorded prior to completion – the council has offered assurance that this will be urgently addressed.
- 7.6. Increased resources for child protection have led to the creation of two safeguarding manager roles, and this is enabling the council to more effectively support increasing numbers on the child protection register. Previous issues with delays in distributing minutes of case conferences are now being tackled, although a recent audit revealed the longest to be 56 working days – this need to be closely monitored in order to attain an acceptable level of performance.
- 7.7. Advocacy is actively promoted and complaints are well managed. There is a resolution ethos that is used to assist in learning lessons from complaints. Reports are presented on a quarterly basis to senior managers and an annual report is submitted to elected members.
- 7.8. Inspectors found that there was inconsistent use of the PARIS information system. Interviews, observation and direct record scrutiny revealed this to be on a number of levels, such as timeliness of data input in some teams, to quality of recording in others. Not all staff felt confident in use of the information system and some were unfamiliar with a number of components.
- 7.9. Timeliness of recording key and core data within the PARIS system is necessary in order to ensure that all parties who access it will, at all times, be able to retrieve current and potentially significant information. Inspectors found that this was not always the case, with mismatches between electronic and paper files – the latter sometimes having the most up-to-date material, despite a clear commitment to moving to a paperless environment. Some of the reasons behind this were cited as workload pressures, but it was evident to Inspectors that this was only partly the case, as some workers were able to demonstrate full commitment to the paperless policy in a timely manner.
- 7.10. What Flintshire does well to support outcomes
- 7.10.1. Clear, shared vision for service development that is understood by all.
- 7.10.2. Strong leadership with increasing focus upon quality assurance.

- 7.10.3. Sets ambitious targets, with clear governance and accountability for performance.
- 7.10.4. Positive engagement of elected members evidenced in strong commitment to 'reform to transform' programme.
- 7.10.5. Use of audits to test compliance of practice with policies and procedures.
- 7.10.6. Strengthened safeguarding arrangements, demonstrated through increased child protection resources.
- 7.10.7. Pro-active approach to complaints that promotes a lessons-learned philosophy.

7.11. What Flintshire needs to do to improve outcomes

- 7.11.1. Ensuring that assessment documentation is only authorised by managers when in a completed state.
- 7.11.2. Continue to improve the timeliness of case conference minutes and their subsequent distribution.
- 7.11.3. Ensure a consistent level of competent use of computer systems by all staff.
- 7.11.4. Ensure that data is promptly and consistently recorded within the computer system.

CSSIW Inspection 2012 – Areas for Improvement

Criteria A	Area for improvement	Update/Tasks	By Whom	Commentary
4.11.1	Ensure that thresholds for services are consistently understood by all workers.	Ensure that the thresholds document is on the agenda for all team meetings during June/July for discussion and reminder	Children’s Service Manager (Fieldwork)/Fieldwork Team Managers	There were plans within the senior management team to refresh/amend the current threshold document but this was placed on hold at the point the consultation on the Social Service Bill was launched in March 2012 as the Bill makes reference to the development of national eligibility criteria. This will remain the case as the improvement required is around the understanding of the thresholds not the need for review. The Welsh Government has asked the SSIA to undertake some scoping work in relation to national eligibility criteria and Flintshire will be contributing to this work.
4.11.2	Ensure a consistent understanding of the requirement to conduct	1. Reminder note to be developed by the	Children’s Service Manager (Fieldwork) and	

	core assessments.	<p>relevant service manager for the Head of Service to circulate as RFM1/CCC [POLICY NOTE] based on the guidance within the Framework for Assessment of Children in Need and their Families.</p> <p>2. This will be a focus for Senior Managers File Audit for review 6 months after the RFM is issued to check consistency of application.</p>	the Senior Management Team	
4.11.3	Develop a more consistent approach to the application of risk assessment, the tools that are used and how recording is processed.	<p>1. Re-issue the disc which contains pack of information some time ago which provides detailed information on assessment tools.</p> <p>2. Continue with the launch of and training in the new neglect tool which has been developed in conjunction with Conwy and Denbighshire.</p>	Children's Service Manager, FWLSCB Trainer, Safeguarding Managers.	August 2012 and ongoing.

		<p>3. Ensure that the intention to promote consultation with the Safeguarding Unit is realised in order to provide an additional layer of advice and guidance for frontline practitioners.</p> <p>4. Continue to promote the use of Community Care Inform and Research in Practice websites amongst staff.</p>	All Managers	<p>September 2012</p> <p>In place and ongoing</p>
4.11.4	Consistent social worker commitment to ensuring attendance at, and timeliness of, reviews for looked after children.	Commissioning letter already sent to a respected trainer in the area of LAC to provide an ongoing mentoring programme during 2012/13 across the teams. This programme will be to promote the standards of engagement with LAC and assist with the further development of best practice tools for processing and monitoring activity.	Head of Social Services for Children, Service Managers, Independent Reviewing Officers and external specialist.	Underway and continuing during 2012/13.
4.11.5	Ensure the new safeguarding structure	Work is already underway	Head of Social Services for	Underway and continuing

	<p>maintains the integrity of the Independent Reviewing Officers (IROs) role.</p>	<p>to bring together the Children Safeguarding Managers and Independent Reviewing Officers (IROs) as the Children Safeguarding Unit under the Head of Social Services for Children. This work commenced on 01.12.11, and escalation protocol has been developed for CSMs and IROs to deploy in appropriate cases. There will be in built mechanisms to afford challenge when the Head of Social Services for Children /IROs feel this is necessary by utilising senior staff from neighbouring authorities as sounding boards and consulting the Director when the Independent Reviewing Officers (IROs)/Head of Social Services for Children (HOSSFC) cannot come to an agreement on case</p>	<p>Children, IROs, Colleagues across North Wales.</p>	<p>during 2012/13.</p>
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		conduct matters.		
Criteria B				
5.9.1	The availability of appropriate accommodation for homeless young people.	As a result of the Southwark Judgement discussions have been ongoing with the Housing Department and, arising from a two day workshop on 9 th & 10 th November 2011, an action plan developed. Crucial to this is the development of an integrated team for homeless young people, an objective of which has been realised.	Head of Housing, Head of SSFC and relevant managers across the directorate.	Action plan ongoing which includes a pilot scheme for the development of shared facilities for young people who are homeless. Two other pieces of work will feed into the solution here: <ul style="list-style-type: none"> I. Arising from a whole Service Day SSFC have proposed the development of a Vulnerability Panel to rationalise other panels which are active across Children's Services/Youth Justice Service and ensure key partners are about to contribute to the youth homelessness initiative. II. A recently completed piece of work conducted by BAAF on behalf of the Head of Social Services for Children surrounding Supported Lodgings will

				be shared with colleagues in housing as it contains useful recommendations linked to the housing needs of young people in the care system.
Criteria C				
6.9.1	Ensure appropriate component of experienced workers within duty system.	This has been an ongoing challenge for SSFC for a number of years and various solutions have been attempted including additional senior practitioner capacity to enhance the skills/experience levels on the team, the retention of experienced agency staff for short periods and recruitment of experienced staff from Canada and Germany. The development of the Consultant Social Worker [Level 4 Practitioner] role within the Care Council for Wales provides an opportunity to pilot this	Senior Management Group, HR Advisors.	During 2012 continue to develop the Consultant Social Worker role on the Duty Team and assess the impact of this and other initiatives referred to earlier.

		<p>initiative within the Duty Team to enhance skill levels. For short periods, at times of additional pressure on the team, the Head of Social Services for Children has requested other teams to assist and this will continue to be the case as a whole service approach to service/skills gaps needs to be deployed.</p> <p>There will also be the need to ensure the support , terms and conditions to front line officers remain competitive in the local / regional context.</p>		
6.9.2	Train first-line managers in order to ensure a more consistent quality of professional supervision.	The supervision policy has been reviewed and relaunched within the past 2 years and is fit for purpose. An annual audit of supervision is conducted and reported to the Senior Management Team to ensure that staff receive supervision in line with the policy. The quality of	Head of Social Services for Children, Senior Management Team, Training Officer	Training due Spring 2013 File Audit before December 2012-06-19 Recent Supervision Audit to be discussed by SMT by JULY/AUG 2012.

		<p>supervision records has been the subject of senior managers' file audits. During 2011 the Head of Social Services, in response to a recommendation from the 3 County Serious Case Review in South Wales, commissioned <u>specific</u> training on supervision of staff involved in Safeguarding Activity. The course is to be repeated early in 2013. A further audit of the <u>quality</u> of supervision of staff will be undertaken as part of the senior management File Audit FWP.</p>		
6.9.3	<p>Continue to address staff sickness issues in some areas, considering the cause and impact</p>	<p>The Head of Social Services for Children in conjunction with HR have commissioned compliance audits within the YJS and CIDS which were entirely satisfactory. The outcome of a recent audit within the fieldwork teams was</p>	<p>Director and Senior Management group with the assistance of PPQA Team.</p>	<p>Recent compliance audit outcome to be reported to the Senior Management group by HR by the end of June 2012.</p> <p>Staff availability/unmet need/workload measurement returns are a</p>

		completed but the results are still awaited. The Director and HoS responded proactively to a period of high sickness level on the teams in March this year. The collation of workload measurement/staff availability/unmet need statistics on a monthly basis will continue and will give early warnings to the Director and the Senior Management Group of pressures caused by staff absence.		standing item on the SMT FWP each month.
Criteria D				
7.11.1	Ensuring that assessment documentation is only authorised by managers when in a completed state.	Systems adjustments needed	PARIS group and Managers	25.05.12 (Completed)
7.11.2	Continue to improve the timeliness of case conference minutes and their subsequent distribution.	An external review of the Children's Safeguarding function was commissioned by the Head of Social Services for Children and led to a successful Budget	Safeguarding Unit and Head of Social Services for Children	SU FWP 2012/13

		<p>Pressure Bid for a second Children's Safeguarding Manager and additional administrative support due to the numbers of children on the Child Protection Register which had been static at circa 100 for a number of years. The second Children's Safeguarding Manager was appointed in October 2011, more recently a scale 2 administration post has been filled to undertake functions outside of the minuting of child protection conferences (e.g. filing, photocopying, distributing minutes, etc.) In consultation with the FWLSCB a shorter minutes format has been developed for review conferences and secure electronic distribution to all agencies is the aspiration. The additional management capacity</p>		
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		<p>within the Safeguarding Unit has allowed for a systems review which is already reaping rewards. The Head of Social Services for Children will be personally overseeing improvements in this area during 2012/13.</p>		
7.11.3	<p>Ensure a consistent level of competent use of computer systems by all staff.</p>	<p>PARIS support to continue</p>	<p>PARIS Team</p>	<p>Ongoing</p>
7.11.4	<p>Ensure that data is promptly and consistently recorded within the computer system.</p>	<p>Development issues within PARIS.</p> <p>Flintshire was a pilot for the Integrated Children's System which has now been examined as part of Professor Munro's review in England and described as unwieldy. We await the WG's response to the Munro Review but we are in the interim attempting to ease the administrative burden on Social Workers via discussions within the PARIS user group. An</p>	<p>PARIS Team and Internal Lean Management Team</p>	<p>Lean Review (2) to be completed by Dec 2012.</p>

		external review of processes within the Duty Team was commissioned by the Head of Social Services for Children from Alexander [Lean Systems Review] in 2011. She is awaiting confirmation from the internal Lean Team identified employees to assist with Phase 2 of the implementation of that review.		
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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **TUESDAY, 10 JULY 2012**

REPORT BY: **CHIEF EXECUTIVE**

SUBJECT: **STRATEGIC PARTNERSHIP PERFORMANCE - MID YEAR REVIEW**

1.00 PURPOSE OF REPORT

1.01 For Executive to receive a mid year overview of:

- the progress of the Strategic Partnerships and;
- the priorities for each of the Strategic Partnerships and the key milestones for the year ahead.

2.00 BACKGROUND

2.01 The Flintshire Local Service Board (LSB) under its Terms of Reference has five principal roles:

1. Effective and trusting partnership relationships as a set of local leaders.
2. Discharging the responsibilities of an LSB - this includes producing a meaningful and fit for purpose Community Strategy.
3. Consistent and effective governance and performance of strategic partnerships, e.g., Children and Young People's Partnership, Community Safety Partnership, Health, Social Care and Well Being Partnership, Housing Partnership, Local Safeguarding Children Board, Regeneration Partnership and Youth Justice Service.
4. Identifying common issues as public bodies/employers.
5. Promoting collaboration in the design and provision of local public services and to make best economic use of local partner's resources, such as people, money, assets and technology.

2.02 Working alongside the Flintshire LSB are eight key Strategic Partnerships:

- Children & Young People's Partnership and 'Making a Positive Difference' Plan (2011 to 2014)
- Community Safety Partnership and Strategic Plan (2008 to 2011)
- Flintshire Housing Partnership
- Health, Social Care and Well-being Partnership and the Good Health,

Good Care Strategy (2011 to 2014)

- Flintshire and Wrexham Local Safeguarding Children Board Strategic Plan (2011 to 2014)
- Regeneration Partnership
- Voluntary Sector Compact
- Youth Justice Plan and Board

Collectively, the LSB and these Strategic Partnerships are known as 'Flintshire in Partnership'. Flintshire's Strategic Partnerships are critically important in contributing towards the quality of life for the County of Flintshire. It is important that members are aware of each of the partnership priorities and work programmes.

2.03 The Strategic Partnerships are formed and work together for a number of reasons:

- Statutory provisions i.e. Children and Young People's Partnership; Community Safety Partnership; Health, Social Care and Well-being Partnership; Local Safeguarding Children Board, Youth Justice Service.
- National agreement e.g. Voluntary Sector Compact.
- Local agreement to ensure a more strategic and integrated approach, e.g. Regeneration Partnership, Housing Partnership

2.04 The last summary on strategic partnership performance was reported to the Executive in January 2012.

3.00 CONSIDERATIONS

3.01 **Children & Young People's Partnership (CYPP) and 'Making a Positive Difference' Plan (2011 to 2014)**

Requirement for the Strategy

The Local Authority has a statutory duty to publish a plan setting out its strategy for discharging its functions for children and young people as required by Section 26 Children Act 2004.

How and When the Strategy will be Reviewed

The needs assessment has been updated to support the new 2011 to 2014 Plan and it will inform the priority work areas. A community needs assessment for the Families First Plan was developed in October 2011.

The 2011 to 2014 Plan was approved by the CYPP Board, the Executive and BCUHB in May/June 2011. 'Making a Positive Difference' has now been adopted and was officially launched on the 19th June 2011.

The Plan is operational until 31st March 2014. It will be reviewed mid term

on request from Welsh Government. Action areas within the plan will be measured to inform a review of progress annually. The CYPP Board is currently working to devise a fit for purpose monitoring structure and system to enable effective monitoring and evaluation.

The Families First and Flying Start Plans have been submitted to Welsh Government and are awaiting full agreement.

Current Key Priorities

- Children and Young People are cared for.
- Children and Young People are ready, able and encouraged to learn.
- Children and Young People have a healthy lifestyle.
- Children and Young People have time and space to play, and to participate in activities.
- Children and Young People are respected in all areas of their lives.
- Children and Young People are safe.
- Children, Young People and Families have the resources they need to maximise their opportunities.

Some of the above are recognised as joint priorities with other key strategies for Flintshire, e.g., joint priorities shared with the Health, Social Care and Well-Being Partnership ('Good Health, Good Care' Strategy).

Progress Made in the Last 6 Months

- a. The Families First funding transition commissioning is in hand and the outcomes are expected by 1st October 2012. The new commissioned strategic projects will be effective from this date. There is a multi agency commissioning panel working closely with procurement within FCC to manage this process. The Team Around the Family (TAF) team is now fully recruited to and operational. Current referrals include approximately 40 families which exceed expected targets. This is a significant area of work and has involved recruitment of a new team and development of the Families First Plan for 2012 to 2017.
- b. Work to map vulnerable families was undertaken in spring 2011. The work will inform the approach to the delivery of the Families First Programme. The follow on work to map families with a disabled child has now been published and is being fully utilised to help to commission new services under the Families First banner.
- c. The Child-care Sufficiency Audit has been completed.
- d. The Family Information Service has continued to expand its service and the welfare rights and Citizens Advice Bureau (CAB) element of Families First are demonstrating positive debt reduction and family engagement outcomes.

- e. The completion of the website for the CYP Partnership www.youngflintshire.co.uk/f Flintyrifanc.co.uk and the development of the Families First website is ongoing. The DVD for the Families First Plan is being developed and the DVD for the CYPP plan has been completed.
- f. Parenting Strategy – work is being undertaken to build on the delivery of existing Parenting Programmes and workforce development. This includes the development of the National Occupational Standards accredited training programmes via the Parenting Strategy groups. We hope to build on this work under the Families First banner funding.
- g. Continued work to support child care provision and child care services including child care for disabled children. The volunteer mentor programme (working title of “BEING ME”) is operational and has recruited volunteers.
- h. Workforce development approaches for the Team Around the Family programme and collaborative approaches to develop our workforce plan in line with other strategies. We have worked with Derby University to develop a framework for workforce development as a tool to be used in all our Families First work. This also ensures the inclusion of the Welsh language and diversity issues within all our planning.
- i. Continued work to take forward the advocacy model for Flintshire in partnership with all six North Wales counties and utilising the Welsh Government Guidance and the National Advocacy project ‘MEIC’. NYAS are developing a joint project with the CYPP to map existing advocacy provision and offer National Occupational Standards qualifications widely.
- j. Engaging with the ‘Creating an Active Flintshire’ (CAF) Board. The CYPP team presented to the CAF Board to share good practice around engagement and participation methods.
- k. Regional developments of systems with Betsi Cadwaladr University Health Board (BCUHB), input to the locality working links and regional development took place in January 2012.
- l. Assessing the CYP’s equality commitments and application of this to the emerging CYP action areas for the CYP delivery plans.
- m. Further development of the 3rd sector Welsh language/bilingual youth support provision via Fflic/Menter Iaith and Urdd in Flintshire. This project secured Youth Service support again this year.
- n. Supported the work of "RESPECTFEST" respecting others work.

Key Milestones for the Year Ahead

- a. Continue to support the Team Around the Family programme development and creation of bespoke posts to deliver the programme.

- b. Continue to develop the Families First Programme and recruit the remainder of the team.
- c. Take forward the advocacy model for Flintshire in line with regional and national plans. Also enhance this provision with local NYAS project.
- d. Obesity in children and young people – Public Health Wales (PHW) lead – continue to work to develop action plans.
- e. Support Respectfest 2012 and address all participation work for the CYP Plan which will include a review of approaches.
- f. Develop robust systems to engage with BCUHB and engage in locality work and regional plans. CYPP Coordinator now attends Locality groups.
- g. Workforce development – agree a workforce development plan in line with other strategies and partners’ needs and considerations for the Families First Programme. Utilising workforce development tool for Families First planning.
- h. Further development of the Child-care Action Plan to build on existing notable practice, further delivery and development of the Parenting Strategy and workforce element of this work.
- i. Sustain strong effective links with Youth Service to support the review of Youth Service in Flintshire and re-model the participation delivery. CYPP now included in a working group to evaluate existing strategy.
- j. Assess the CYP’s equality commitments together with the Councils Single Equality Plan and Welsh Language Scheme. A refresh audit of partnership governance is also being undertaken.
- k. Introduce an outcomes focussed plan and performance management system for our future CYP Plan. Hold development sessions for the CYP Board and stakeholders to inform the commissioning of services for the Families First funding. Effective from May 2012 to October 2012.
- l. Build on the notable practice of working with the Welsh Medium Youth Service providers, e.g., develop the DVD for the CYP Plan and other partnership working to ensure effective engagement of the Welsh medium provision. The CYPP Coordinator works bilingually with all Welsh medium organisations.

3.02 Community Safety Partnership and Strategic Plan (2011 to 2014)
Requirement for the Strategy

The Crime and Disorder Act 1998, and the subsequent amendments by the Police Reform Act 2002 and Police and Justice Act 2006, place a statutory duty on the local authority, police authority, police service, primary health

service, probation and fire service to work together to address the community safety agenda.

Collectively, these bodies make up the Community Safety Partnership (CSP), and each year they are required to produce a Strategic Assessment, and a Strategic Plan which is formulated every three years.

How and When the Strategy will be Reviewed

The CSP's Strategic Plan spans a three year period, and is reviewed on an annual basis. The current plan runs between April 2011 and March 2014. This is the first joint Community Safety Plan with Wrexham, and builds upon the joint Flintshire and Wrexham Strategic Assessment.

Current Priorities

The priorities of the Plan are jointly shared by both CSP's. They are:

- Reduce the levels of violent crime including domestic and sexual violence.
- Tackle anti-social behaviour.
- Reduce the levels of acquisitive crime.
- Reduce re-offending by supporting the agencies which actively manage offenders.
- Reduce the harm that substance misuse causes to communities, families and individuals.
- Tackle hate related crime and disorder and encourage reporting.
- Engage with the community to provide re-assurance and increase public confidence.

Progress Made in the Last 6 Months (Locally; Sub-Regionally & Regionally)

- a. On behalf of the Regional Leadership Board, leading on the establishment of a North Wales Safer Communities Board. The first meeting is due to be held on 3rd July 2012.
- b. The development of a North Wales Strategic Assessment is underway, and will be finalised by July 2012. This will be the first time this document has been regionally produced.
- c. Formal approval of Community Safety Fund and Substance Misuse Action Team (SMAT) funding for 2012/3.
- d. Review of the Priority Crime Group.
- e. Successful launch of the Street Rugby Initiative that will target young people in Communities First areas during the summer holidays.
- f. Launch of Operation Housewatch. This initiative will safeguard vacant and empty residential properties through the installation of low-level security equipment. The scheme will be supported by the Neighbourhood Wardens.
- g. On-going delivery of training to multi agency groups around the use of the CAADA Dash Risk Assessment tool for Domestic Abuse.
- h. Flintshire SMAT has commissioned a number of service user recovery programmes following a successful pilot run in Conwy, Denbighshire and Wrexham. This will improve longer term and sustainable recovery from substance misuse.

Key Milestones for the Year Ahead

- a. Establishment of the North Wales Safer Communities Board, and the work associated with its establishment.
- b. Preparations for the appointment of the Police and Crime Commissioner.
- c. Scoping the work streams emanating from 'Effective Services for Vulnerable Groups' – particularly relating to domestic violence.
- d. Flintshire SMAT to consider the implications of the Area Planning Board assuming greater commissioning powers.
- e. Regional commissioning of substance misuse awareness training for practitioners.
- f. Rolling out a substance misuse education programme in all secondary schools and Pupil Referral Unit's (PRU's) in Flintshire.
- g. Strengthening links with Licensing, SMAT and North Wales Police to ensure appropriate test purchasing operations within on-licence premises.
- h. Continued collaborative work regionally and sub regionally.
- i. Enhancement of existing services to young people based on the recommendations of the Hidden Harm Inquiry and a local service mapping exercise.
- j. Continue to work with Housing to look at the forthcoming requirement to implement the Wales Management Standard for Anti Social Behaviour.

3.03 Flintshire Housing Partnership

Requirement for the Strategy

The Flintshire Housing Partnership (FHP) was established to provide a consultative forum for strategic housing matters and provide direction to the Flintshire Local Housing Strategy. The partnership provides opportunities for member organisations to work collectively on housing and related projects and to influence the Flintshire Local Housing Strategy accordingly.

How and When the Strategy will be Reviewed

The FHP meets quarterly to review progress on key priority projects and further develop its work programme.

Current Key Priorities & Progress Made in the Last 6 Months

Responding to Welfare Reforms Partnership members are working on the 'under occupation' situation at present and it is intended that the partnership will look at working together on helping each other with this problem.

The establishment of a database of adapted properties is progressing and it is intended to have a completed register of adapted social housing in June 2012.

Social Housing Grant (SHG) Programme: As reported previously the transition to the new programme management arrangements has gone smoothly. The Programme Delivery Plan (PDP) is being maintained and Welsh Government are being provided with quarterly updates.

Glyndwr University, which had been engaged jointly by Flintshire and Wrexham Councils to update the North East Wales Local Housing Market Assessment (LHMA) is currently concluding and the outputs are being used to inform the emerging Local Housing Strategy project.

The common housing register (Single Access Routes to Housing (SARTH) Project) has commenced and is being project managed by a shared post hosted by Wales and West Housing Association. A draft common allocation framework has been developed and a legal opinion is being sought.

The above form the core of the FHP work programme and will continue to link to the review of the Flintshire Local Housing Strategy which is being carried out in collaboration with Wrexham County Borough Council.

At its meeting held in May 2012, the Partnership resolved to review its terms of reference due to the number of operational issues being considered by the partnership.

Key Milestones for the Year Ahead

- Database of adapted housing – April 2012
- Common Housing Register. Finalise allocation policy – September 2012
- Local Housing Strategy – September 2012

3.04 **Health, Social Care and Well-being Partnership and the Good Health, Good Care Strategy (2011 to 2014)**

Requirement for the Strategy

The Health, Social Care and Well-Being (HSCWB) Strategy is a statutory requirement in accordance with the 'Health, Social Care & Well-being Strategies (Wales) (Amendment) Regulations 2007' and associated guidance from the Welsh Government (WG).

The guidance states that there is a statutory requirement for a partnership between the Local Authority and the Local Health Board to formulate a local Health, Social Care and Well-Being Strategy for their area. This includes collectively developing strategic approaches to improve the health, social care and well being of the local population in partnership with other organisations in the voluntary, private and public sector.

How and When the Strategy will be Reviewed

The current strategy is effective until 31st March 2014.

Current Key Priorities

The Strategy has 9 outcomes for the population of Flintshire:

- People do not smoke.
- People drink alcohol within recommended guidelines.

- People are a healthy weight for their height.
- Older people do not fall.
- People do not deliberately harm or injure themselves and that people do not die by suicide.
- Older frail people receiving health and social services are supported to remain at home and have options and influence over their lives.
- People with specific long term or chronic conditions receiving health and social services have options and influence over their lives and are supported to remain at home.
- Young disabled people receiving health and social care, going through transition into adulthood have choice/control and are supported to remain within their community where this is their choice.
- Informal carers have options and influence over their lives.

Progress Made in the Last 6 Months and Key Milestones for the Year Ahead

Work continues to take place within localities in order to ensure that the strategic objectives within locality plans will contribute to the objectives set within the strategy.

Regional obesity plans have been finalised and are being shared with localities for local implementation of actions for the two priorities; interventions within primary and community settings and interventions to reduce and prevent maternal obesity.

Through the Well Being Activity Grant, resources have been purchased and distributed to older adults to provide quality assured information on recommended guidelines for alcohol consumption, along with unit measures to support healthy lifestyle choices.

Betsi Cadwaladr University Health Board introduced a new Smokefree Policy for staff, patients and visitors to all of its grounds. With very few exceptions, smoking is prohibited throughout the entire workplace, grounds and Health Board-owned vehicles. A range of support is offered to staff and patients who wish to give up smoking.

Two priority areas for a regional approach to implementing the Obesity Pathway have been agreed following a North Wales workshop. These priorities are maternal obesity and people with cardiovascular risk.

Locality plans have been developed to include actions in support of the strategy with representatives attending meetings on behalf of the Partnership Board.

Through the Well being Activity Grant from the Welsh Government, quality assured resources have been ordered for use in secondary schools to support health promotion activity relating to tobacco and alcohol.

Work on the Transforming Social Services for Adults (TSSA) continues and will particularly support two of the HSCWB priorities:

- Older frail people receiving health and social services are supported to remain at home and have options and influence over their lives.
- People with specific long term or chronic conditions receiving health and social services have options and influence over their lives and are supported to remain at home.

A regional group inclusive of BCUHB; Local Authorities and the Third Sector is working towards the completion of the regional information strategy (to meet the forthcoming Carers Measure). Whilst Flintshire has extended existing contracts for carers support from the third sector for an additional 6 months, we have utilised the Flintshire Carers Commissioning Strategy for 2012 to 2015 to commission services from September 2012 to March 2015. The contracts that will be developed will measure performance in a way that is meaningful for the HSCWB Strategy.

Work to develop a joint Social Services for Children and Social Services for Adults 'Transition Team' is progressing. A Senior Practitioner was appointed during April and will take up their post when Human Resource processes are complete. A number of other key posts are in the process of being recruited to. The Provider arm of the team is operational and continues to support known young people with disabilities in transition. Existing workstreams to develop person centred tools and clear policies and procedures are ongoing.

Regional or Sub-regional Developments

Proposals in line with the work being undertaken on Partnership and Plan rationalisation are being developed.

3.05 **Flintshire and Wrexham Local Safeguarding Children Board (FWLSCB) Strategic Plan (2011 to 2014)**

Requirement for the Strategy

The Children Act 2004 Section 31 requires every local authority to establish a Local Safeguarding Children Board (LSCB) to coordinate and ensure the effectiveness of what is done by each member agency for the purpose of safeguarding and promoting the welfare of children. The objectives and functions of LSCB's are described in 'Safeguarding Children: Working Together' under the Children Act 2004 including that the LSCB should develop its own business plan to guide its work programme.

The Flintshire and Wrexham LSCB Strategic Plan 2011 to 2014 and Business Plan 2011 to 2012 are the first planning documents for the newly formed (April 2011) joint LSCB and have been developed by the multi-agency LSCB Merge Steering Group taking into account:

- the content of the previous Flintshire and Wrexham LSCB Business

Plans.

- the findings of the LSCB Self Assessment which took place in each local authority area in 2010 (*prior to the merge*).
- the views of children and young people across Wrexham and Flintshire as collected by both Children and Young People's Partnerships to inform the Welsh Government Core Aim 3 (*All Children and Young People enjoy the best possible health, are free from abuse, victimisation and exploitation*) of the statutory Children and Young People Plans.
- comments on our strategic plan from the range of professionals represented on the FWLSCB and a number of other key statutory partnerships which exist across Flintshire and Wrexham.

How and When the Strategy will be Reviewed

The strategy for the FWLSCB covers a period of three years and will be reviewed annually in line with the review of the annual business plan.

Progress made on the actions within the business plan are reported to the FWLSCB Development Group on a quarterly basis using the 'Headline' document which employs 'red, amber, green' ratings to reflect performance. This performance reporting document is also shared with the FWLSCB Executive Board.

Performance measures in the business plan will be reported at the end of the calendar year and be included in the FWLSCB Annual Report. The FWLSCB will also consider all performance information available to them as part of the annual self assessment which will inform the review of the strategy and development of the business plan for the year ahead.

The FWLSCB undertook its annual self assessment on the 24th January, using the Welsh Government LSCB Self assessment and improvement tool. This assessment has supported the Board in measuring its effectiveness and identifying areas for development for the year ahead. The Board will develop an annual report which will detail progress against each of the agreed measures and include the outcome of its annual self assessment.

Current Key Priorities & Progress Made in the Last 6 Months

The FWLSCB agreed a number of key functions based on those set out in statutory guidance - Safeguarding Children: Working Together under the Children Act 2004. In the development of the strategy these functions have been used as a framework for action with the Board setting its priorities 2011-14 against each function. In relation to the key priorities noted in the last report (January 2012) the following progress has been made:

- The LSCB Business plan for 2011/12 has been implemented and tasks carried over are included in the 2012/13 business plan, which was agreed by Board members in March 2012.
- Formal partnership agreements setting out communication and reporting with the FWLSCB are in place with the Flintshire HSCWB Partnership,

the Flintshire CYPP, the Wrexham HSCWB Partnership, the Wrexham CYPP and the Flintshire and Wrexham YJS services.

- The FWLSCB training calendar for 2012/13 has been implemented and findings in respect of attendance, quality and impact were provided to the Boards self assessment event in January. The annual training needs analysis has been undertaken and has informed the training calendar for the year ahead.
- The FWLSCB annual conference on 'Safeguarding in a high-tech digital world' was held in February 2012. The conference was attended by the Children's Commissioner for Wales and over 100 professionals, volunteers and children and young people from Wrexham and Flintshire. Specific actions from the event have been included in the Boards business plan for 2012/13.
- All national and regional policies and procedures produced throughout the year have been ratified and disseminated through the LSCB and a number of awareness raising activities have taken place throughout the year, including the annual conference, web pages and articles in local newspapers and the Councils magazines.
- The first meeting to set up the junior LSCB with children and young people took place on 26th May 2012.
- Further revisions have been made to the FWLSCB audit tool to support the Board in its monitoring role and a programme of audits has been agreed for 2012/13.

Key Milestones for the Year Ahead

- i. Progress the implementation of the LSCB Business Plan for 2012/13.
- ii. Continue to build and strengthen relationships with other Partnerships with regards to safeguarding activity.
- iii. Continue to promote and raise awareness of safeguarding with professionals, parents/carers and children and young people the need to safeguarding.
- iv. Continue to strengthen the Boards monitoring role in relation to safeguarding matters.
- v. Continue to provide a range of training on child protection and safeguarding that meets local needs and is continually reviewed to ensure it is effective.
- vi. Continue to ensure that children, young people, Parents and Carers are consulted with, listened to and involved in the development and review of the work of the LSCB

Regional or Sub-regional Developments

Following the proposals to reduce the number of LSCB's in Wales, as set out within the draft Social Services Bill (Wales) consultation, the Chairs, Vice Chairs and business managers of the three LSCB's in North Wales have met to consider options for North Wales. A proposal has been developed and will be considered by each of the North Wales LSCB's in June/July.

3.06 **Regeneration Partnership** Requirement for the Strategy

The Flintshire Regeneration Partnership was established in September 2005 to bring together the wide range of organisations and initiatives involved in regeneration in Flintshire, to ensure a more strategic and integrated approach. The preparation of a holistic approach to tackling the county's needs and for this to be set out in an agreed long-term strategy, were early recommendations of the Partnership.

The Flintshire Regeneration Strategy was produced in 2008/09 and subsequently approved by the Executive in October 2009, it is of particular importance at a time of economic uncertainty. It sets out those actions that will be taken to facilitate recovery, to ensure that Flintshire is prepared for the challenges to be faced as the economy emerges from recession and to ensure that a focused and coordinated approach brings together the actions and resources of all relevant partners for maximum local benefit.

How and When the Strategy will be Reviewed

The Partnership held its second Economic Regeneration Conference on 24th February 2012 at Clwyd Theatr Cymru, when partners and stakeholders were able to review progress and identify priority actions for the next two to three years. An invited audience of 100 people attended the conference, representing local businesses, Town and Community Councils, Town Partnerships, the Voluntary Sector, Welsh Government, and other key stakeholder partners.

The Regeneration Strategy itself will be reviewed during 2012/2013 to ensure that it reflects these priorities and remains focussed and up to date.

Current Key Priorities

The Regeneration Partnership is using the theme "Flintshire: Open for Business" to encompass its work and has created themes for regeneration in Flintshire – Business, Places and People.

The key priorities are:

- Improve rate of youth unemployment.
- Increase level of inward investment.
- Strengthen competitive position for manufacturing, especially advanced manufacturing.
- Improve availability of skilled workforce for large companies.
- Reduce vacancy rates and improved foot fall on High Streets.

Progress Made in the Last 6 Months

Business:

- a. WG announced the new Deeside Enterprise Zone (DEZ) as a key strategic location for Wales Advanced Manufacturing sector. DEZ will be a catalyst for the Northern Gateway development attracting new

investment opportunities, creating an estimated 7,000 new jobs and deliver sustainable regeneration helping to transform communities both in Deeside and across North Wales.

- b. Work is underway to develop a Local Labour Market Centre in partnership with Careers Wales, Job Centre Plus, Communities First, Deeside College, Glyndwr University and neighbouring Local Authorities. This will be encompassed within the proposed Advanced Manufacturing Centre.
- c. Flintshire Business Week October 2011 attracted 2,576 business delegates against WG Outcome Agreement target of 1,400. Key events included; Flintshire Goes to Westminster, a two day Trade Fair hosted by Convatec, Deeside, AM/MP Question Time and the Flintshire Business Awards and Gala Dinner.
- d. The level of general support and investment enquiries from businesses continue to increase with 2,583 individual enquiries handled this year. In addition, 67 business and community development initiatives and forums have been designed and delivered, engaging with more than 3,900 delegates to encourage networking and training to all business sectors and sizes.

Places:

- a. The Masterplan for Flint is now complete and FCC and partners are now planning the implementation of the key recommendations.
- b. A Destination Management Partnership has been formed to lead the approach to the visitor economy in Flintshire. This approach is complementary to wider town centre management, rural development and business development activity, as well as to key service improvements such as the review of Streetscene services.
- c. The Welsh Government has given approval to the North East Wales Town Centre Regeneration project, lead by FCC, and covering Flintshire and Wrexham. This will support the physical regeneration of town centres across the area and has a project value of £3,959,497. The project will run from now until the end of 2015.
- d. The Welsh Government also gave approval to the Rural Development Plan (RDP) programme for Flintshire; a package of 4 projects worth in total £4,980,562 to improve the quality of life and economic vitality of rural communities.
- e. The previous round of RDP funding came to a successful conclusion during the last months of the year with £2,745,994 of funding drawn down from WG, approximately 94.4% of the allocated funds.

People:

- a. The Regeneration Partnership has been working closely with Communities First and the Local Service Board on the Employment, Education and Training (EET) agenda. Significant progress has been made linking with Flintshire's manufacturing and hospitality industries, establishing new good practice aimed at reducing the numbers of

young people not in Employment Education or Training NEET and improving opportunities for Flintshire's most disadvantaged communities.

- b. Partners aiming primarily at young people under 25 are developing a number of initiatives with Flintshire Regeneration Partners acting as catalysts to progress.
- c. Discussions with public, private and voluntary sector partners including Business in the Community (BITC), Flintshire Local Voluntary Council (FLVC) and Groundwork UK, are developing a cross sector approach to work experience, apprenticeships and entrepreneurship, with the focus on young people in secondary education, and on young people under 25 not in Employment Education or Training (NEET). Careers Wales, Job Centre Plus and Communities First are supporting the developing Flintshire agenda, linked to the Jobs Growth Wales and Get Britain Working strategies.

Key milestones for the year ahead

General:

- a. Review and refresh the Regeneration Strategy and develop a monitoring framework for progress towards key outcomes.

Business:

- a. Develop the Deeside Enterprise Zone further and attract and support inward investors.
- b. Develop the Manufacturing Centre of Excellence project.

Places:

- a. Continue to develop support for the designation of a Regeneration Area for Deeside to bring about a large comprehensive renewal area in the county – jobs / housing improvement / town centre renewal / environmental upgrade (ongoing).
- b. Explore the potential of a Local Asset Backed Vehicle as a means of securing the long-term regeneration of Flintshire (ongoing).
- c. Implement the long term plans for the eight main towns in Flintshire (ongoing).
- d. Develop Destination Management Plan for Flintshire. (Mid-2012).

People:

- a. Develop a Labour Market Office linked to the Deeside Growth Zone to link new job opportunities to the local unemployed population.
- b. Continue programme of jobs support in Communities First areas to link local people to job opportunities and support provision (ongoing).
- c. Continue to address the Child Poverty agenda by increasing residents' financial literacy, and improved access to Credit Unions through additional community based collection points and model junior savings

schemes, particularly in schools which serve disadvantaged areas.

- e. Review the structures and priorities for the CF programme to align it to the strategic needs of the area and the WG priorities.

Regional or Sub-regional Developments

Sub-regional collaboration projects are underway for inward investment, tourism and events.

3.07 **Voluntary Sector Compact**

The Compact is a way to supporting collaboration between statutory bodies and the voluntary (or third) sector. It was originally established as a national agreement between central government and the voluntary and community sector in 1998.

Current Key Priorities

- Continue to support the development of a strategic approach to 1) advice provision in Flintshire, 2) maximising external funding opportunities, and 3) efficiency programme.
- Development of Regional Health Compact.
- Transport and Access to Health Services – focus on regional & sub regional partnerships.
- Maximising external funding opportunities.
- FLVC Community Lottery bid under the theme of 'Learning and Empowerment'.

Key Milestones for the Year Ahead

- Big Lottery: Community Voice - FLVC to submit the 2nd round bid by 30th July. The aim of the “Community Voice” programme is to build the capacity of citizens to engage in planning and running services and portfolios of projects that respond to their communities needs and advance community benefit.
- Transport and Access to Health - Community transport and the planning of health services within Localities.
- Advice Management and the implications of welfare reform.
- Revised Scrutiny arrangements.

3.08 **Youth Justice Plan and Board**

Requirement for the Strategy

The Youth Justice Plan is written annually to meet legislative, grant making and business planning requirements. It has to meet the requirements of:

- The Youth Justice Board (YJB) – as a legislative requirement (Crime and Disorder Act 1998) and condition of grant.
- The Youth Justice Service (YJS) Executive Management Board.
- The County Council.

- YJS staff at an operational level.
- Partner agencies.

How and When the Strategy will be Reviewed

The current strategy is operational until mid year 2012 when the 2012 to 2013 plan will become operational. The new plan for 2012 is being developed using an outcome focused approach and it will engage with young people and other stakeholders in its construction.

The 2012 plan will be circulated to partner agencies for consultation then be approved by the County Council scrutiny process.

Current Key Priorities

Priorities for 2012 are:

- a. Reduce the number of young people entering the criminal justice system by monitoring first time entrants.
- b. Reduce the number of young people entering the secure estate.
- c. Reduce the reoffending rate of 10 to 17 year olds.
- d. Increase victim and public confidence.

Progress Made in the Last 6 Months

A reduction of First Time Entrants (FTE) has continued to be achieved by the YJS. Preventing offending is the principal aim of the youth justice system and Flintshire YJS has continued to develop prevention services which have an impact on the reduction of the number of FTE into the youth justice system.

The numbers of young people entering the secure estate are minimal and the introduction of the Youth Rehabilitation Order the previous year enabled the partnership between the YJS and the Courts to be reviewed and strengthened. The numbers of young people attending court has seen a significant decrease and this can be attributed to more robust policing methods looking at alternatives to arrest, the restorative justice agenda linked to prevention work carried out by the Youth Justice Service and possibly the closing of the Mold custody suite.

Reoffending rates are determined by monitoring cohorts of young people and the YJS has implemented systems linked to the Careworks system to track these. The highest rates of re-offending are demonstrated by those young people subject to periods in custody. It should be noted that this population in Flintshire is often confined to three or four individuals so any offence committed by this group impacts significantly on re-offending rates demonstrated by the whole group.

The YJS contact all identified victims and has a dedicated Victim Liaison Officer. The Victim Strategy is currently being reviewed and amended.

Key Milestones for the Year Ahead

There are significant policy changes ahead being implemented by Central Government which will impact upon services provided for the Young people of Flintshire. There is consideration being given to a Youth Justice Bill (Wales) which would be welcomed to build upon the work undertaken by the All Wales Youth Offending Strategy.

The funding formula for grants from the JYB is still not decided and there maybe an additional factor of Payment by Results to contend with which could impact upon practice.

The election of the Police and Crime Commissioner for North Wales could have an impact on funding levels. Welsh Government funding is also going to be introduced with a regional footprint which will require the four North Wales Youth Justice Services to collaborate and work much more closely together than previously.

Relocation of office premises to Library HQ, possibly in October of this year would require an agile method of working which will provide some challenges however there are many positives to this move with the integration with Children's Services.

Regional or Sub-regional Developments

On a regional level the formation of the North Wales Safer Communities Board which will come into force from June 2012 will impact upon Flintshire YJS as it will provide the strategic input into the service and act as a commissioner for some of the Welsh Government grant funding streams.

Sub regionally, Flintshire YJS will collaborate with Wrexham YJS in areas of practice and training as described above to ensure funding continues.

The Young Peoples Drug and Alcohol Team has further developed its brief with the inclusion of a new post for dual diagnosis (mental health and substance misuse). This new post with the additional SMAT funding has enabled the Service to provide a much needed support service to young people and has a more direct route into Child and Adolescent Mental Health Services (CAMHS).

The Flintshire/Wrexham LSCB has now been in operation for over 12 months and the YJS has developed protocols around Serious Incidents with the Board and the Youth Justice Service continues to be actively in all areas of this Board and is represented on all groups from the Executive to support groups.

Flintshire YJS continues to engage with Flintshire Inclusion service and has seen a rise in the time young people are spending in Education, Training and Employment and the Pupil Referral Unit that is a joint venture with the Inclusion Service has recently expanded its brief to work with 16 plus years to enable them to gain college placements.

A significant development is through Creating Active Wales/Sports Wales which the YJS are hopeful to utilise funding to engage young people in further constructive use of leisure time to divert them away from criminal or anti social activities.

3.09 **Partnership and Plan Rationalisation**

In January 2012, the Welsh Government (WG) published, for consultation, statutory guidance on integrating plans and partnerships called 'Shared Purpose - Shared Delivery'.

The aim of the guidance is to strengthen the role and accountability of Local Service Boards in Wales and to replace the four existing statutory plans with a single integrated plan which would be driven by the Local Service Board. In doing so, the Plan would be used to meet statutory responsibilities in relation to the development of plans and strategies under the following legislation:

- Local Government (Wales) Measure 2009 - Part 2: Community Strategies and Planning (Ss 37-46).
- Children Act 2004 (Part 3: S26) (which includes plans required in accordance with the Children and Families (Wales) Measure 2010 (S2) and the Mental Health (Wales) Measure 2010 (Part 1)).
- Childcare Act 2006 (Ss 22 and 26).
- NHS (Wales) Act 2006 (Part 3: S40).
- Crime and Disorder Act 1998 (Part 1: S6).

This would currently incorporate:

- Flintshire County Vision - 2009 to 2019.
- Making a Positive Difference Plan - 2011 to 2014 (Children & Young People's Partnership).
- Community Safety Strategic Plan - 2011 to 2014.
- Good Health, Good Care Strategy - 2011 to 2014 (Health, Social Care and Well-being Partnership).

This guidance would replace:

- Local Government (Wales) Measure 2009 - Part 2: Community Strategies and Planning.
- Stronger Partnership for better outcomes - Guidance on local cooperation under the Children Act 2004 – issued August 2006 and subsequent guidance on the Children and Young People's Plan.
- Health Social Care and Wellbeing Strategy Guidance 2011/12 to 2012/13.

3.10 The Flintshire response to the consultation was outlined in the report to Executive on the 27th March 2012. In summary, our response was as follows:

- By majority we do not support the proposal to make LSB's a statutory body (some partners do support the proposal).
- We do support reasonable extension of partnership rationalisation.
- We do support the special proposals for ways of making partnership rationalisation work, for example, the Single Integrated Plan.
- We want local freedom in the number of partnerships that exist in Flintshire without the need for prescriptive and intrusive statutory guidance that defines the way in which partnerships must operate.
- We believe that LSB's should have the freedom to act and prioritise allowing for local decision.
- From the outset, the Flintshire LSB has had a role of overseeing and coordinating the strategic partnerships. Strategic Partnerships have had freedom over their approach to delivery. By giving the LSB's more control, this may have a negative impact as partners may become protective over sovereignty.

3.11 Welsh Government will publish the final guidance in late June / early July 2012.

4.00 RECOMMENDATIONS

4.01 That Cabinet note:

The mid year review of the Strategic Partnerships and support the key priorities and the work programmes to achieve them.

5.00 FINANCIAL IMPLICATIONS

5.01 There are no financial implications directly associated with this report.

6.00 ANTI POVERTY IMPACT

6.01 The needs assessments that underpin the Strategic Plans include a consideration of poverty and deprivation and its impact on the population.

7.00 ENVIRONMENTAL IMPACT

7.01 There are no environmental impacts directly associated with this report.

8.00 EQUALITIES IMPACT

8.01 There are no equalities impacts directly associated with this report.

9.00 PERSONNEL IMPLICATIONS

9.01 The on-going coordination and implementation of the Strategic Plans and Partnership Work Programmes will be taken forward by designated officers within the relevant Partnership teams.

10.00 CONSULTATION REQUIRED

10.01 None required.

11.00 CONSULTATION UNDERTAKEN

11.01 None required.

12.00 APPENDICES

12.01 None.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

None.

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**
DATE: **TUESDAY, 10 JULY 2012**
REPORT BY: **DIRECTOR OF ENVIRONMENT**
SUBJECT: **FOOD SERVICE PLAN**

1.00 **PURPOSE OF REPORT**

- 1.01 To seek Member approval for the Food Service Plan for Flintshire County Council, which details the service delivery programme for the period 1st April 2012 to 31st March 2013. This Plan includes a review of the Service Plan 2011 and therefore could not be finalised until all the statistical data and all other information was compiled and reviewed for the previous year.

2.00 **BACKGROUND**

- 2.01 Local authorities throughout the U.K. have been directed by the Food Standards Agency to take the necessary action to implement the Framework Agreement on the Local Authority Food Law Enforcement. This Framework Agreement became operational from 1st April 2001. The Framework has been developed to ensure consistent food law enforcement service throughout the country.

3.00 **CONSIDERATIONS**

- 3.01 The Service Plan, a copy of which is attached as Appendix A, has been produced by Officers of the Health Protection Service within Public Protection in line with the model format contained within the Framework Agreement. It outlines the proposals for service delivery for the period 1st April 2012 to 31st March 2013 as well as a review of the Service Plan for 2011 with overall performance for 2011 to 2012 shown as Appendix 3 within the Service Plan.

The elements of the Food Service, namely Food Safety, Food Standards and Animal Feeding stuffs, sit under two Team Leaders, both under the responsibilities of the Health Protection Manager within the Public Protection Service.

Key Achievements for 2011/2012 are as follows:

- The performance of the Team in 2011/2012 was the team achieved its targets of 100% of High Risk inspections for Food Safety and Food Standards.
- The new business inspections target of 87% for Food Safety was exceeded ,achieving an actual figure of 91%.
- The percentage of businesses broadly compliant with Food Hygiene legislation was maintained at just under 85%.
- Following survey work carried out on the possible substitution of cod for cheaper species of fish, the Team successfully prosecuted a local takeaway selling Panga as Cod.
- The team submitted successful bids for approximately £7400 of grant funding from the Food Standards Agency Wales for both Food Safety Management System Coaching and for Food Standards Sampling Surveys.
- As only a percentage of lower risk food hygiene inspections can be achieved in any one year, it is essential a risk-based approach based on Public Health considerations is taken to best target resources. Project work was therefore undertaken on Low Risk food premises to identify those which should be prioritised for a food hygiene intervention.

Key Targets for 2012/2013 are as follows:

- To achieve 100% of High Risk Inspections for both Food Safety and Food Standards
- To prioritise all Food Safety revisits to premises receiving a National Food Hygiene Rating Score of 0, 1 and 2 to improve the businesses level of compliance to Broadly Compliant with Food Hygiene legislation.
- To complete low risk inspections identified by last year's project work as requiring prioritisation.
- To review and revise all internal processes in preparation for the commencement of the Food Standards Agency Wales three-year rolling programme of Local Authority audits.
- To improve the percentage of Significant Breaches rectified within the year for Food Standards legislation.

3.02 The Service Plan, which will be reviewed annually, outlines how the service will be delivered over the coming financial year. The Plan will be backed up by comprehensive documentation and procedures which will be developed to ensure that the Council's Food Law Enforcement activities meet the requirements.

4.00 RECOMMENDATIONS

4.01 That Members approve the Food Service Plan 2012/2013.

5.00 FINANCIAL IMPLICATIONS

5.01 The cost of implementing the agreement on Food Law Enforcement will be met from within the existing Environment Directorate budget.

6.00 ANTI POVERTY IMPACT

6.01 None.

7.00 ENVIRONMENTAL IMPACT

7.01 None.

8.00 EQUALITIES IMPACT

8.01 None.

9.00 PERSONNEL IMPLICATIONS

9.01 None.

10.00 CONSULTATION REQUIRED

10.01 N/A

11.00 CONSULTATION UNDERTAKEN

11.01 N/A

12.00 APPENDICES

12.01 Appendix A – Food Service Plan 2012/2013

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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FOOD SERVICE

SERVICE PLAN

2012-2013



FLINTSHIRE COUNTY COUNCIL FOOD SERVICE PLAN 2012-13

INTRODUCTION

The Service Plan relates to the year commencing 1st April 2012 and ending 31st March 2013.

It covers the service provision for the Food Safety, Food Standards and Feedstuffs functions of Flintshire County Council.

The purpose of this Plan is to provide:

- Information about the scope of the Service.
- Information about the services provided.
- Information about the means of Service provision.
- Information about performance of the Food Service against Performance Targets set out in Plan as well as against national or locally defined Performance Indicators.
- Information relating to reviewing performance in order to address any variance from meeting the requirements of the Service Plan.

Service Plans will be produced annually to allow for meaningful review and progression, in accordance not only with the requirements of the Food Standards Agency "Framework Agreement on Local Authority Food Law Enforcement" but also with the principles of the "Wales Programme for Improvement".

This Service Plan also forms part of the Authority's commitment to delivering the "Making the Connections Agenda", to provide citizen centred services and to work in collaboration and co-operation.

FLINTSHIRE COUNTY COUNCIL FOOD SERVICE PLAN 2012-13

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1.0 SERVICE AIMS AND OBJECTIVES

1.1 Aims and Objectives

The aims of the Food Service are to:

1. Promote, through education and enforcement, the sale and/or production of food which is fit and without risk to health.
2. Prevent and control the spread of food borne illness through education and enforcement.

These will be achieved by:

- (a) Providing a complete and holistic food law enforcement service covering the areas of food hygiene and safety, food standards and animal feeding stuffs in accordance with relevant food legislation and Codes of Practice, thereby fulfilling statutory obligations.
- (b) Providing a responsive service to demand driven elements such as food safety incidents, outbreaks of food related infectious disease, complaints and request for advice from both businesses and members of the public, in accordance with the locally defined performance indicators, relevant Codes of Practice, plans and protocols.
- (c) Assisting businesses to comply with all relevant legislation by using a balance of techniques and approaches in order to ensure the safety and well being of the Public and of the environment in line with the Public Protection Enforcement Policy 2010.
- (d) Maintaining an up-to-date database of all food establishments in the County so that resources can be effectively defined and utilised to meet statutory, national and locally defined targets of inspection, sampling, specific initiatives and tasks set by Food Standards Agency Wales (FSA), other agencies, or based on local need.
- (e) Providing an open and transparent Food Service with clear lines of communication for all service users.

1.2 Links to Corporate Objectives and Plans

The Food Service links to the Community Strategy 2009-2019 and the five corporate priorities contained therein which are:

1. Economic Prosperity.
2. Health Improvement
3. Learning and Skills for Life
4. Living Sustainably.
5. Safe and Supportive Communities as endorsed by Flintshire's Local Service.

The Food Service Plan also links in with the Council's Improvement Plan which aims to give guidance to Directorates when setting their Service Plans as well as setting improvement objectives as required by the Local Government (Wales) Measure 2009. This Plan particularly links in with regard to Improvement Priority 10 – “to protect, plan and develop sustainable natural and build environments”

The Food Service has direct links with the Environment Directorate Plan 2012 Onwards and the Public Protection Service Plan 2010-2013. The Public Protection Service Plan contains annually revised Operational Action Plans, which have been informed by a range of external and internal drivers and through a greater focus on robust risk assessment, intelligence led intervention, targeting and performance management.

The Food Service links with the Council's Community Strategy and with some of the key strategic priorities Welsh Government such as the “Health, Social Care and Well-Being Strategy” and “Health Challenge Wales”.

Food Safety is a statutory duty of the Council. Targets to be achieved are set in relation to both National Strategic Indicators and Service Improvement Data. A Corporate Performance Management System monitors performance of all services within the Council. These are reported quarterly. The areas reported on are the National Strategic Indicator, “the percentage of premises Broadly Compliant with Food Hygiene Legislation” and the following Service Improvement Data:

- (a) The percentage of High Risk Food Safety inspections carried out.

- (b) The percentage of High Risk Food Standards inspections carried out. This is reported in the Trading Standards figure, as are (d) and (e).
- (c) The percentage of new businesses inspected for Food Safety.
- (d) The percentage of new businesses inspected for Food Standards.
- (e) The percentage of significant breaches resolved in relation to Food Standards.

The Food Service will participate actively in strategies and programmes associated with the “Wales Programme for Improvement” and the “Making the Connections Agenda” and will continue to implement performance management systems to improve the efficiency and effectiveness of service delivery in a meaningful way to the citizens of Flintshire.

2.0 BACKGROUND

2.1 Authority Profile

Flintshire is a Unitary Authority. The County has an area of 43,464 hectares and a population of approximately 149,700 as per the 2001 Census. The County is made up of a mixture of small towns and conurbations, particularly to the south and predominately rural and agricultural land located in the north. The population is subjected to small seasonal fluctuations due to influx of tourists to the area. It has a number of industrial estates on which many manufacturers including food manufacturers are located, as well as headquarters for several food manufacturers including one large national food retailer. The coastal edge of Flintshire County Council abuts the Dee Estuary upon which cockle and mussel beds are situated and there is a small port located at Mostyn.

2.2 Organisational Structure

The organisation structure of the Food Service which is located within the Public Protection Service of the Environment Directorate is illustrated on the Charts which also detail where the service fits in the Management and Cabinet structure of the Council. The Charts are detailed within Appendix 1.

Specialist services are provided by The Health Protection Agency, Public Health Wales and by Eurofins for the purpose of the appointed Public Analyst. (See Section 3.5).

2.3 Scope of the Food Service

The Food Service is situated in the Environment Directorate as part of the Public Protection Service.

The Food Safety and Food Standards functions both fall under the responsibility of the Team Leader – Food Safety and Food Standards. Feedingstuffs is managed by the Team Leader – Animal Health and Health Promotion. These functions sit within the Health Protection Service area of Public Protection, which is overseen by the Health Protection Manager.

The scope of the respective component parts of the service are detailed below:

Food Safety

The Food Safety component of the service has the following responsibilities and service provision:

- Enforcement of relevant food safety and food hygiene legislation, in all food establishments in Flintshire.
- Registration of food businesses and approval of premises subject to compliance with product specific legislation (meat products, fish, shellfish, fishery products and dairy products).
- Investigation of food complaints that relate to fitness of food for human consumption as well as food complaints that relate to the nature, substance or microbiological quality of the food, taking appropriate action as necessary. In addition, investigation of all complaints which relate to hygiene matters (premises, practices, personnel) in food businesses.
- Investigation of sporadic cases of food (including water) related notifiable diseases and suspected cases of food poisoning.
- Investigation and control of outbreaks of food poisoning and food related notifiable diseases.
- Response to Food Alerts and food related incidents taking appropriate action as necessary.
- Advice to new and existing business, responses to plans, licensing and land charges referrals.
- Providing Export Certificates to allow movement of food from the UK to countries outside the EU.
- Act as Primary Authority for Iceland Food Retail Stores and act as Home and/or Originating Authority for other companies where necessary.
- Undertake food sampling in accordance with the Sampling Programme.
- Educational and promotional initiatives including the National Food Hygiene Rating Scheme.

2.4 Demands of the Food Service

Food Standards

The Food Standards component of the service has the following responsibilities and service provision:

- Respond to requests for consumer advice in matters regarding food standards, labelling and composition.
- Undertake a pre-planned programme of visits to food visits within Flintshire.
- Undertake a pre-planned programme of visits to food premises within Flintshire.
- Investigation of complaints relating to the nature, quality or substance of food and complaints relating to mislabelling of food taking appropriate action as necessary.
- Provide advice, information and assistance to food businesses including promotion of the use of the Flintshire Trading Standards Information Pack.
- Undertake duties and responsibilities as Home Authority and Originating Authority for food businesses within Flintshire.

Feedstuffs

- Undertake a pre-planned programme of visits to feed premises within Flintshire.
- Investigation of complaints relating to feedstuffs and sampling of feed as when required.

The Service Delivery Point for both the Food Safety and Food Standards is County Hall, Mold. Both Service Delivery Points are open during normal office hours of 8.30 a.m. – 5.00 p.m. There is no official “out of hours” provision. However, there are systems in place to contact relevant staff should an emergency situation arise via the Care Connect Service.

There are 1619 food businesses in Flintshire of which 1381 are registered food businesses. Not all food businesses are required to register with the Local Authority; hence it is acceptable that the two figures are not the same.

Of the total number of food premises in Flintshire approximately 1028 are caterers, with the remainder being made up predominantly by retailers. The catering establishment cover a wide range of types of premises varying from restaurants, cafes, schools, hotels, pubs, residential care homes, hospitals to mobile food vehicles. There are currently 41 food manufacturing businesses within Flintshire. The types of food manufacturers within Flintshire vary greatly in the types of processes they use to produce

food. These range from a cooked meat manufacturer with national distribution, several ready meal manufacturers with national distribution through to an on-farm milk pasteuriser supplying milk locally. The diversity in the types of manufacturers operating within the County places a significant demand on the breadth and depth of knowledge required by officers within the Team.

The Dee Estuary has a thriving cockle industry with three cockle beds falling within Flintshire's jurisdiction. There is also a new mussel bed. These beds place significant demands on the Team, particularly during the six month cockle opening season. The management of the Dee accounts for a large portion of the Sampling Budget due to the statutory sampling of the water and shellfish. Enforcement on the Dee involves a considerable amount of cross-agency partnership working with the Environment Agency Wales, Wirral Council, the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), other neighbouring Local Authorities, the North West Inshore Fisheries and Conservation Authorities and the Food Standards Agency Wales.

Port Health

There is a small port at Mostyn for which the Food Team has responsibility in relation to the ships coming into port requiring a Ship Sanitation Certificate or a food hygiene inspection.

National Food Hygiene Rating Scheme

Flintshire County Council implemented the National Food Hygiene Rating Scheme in December 2010. The administration of this Scheme in both the setting up and in its maintenance, accounts for a considerable volume of work for the Team.

The premises profile, as defined in the Food Law Code of Practice (Wales) September 2008, is as follows:

FOOD STANDARDS			FOOD SAFETY			
Risk	Min.	No. of		Risk	Min.	No. of
High	1 year	13	High	A	6	6
				B	12	88
Medium	2 years	471		C	18	551
Low	5 years	828	Low	D	2 years	253
				E	3 years	410
TOTAL		1312		TOTAL		1308

The vast majority of food business owners are English speaking with a minor requirement for written reports in Welsh. All advisory literature is produced bilingually in accordance with the Welsh Policy of the Council. Approximately 14% of residents in Flintshire are recorded as Welsh speaking. Approximately 4% of food businesses are of ethnic origin (Asian, Chinese, Turkish and Greek) and once again advisory literature is available in a range of ethnic languages to assist in understanding.

2.5 Enforcement Policy

The Food Service undertakes enforcement in accordance with the Public Protection Enforcement Policy which has been updated and approved by Members in 2010. This policy has been based upon the principles of the Enforcement Concordat adopted by Members in September 2000 and the Regulators Compliance Code. The policy covers the following areas:

- The Guiding Principles of Enforcement which officers will adhere to whilst undertaking their duties.
- The approach we will adopt.
- Practical arrangements for putting the policy into effect.
- How we will endeavour to ensure the quality of the service consistency and effective targeting and proportionality of enforcement activity.

Regard is also given to the principles of the Better Regulation Development Office and the Primary Authority Scheme.

There is also an Enforcement Policy for residents entitled “Regulation and Enforcement – Involving Local Residents”, which was approved by Council in September 2011.

3.0 SERVICE DELIVERY

3.1. Food Premises Inspections

Flintshire County Council has one National Strategic Indicator and a number of Internal Performance Indicators relating to Food Safety and Food Standards for 2012/2013 which are detailed in 1.2.

The Food Service will carry out inspections in relation to the Performance Indicator, in accordance with pre-planned programmes drawn up annually and commencing on 1st April each year, to coincide with the reporting requirements for the Service to the Food Standards Agency Wales, as part of the Local Authority Enforcement Monitoring System (LAEMS). These inspection programmes are based on the risk rating of the premises/trader so that there is a targeting of resources to ensure that those premises/traders with a high or medium risk are prioritised for inspection.

The performance of the Food Team in 2011/2012 was excellent with the Team achieving 100% of High Risk inspections for both Food Safety and Food Standards. The target of 87% of new businesses to be inspected for Food Hygiene was exceeded with 91% actually being achieved. This took considerable efforts from the Team. Food Standards also exceeded their target of 82%.

There is a National Strategic Indicator in place, namely the percentage of businesses which are Broadly Compliant with Food Hygiene legislation. It is pleasing that 84.7% of food businesses within Flintshire fall into this category.

For Food Safety the total number of High Risk programmed inspections for the year 2012/2013 is 426. For Food Standards the total number is 46. For Food Standards, 13 of these premises are High Risk for Food Standards. The other 33 are High Risk for other Trading Standards legislation, but the inspections will be carried out by the Trading Standards Officer and the Trading Standards Enforcement Officer within the Food Team.

The key objectives for the coming year in relation to programmed inspection and enforcement work are as follows:

- Inspect 100% of High Risk (A-C) rated food premises for Food Safety.

- Inspect 100% of all High Risk (A) rated food premises for Food Standards.
- To inspect 30% of Medium Risk (B) rated premises for Food Standards. To be achieved by combining Food Safety and Food Standards inspections to maximise utilisation of resources and in line with the Better Regulation Development Office.
- To inspect the lower risk premises identified by Project Work in 2011/2012 as most requiring a Food Safety inspection based on a risk assessment approach to best utilise resources. This includes the targeting of pubs who have extended the scope of their business to include catering, home caterers and childminders who are preparing high risk foods.
- To revisit all premises receiving a National Food Hygiene Rating Scheme score of 2 or lower, in line with the All Wales Revisit Policy written by the All Wales Food Safety Technical Panel.
- Prioritisation of the inspection of new food businesses for Food Safety and Food Standards by using a questionnaire on all new food businesses to identify those which should be prioritised for inspection thereby allowing better targeting of resources.

A full breakdown of premises programmed for inspection 2012-2013 in relation to their Risk Rating is given in Appendix 2. This shows totals of 1020 for Food Hygiene and 831 for Food Standards.

For Feedstuffs there are 93 Medium Risk premises and no High Risk. A target of 30% has been set for Medium Risk inspections for both Food Standards and Feedstuffs.

3.1.1 Additional Targeted Inspection/ Enforcement Activity

Additional targeted inspection and enforcement activity due to be undertaken is as follows:

- A further increase in cross-agency working to target enforcement activity in relation to shellfish activity on the Dee Estuary. This is building on cross-agency working undertaken in 2011/2012.
- Effective and professional liaison, communication and co-operation with Iceland Frozen Foods, other LA's and BRDO relating to PA matters.
- Continued implementation of all relevant recommendations as identified by Professor Pennington in the Public Inquiry Report using the comprehensive Audit Checklist.
- Investigation of notified food safety related fraud incidents, such as illegal slaughter of meat, including referrals made anonymously.

- Issue of Sanitary Certificates as appropriate for incoming vessels to the Port of Mostyn.
- Appropriate response and liaison with other agencies as necessary for Civil Contingency matters.

3.1.2 Resources for Inspections and Additional Enforcement Activity

The programmed food hygiene inspections will be undertaken by 3.5 FTE Environmental Health Officers (EHO), and 3.0 FTE Food Safety Officers (FSO). A full breakdown of resources is given in 4.2 – Staffing Allocation. Food Standards work will be carried by 1.0 FTE Trading Standards Officer, 0.4 FTE Trading Standards Enforcement Officer and 3.5 FTE EHOs.

Other areas of Trading Standards work within food premises such as Weights and Measures will be carried out by the Trading Standards Officer within the Food Team. This places an absolute requirement for a fully competent Trading Standards Officer to be within the Team.

It is anticipated that the resource implications of any additional targeted inspection or enforcement activity will be met out of the resource provision outlined above.

Feedingstuffs

Feedingstuffs work will be carried by 0.2 FTE Team Leader – Animal Health and Health Promotion and 0.5 Enforcement Officer. For 2012-2013, a Check List on Feedstuffs is to be devised for completion by Animal Health Officers, when they visit farms. This will allow these visits to be included as Feedstuffs inspections.

3.2 Food Complaints

Food complaints cover the full range relating to fitness for human consumption, presence of extraneous matter in foods, microbial contamination and Food Standards issues such as: food labelling, chemical adulteration and spoilage of food.

It is the policy of the Food Service to investigate all food complaints reported including those made anonymously.

All food complaints are dealt with in accordance with the Food Law Code of Practice (Wales) September 2008, having regard to the documented Public Protection Enforcement Policy 2010.

Based on statistics for previous years, the estimated number of Food Safety and Food Standards complaints is between 120 and 170. This equates to 1 FTE (EHO or FSO) and 0.25 FTE of a TSO involved in such investigations.

Feedingstuffs complaints will be dealt with by the qualified TSO within the Animal Health Team. The estimated number of feedingstuffs complaints for the forthcoming year is 0-5.

Please note the above figures do not indicate dealing with food complaints referred by other Local Authorities when acting as Home or Originating Authority.

3.3 Primary Authority Principle

Flintshire County Council subscribes to both the Primary and the Home Authority Principle. The Food Service acts as both Home Authority and/or Originating Authority for 41 food businesses and has entered into a Primary Authority relationship with Iceland Foods Ltd, the National Supermarket chain who's Head Office is in Deeside. The resource implications are equivalent to 0.5 FTE of one EHO/TSO post to deal with this function.

The maintenance of the Primary Authority relationship with Iceland Foods Ltd places a pressure on maintaining a level of expertise in Food Safety, Food Standards, Labelling and Composition.

Flintshire is also committed to improving relationships with business and is holding a Business and Regulators Forum this year in collaboration with Wrexham, funded by the Better Regulation Development Office.

3.4 Advice to Business

The policy of the Food Service is to provide a balanced approach between the provision of advice and enforcement activity. The Service is committed to providing an effective and responsive advice and assistance service, both on the spot during inspections or upon request, for all Flintshire businesses, including a service in accordance with the BRDO Primary Authority Principle and the LACORS Home Authority Principle. In addition, the Service provides advisory literature, (either produced nationally or in-house) free of charge to businesses to assist them with compliance with relevant legislation. Training courses/seminars will be run subject to demand, for which there is usually a fee, to also assist businesses in compliance. In order to maximise the use of limited resources, advice is targeted as follows:

- During inspections and as part of follow up documentation.
- Start up advice on request.
- Through guidance information available on the Food Safety Teams fully revised website pages.
- Distribution of relevant food safety material to food businesses.
- Advice and information is given to businesses

requesting guidance either by telephone, email or post.

Based on last year's trends, the estimated number of requests for advice, including those proposing to start up a food business for the forthcoming year is anticipated to be approximately 200. Advice to businesses is provided by all members of the Team.

3.5 Food Inspection and Sampling

Sampling will be carried out in accordance with the documented Sampling Policy for the Food Service which was referred for Member Approval in July 2001. The sampling programme is devised so that the procurement of samples will follow a risk based approach. Flintshire belongs to the North West Food Liaison Group which devises a programme of Quarterly Sampling Surveys. The programme will also take in to account statutory requirements as well as the requirements of the Food Standards Agency, LACORS, the Welsh Food Microbiological Forum and local need.

Samples taken for Food Standards issues are submitted for analysis by the formally appointed and NAMAS accredited Public Analyst for the Council:

Eurofins Laboratories Limited,
Woodthorne,
Wergs Road,
Wolverhampton.
WV6 8TQ

Samples taken as part of the Sampling Programme for Food Safety issues are submitted for microbiological examination by the designated and NAMAS accredited laboratory of:

HPA Food Water and Environmental Microbiology Network
(Preston Laboratory),
Royal Preston Hospital,
Sharoe Green Lane,
Preston. PR2 9HT

Each Local Authority is allocated sampling accreditation by the Health Protection Agency in order to undertake Food Safety sampling.

Food Safety samples may need to be submitted to the Public Analyst or the Health Protection Agency.

The Food Sampling Programme does not preclude the need to undertake reactive sampling i.e. as a result of a food complaint or during food poisoning investigations.

Sampling undertaken as part of an Infectious Disease Notification or Outbreak are sent to the laboratory at Ysbyty Gwynedd, Penrhosgarnedd, Bangor.

The Service took part in a successful bid for funding for Food Standards sampling from the Food Standards Agency Wales in 2011-2012. This was undertaken in collaboration with the North Wales Region and accounted for approximately £5,000 of further sampling work carried out by the Team. This work involved the use of the National Sampling Database, UK FSS-Net.

The Team Leader is Secretary of the Welsh Food Microbiological Forum which is responsible for devising Food Safety Sampling Surveys across Wales, based on risk assessment and intelligence to better target resources at particular foods or food poisoning organisms of concern within the UK.

This year focus will be given to the full introduction and implementation of the UK-Food Surveillance System (UK-FSS Net) to better target resources in respect of the Food Sampling for both Food Safety and Food Standards.

Routine sampling of Feedstuffs will not be undertaken. However, samples may be taken as part of a complaint investigation.

3.6 Control and Investigation of Outbreaks and Food Related Infectious Disease

Investigation and control of outbreaks of food related infectious disease will be carried out in accordance with the Communicable Disease Outbreak Plan for Wales was approved by Members in 2011. It has been developed from the amalgamation of several Plans relating to water borne incidents, food poisoning and communicable disease outbreaks.

Investigations of sporadic notifications of food related infections disease shall follow the existing documented procedure within the Section. Based on previous year's trends, it is estimated that there will be approximately between 200 and 300 cases of sporadic notifications and between 0 and 10 outbreaks.

Campylobacter was the highest incidence of food-borne illness for 2011-2012 in Flintshire, which follows a National Trend. The reduction of the incidence of *Campylobacter* is identified as a priority within the Food Standard Agency's Strategy to 2015.

Outbreaks are characteristically resource intensive but do not follow an annual trend, therefore the anticipated burden on staffing cannot be predicted. However, should they occur the impact on resources cannot be over estimated and would require rapid contingency planning for maintaining the delivery of the rest of the Service. They also involve close liaison and cross-agency working between Public Health Wales and other Local Authorities. Sporadic notifications are expected to account for between 0.2 and 0.5 FTE post throughout the year.

3.7 Food Safety Incidents

Food Alerts will be initiated and responded to in accordance the Food Law Code of Practice (Wales) September 2008.

Responses to Food Alerts will be kept in a centralised documented format and the contact details for the Team and relevant Agencies (including out of hour's contacts) will be kept up to date. It is difficult to quantify the resource implication of this function as it depends upon the category of Food Alert and the extent of food or businesses affected within Flintshire.

3.8 Liaison with Other Organisations

The Food Service as a whole is committed to ensuring effective liaison with other relevant organisations to enforce consistency of approach. This includes liaison with:

- Food Standards Agency Wales (FSA Wales).
- Better Regulation Development Office (BRDO).
- Professional bodies such as the Chartered Institute for Environmental Health and Trading Standards Institute.
- Local Government Regulation, Health Protection Agency (England), Public Health Wales, Environment Agency Wales, CEFAS, Animal Health and Veterinary Laboratories Agency and other relevant advisory/liason bodies.
- Other Local Authorities in Wales as a whole. Additionally, representatives from the Team attend and actively participate on the All Wales Technical Panels, for Food Safety this relates to the Food Safety Technical Panel and Communicable Disease Technical Panel, and for Food Standards Quality Panel. These Panels act as a means of optimizing regional and countrywide consistency in enforcement and guidance given.
- Neighbouring LA's. Additionally, representatives from the Team sit on the North Wales Regional Technical Groups namely for Quality and Metrology for Trading Standards and combined Food Safety and Communicable Disease for Food Safety. (Refer to Section 5.1).

3.9 Food Safety & Food Standards Promotion

- Liaison with other relevant local bodies, e.g. Magistrates Courts, the Licensing Committee as well as liaison with local fishermen by way of the North Wales and Deeside Shellfish Liaison Group.
- Liaison with other Departments within Flintshire County Council, such as the Planning Department. A system of formal consultation with relevant sections of the Public Protection Service has been set up, so that prompt, appropriate advice may be given to ensure compliance with relevant legislation.

In terms of staff resources, this equates to approximately 0.25 FTE EHO post.

In addition to all of the above, liaison is also maintained between members of the Food Team by monthly Team Meetings and weekly Team Briefings. There is also a weekly Team Leader meeting for Team Leaders within Health Protection to keep up to date with any pertinent matters.

Educational and promotional activities are important components of a comprehensive Food Service. These are achieved in the following ways:

- This year's Food Safety Week theme is Food Safety on a Budget. Work is planned with Mother and Toddler Groups and possible collaborative working with Recycling as part of Love Food Hate Waste.
- Public Protection is due to have a stand at the Flint and Denbigh Show in August. Both Food Safety and Food Standards are making significant contributions to this stand promoting effective handwashing, the National Food Hygiene Rating Scheme, common food safety hazards in the kitchen and awareness of counterfeit alcohol.
- The promotion of the Re-Visit for the Purpose of Re-scoring set out within the National Food Hygiene Rating Scheme. It is hoped that by actively promoting the opportunity to be re-scored will encourage businesses to comply with the legislation and will increase the percentage of Broadly Compliant businesses within Flintshire.
- The Team was successful in securing grant monies for coaching of food businesses on Food Safety Management Systems. This resulted in 31 food businesses receiving specialist one to one Coaching Visits at their convenience. A further visit was carried out a month after where their compliance on Food Safety Management was assessed. Due to the success of this intervention, a further bid is being

submitted this year. Again this should have the effect of achieving compliance in such businesses thereby resulting in a higher Hygiene Rating and increasing the percentage of Broadly Compliant businesses.

- Working with local groups to provide targeted seminars and training sessions e.g. training on a Nutrition Course for children’s nurseries. This year the Team Leader is attending Local Business Forums to advise on the National Food Hygiene Rating Scheme.

4.0 RESOURCES

4.1 Financial Allocation

The financial allocation for the Food Service is split between budgets provided for the Animal Health and budgets provided for the Food Safety and Food Standards Service.

The overall level of expenditure for providing the Food Safety and Food Standards Service is detailed below in Table 1.

Table 1

COST ITEM	FINANCIAL ALLOCATION
(a) Staffing (total staff costs)	£421,991
(b) Travel (lump sum and mileage) and Subsistence	£13,951
(c) Equipment (including investment in I.T.*)	2,684
d) Sampling	£10,140

* The equipment budget includes provision for maintenance of equipment, such as annual calibration for the Reference Thermometer and any repairs required for equipment in use. There is no budgetary provision for investment in I.T. made available directly to the Food Safety Service as I.T. requirements are currently provided centrally by Central Support I.T. Services and the Directorate’s own I.T. budget.

There is now no separate costs for I.T. within Trading Standards as I.T. requirements are provided centrally by Central Support I.T. Services.

4.2 Staffing Allocation

The staffing allocation to the Food Safety Service stands at 3.5 FTE at Environmental Health Officer level and 3 FTE at Food Safety Officer level. There is currently 1.4 FTE vacant posts. There is also a 0.6 FTE post which has been temporarily moved into Health and Safety Enforcement. The staffing allocation to the Food Standards Service is 1.0 FTE Food Standards Officer and 0.4 FTE Trading Standards Enforcement Officer. The 3.5 FTE EHOs also contribute to the Food Standards function. Administrative support is provided by 1.0 FTE Administration Officer.

The staff allocation for Feedstuffs is 0.2 FTE Team Leader – Animal Health & Health Promotion and 0.5 FTE Enforcement Officer. Animal Health Officers will provide the 0.5 FTE Enforcement Officer component.

In accordance with the Food Law Code of Practice (Wales) September 2008, all Environmental Health Officers in post are qualified Environmental Health Officers, registered with the Environmental Health Registration Board (E.H.R.B.). All three FSOs are qualified to the Higher Certificate in Food Premises Inspection and most officers are qualified in HACCP Principles (Hazard Analysis Critical Control Points).

All staff are authorised appropriately for the duties they perform. In addition to the above, one of the Environmental Health Officers is also a qualified Lead Assessor having successfully completed the five day Lead Auditor Training Course.

The Trading Standards Officer holds the Diploma in Trading Standards and has also successfully completed the five day QMS Auditor/Lead Auditor training course. The Trading Standards Enforcement Officer holds the Diploma in Consumer Affairs including the Food and Agriculture paper.

4.3 Staff Development Plan

During the forthcoming year the following training is planned:-

- (i) Support of national and regional seminars on relevant subject matters.
- (ii) In-house training sessions on relevant subject matters.
- (iii) Training through North East Wales Chartered Institute of Environmental Health Branch.

Each individual's training requirements are set out in the Public Protection Learning and Development Plan 2010-2013

Each member of the Team will receive the required ten hours Continuing Professional Development as required by the Food Law Code of Practice (Wales) September 2008.

Staff will be subject to annual individual Staff Appraisals in line with the Corporate H.R. Policy with a mid-year review which identifies and tracks training and development needs. All staff also have monthly One to Ones with the Team Leader to identify and monitor areas requiring development.

Some of the specific Food Training Courses attended by staff during 2011-2012 include Practical Food Labelling, Food Information Regulations, FSA Food Hygiene Rating Consistency Training. Staff also attended legal process training on Advanced Investigative Interviews and Case Preparation and the Key Elements of Successful Prosecutions. With regard to Public Health and Communicable Disease Training all Environmental Health Officer and Food Safety Officers undertook training on the new Health Protection legislation with the Team Leader, or their deputy, attending Specialist Lead Officer for Communicable Disease Training.

It is anticipated the Team Leader – Animal Health and Health Promotion will attend Feedstuffs training to be held 2012-2013.

5.0 QUALITY ASSESSMENT

5.1 Quality Assessment

Within the Food Service, quality systems are in place to ensure that work is completed and checked by a competent person in line with the fully documented Quality Monitoring Procedures. Documented procedures and work instructions exist to ensure consistency of approach.

These are updated and amended as and when necessary. In addition, external audits including focussed audits, are undertaken by the Food Standards Agency Wales on a periodical basis (every 3 years for full external audit).

The Trading Standards Service has a Food Standards Enforcement Quality Manual which is subject to both internal audits and the external inter authority audit. Procedures within the manual are updated and amended as and when necessary. Procedures relating to Food Standards, Labelling and Composition will be reviewed further and incorporated into the Food Safety Procedure Manuals during this year.

As previously stated, the Team Leader attends the North Wales Food Technical Panel, the All Wales Food Technical

Panel and the All Wales Communicable Disease Technical Panel. Currently, the Trading Standards Officer attends the Food Standards Quality and Metrology Panel. These forums offer the opportunity to discuss in detail a wide range of quality and consistency issues relevant to Food Law Enforcement.

The Service is required to submit via Local Authority Enforcement Monitoring System (LAEMS) an Annual Return to the FSA Wales. This details the inspections achieved, enforcement and educational activities undertaken.

6.0 REVIEW PROCESS

6.1 Review against Service Plan

The Service Plan shall be subject to annual review. Performance against this Service Plan is monitored by several means:

- (a) Quarterly Performance Reports to the Overview and Scrutiny Committee detailing performance against National and Local Indicators and any key issues arising in each quarter. A final yearly Performance Review Report is also submitted.
- (b) Monthly minuted Team Meetings with actions and relevant timescales detailed.
- (c) Monthly One to Ones with individual Team Members.
- (d) Weekly informal Team Briefings which set the focus and priorities for that coming week.

6.2 Review of Performance Against 2011-2012 Service Plan

As detailed in 3.0 the Food Service Team have performed to a very high standard achieving the target for all performance indicators. This was a notable achievement in a year where the new structure has not been fully implemented. The only exception to this was in the percentage of significant breaches resolved for Trading Standards which includes an element of Food Standards work. The figure achieved was 78.6% with a target of 97%.

Appendix 3 provides full analysis of service delivery during 2011-2012.

Particular achievements and points to be considered are:

- As reported in last year's Food Service Plan, the National Food Hygiene Rating Scheme was introduced on 1st December 2010. This involved a considerable amount of preparatory work and has significantly

impacted on work procedures within the service. The actual implementation of the scheme has brought about increased public and media awareness of food hygiene levels in premises within Flintshire. As predicted, 2011/2012 showed an increase in the level of public awareness which it is anticipated will continue this year.

- There has been continued progress in implementing the recommendation within the Public Inquiry Report into the South Wales *E.coli* 0157 Outbreak in 2005. This progress has been monitored against the Action Plan and Audit Checklist which had been taken to Executive for approval and progress reporting in May and November 2009 respectively, detailing Flintshire's response to the Public Inquiry Report. The Food Standards Agency have published their guidance document "*E.coli* O157 – Control of Cross-Contamination" which has had a significant impact on the time spend on inspections and on effectively communicating the content to food businesses. It has also amended the scoring of the National Food Hygiene Rating Scheme. It is predicted this may affect the proportion of 0, 1 and 2 rated premises within Flintshire. Work will continue into 2012-2013 to ensure continued implementation of the recommendations within the Public Enquiry Report.
- As identified in last year's Food Service Plan, the up-skilling of all Team members was required to improve resilience to future demands and to increase expertise within the Team. This up-skilling has progressed well over 2011-2012, with all the Team showing full commitment with a noticeable improvement in officer's competency in inspecting the full range of food premises.
- Considerable work was undertaken in the improvement of cross-agency enforcement on the Dee Estuary during 2011-2012. This has included significant preparatory work in planning for 2012-2013. There has been a high degree of collaborative working with Wirral Council and the Environment Agency Wales, as well as Food Standards Agency Wales and Welsh Government, Gangmasters Licensing Authority and North West Inshore Fisheries and Conservation Authorities.
- The Team successfully prosecuted a takeaway for the selling of Panga as cod. Panga costs approximately 50% that of cod and substitution of cod for Panga has been found to be a Food Standards issue nationally. It is hoped to conduct follow-up sampling this year in similar types of premises.

6.3 Areas of Improvement 2012-2013

Consideration of work not achieved in 2011-2012 and areas of improvement required is as follows:

- (a) An Alternative Enforcement Strategy was not introduced for E rated premises. Further project work is to be carried out in this area.
- (b) The merging and integration of the Food Safety and Food Standards functions has made progress. However, the EHOs within the Team need further experience in inspecting and enforcing Food Labeling Legislation.
- (c) The Flintshire County Council Website pages relating to Food Safety and Food Standards were only partially reviewed and updated. Pages which have been updated relate to the National Food Hygiene Rating Scheme only. Further work is required to bring the rest of the web pages up to this standard. This should greatly improve the level of information service users are able to obtain via this contact route.
- (d) To improve enforcement on feedstuffs, Animal Health Officers are to take on the role of inspections in Feedstuffs premises by way of a Check List when visiting farms for example, this in line with the BRDO.
- (e) Work is to be undertaken to improve the percentage of significant breaches resolved for Food Standards issues.

6.4 Points of Special Note

Points for particular consider which may have influence over service delivery for 2012-13 are as follows:-

- Food Hygiene legislation has been amended to allow the service of Remedial Action Notices in all types of food premises. This will allow Inspecting Officers to prohibit certain activities which previously could not be done.
- Food Standards legislation is being overhauled with the introduction of the Food Information Regulations. There is a transition period for these Regulations. It is anticipated requests for advice from businesses will increase throughout 2012-2013 in this regard.
- The Food Standards Agency Wales are resuming their three year rolling programme of audits of Local Authorities in line with the Local Authority Rating Scheme. Work will be undertaken to ensure all processes and procedures within the Food Team are of the required standard.

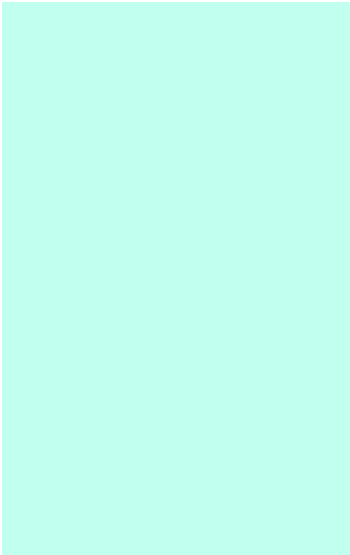
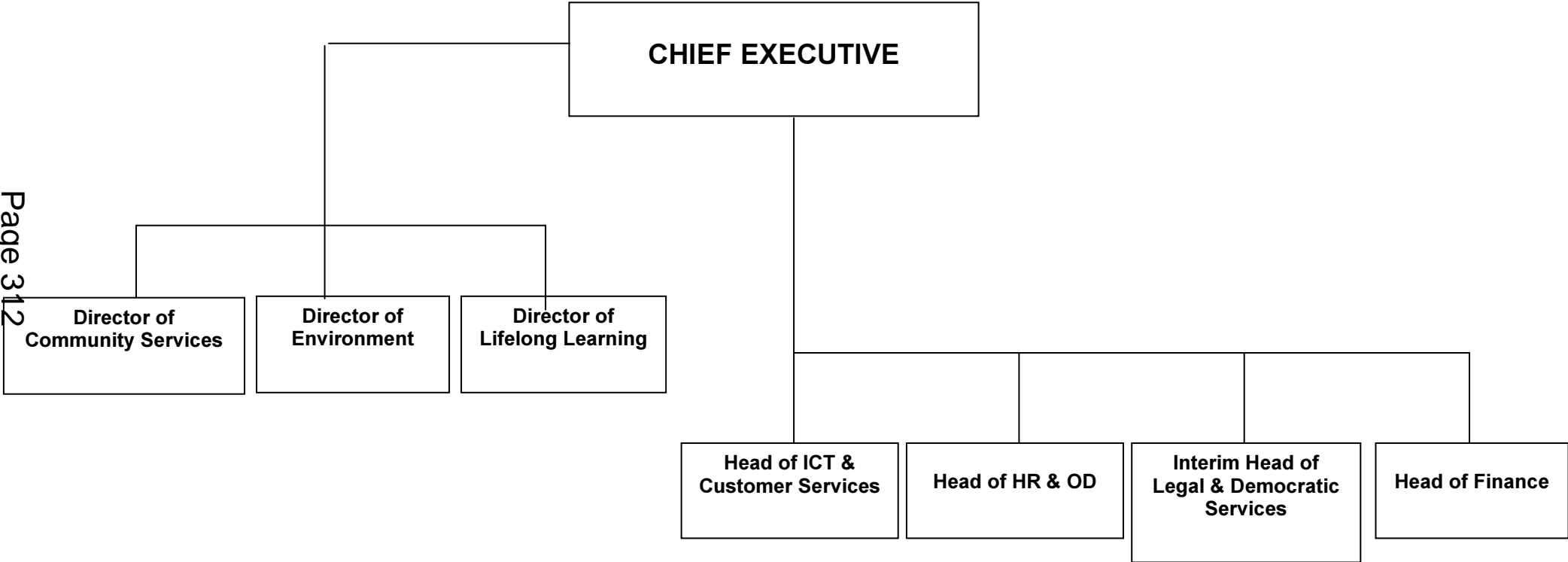
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- Following a consultation from Welsh Government on the Draft Food Hygiene Rating Bill, the Bill is due to go before Welsh Government early into this financial year, with The Bill becoming legislation late 2013. This will require food businesses to display their Food Hygiene Rating at their premises and will extend the scope of the Scheme to all food businesses within the food chain. It is anticipated the number of businesses formally requesting a Rescore Visit will increase over 2012-2013 prior to this legislation being introduced, particularly as the Bill will introduce the Local Authority being able to charge the food business for rescore visits. These visits are currently free of charge.

Chart 1

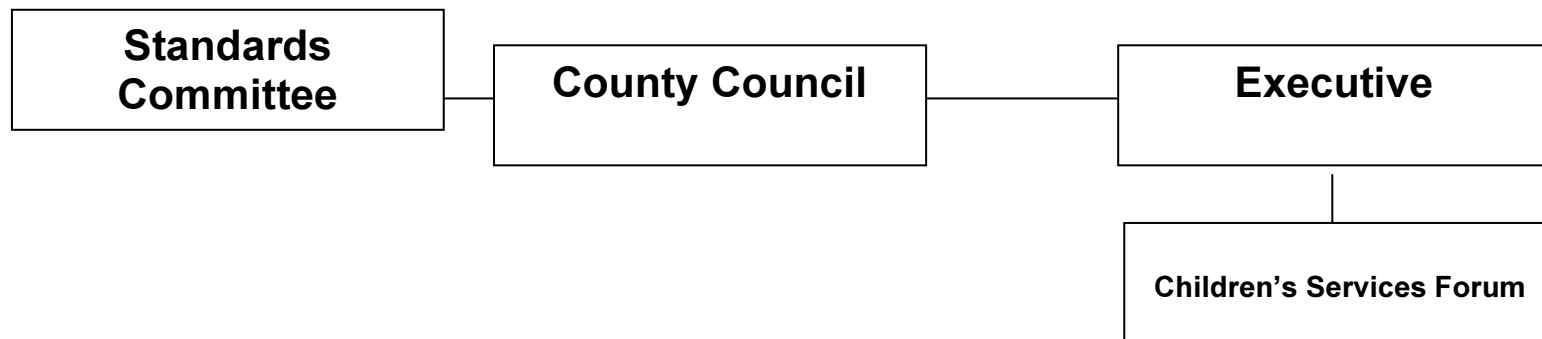
FLINTSHIRE COUNTY COUNCIL - ORGANISATIONAL STRUCTURE



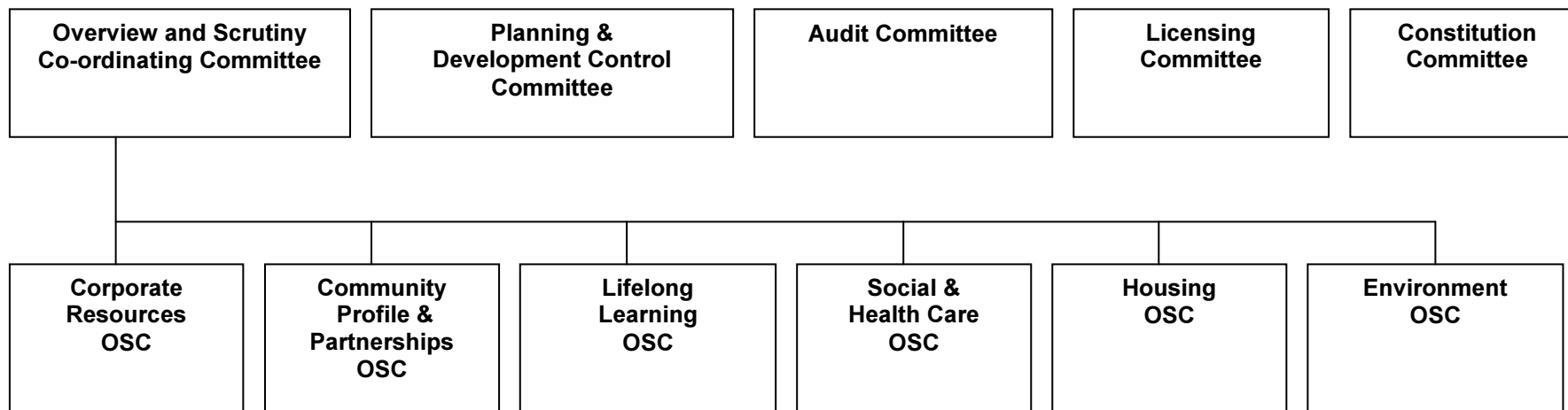
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Chart 2

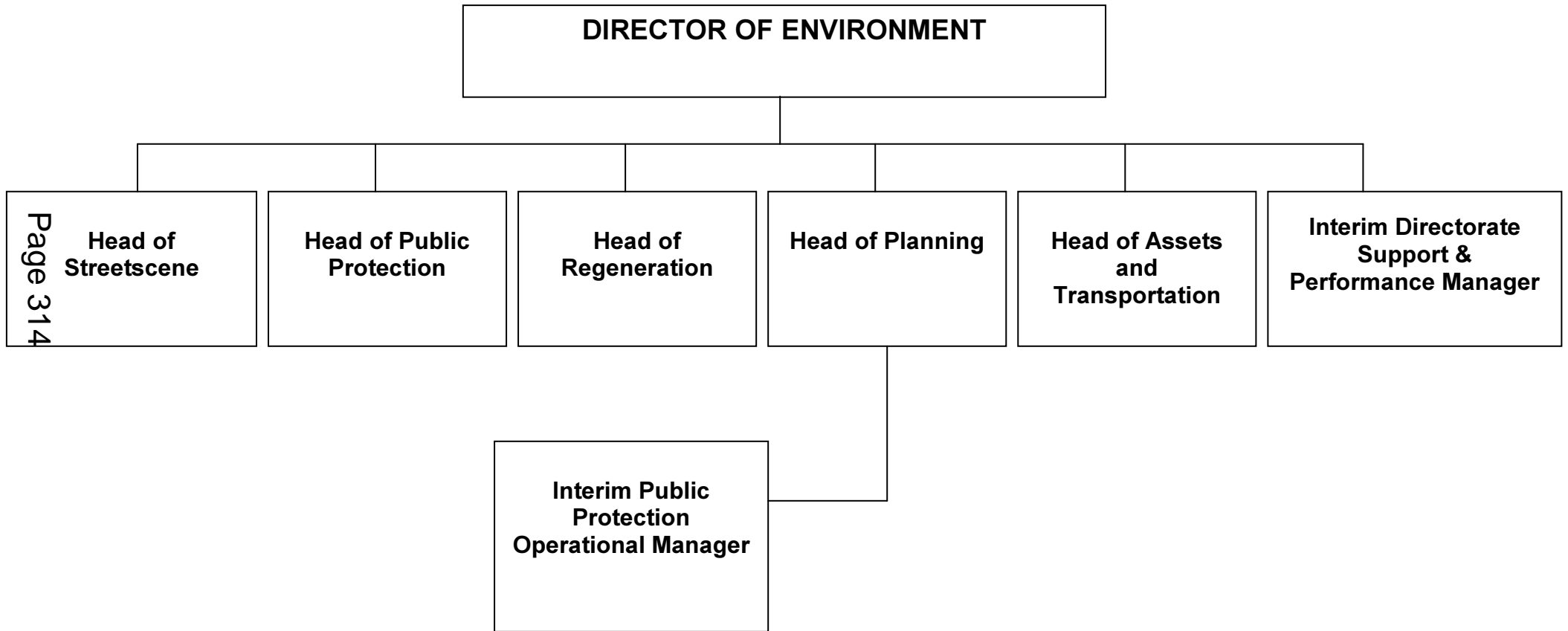
FLINTSHIRE COUNTY COUNCIL – DEMOCRACTIC STRUCTURE



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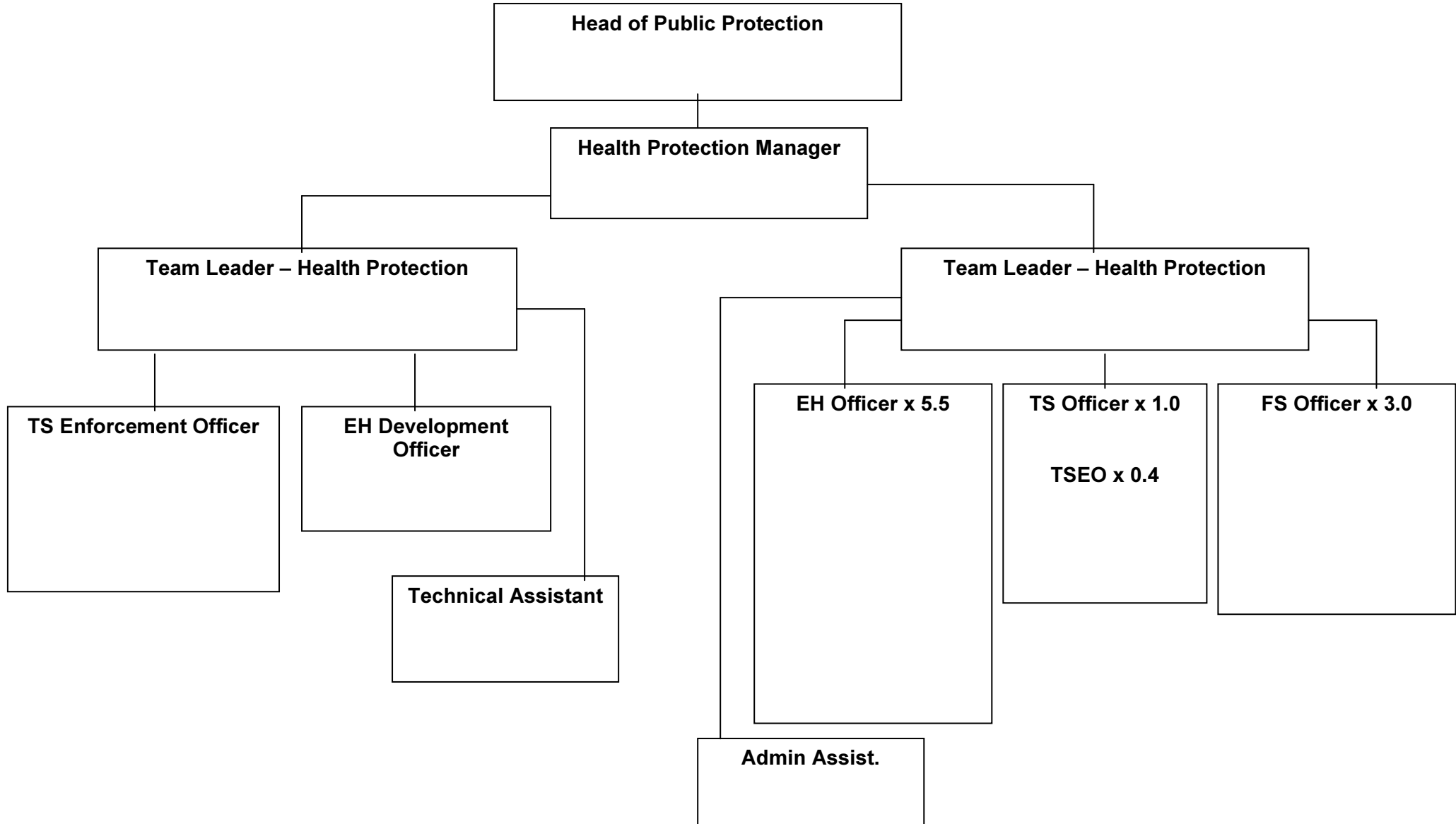
ENVIRONMENT DIRECTORATE STRUCTURE



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Chart 4

PUBLIC PROTECTION - FOOD SERVICE



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APPENDIX 2

Please find below a breakdown of the profile of programmed Food Safety and Food Standards inspections for 2012/2013 by Risk Rating:

Table A

PROGRAMMED INSPECTIONS - FOOD SAFETY	
Risk	Number Due
A	6
B	88
C	330
D	227
E	369
TOTAL	1020

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Table B

PROGRAMMED INSPECTIONS - FOOD STANDARDS	
Risk	Number Due
A	13
B	339
C	479
TOTAL	831

The Risk Rating is determined in accordance with the Food Law Code of Practice. It dictates the frequency of which the food premises must receive a full food hygiene or food standards inspection.

For Food Safety High Risk premises are those with a Risk Rating of A, B and C. For Food Standards High Risk premises are those with a Risk Rating of A.

APPENDIX 3 – PERFORMANCE 2011-12

Food Safety

Risk	Programmed	Achieved
A) High Risk	2	2
B) High Risk	81	81
C) High Risk	385	385
D Low Risk	188	13
E Low Risk	142	11
Unrated/Unclassified	55	51
TOTAL		543

TOTAL Number of Interventions Undertaken (including Revisits)	905
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Food Standards

Risk	Programmed	Achieved
High	17	17
Medium	284	67
TOTAL		84

Food and Feeding Stuffs Complaints

Food Safety number of complaints	-	103
Food Standards number of complaints	-	20

Advice to Business

Food Safety	-	190 requests for advice 98.9% responded to within 10 working days
Food Standards	-	22 requests for advice 77.3% responded to within 10 working days

Food and Feeding Stuffs Inspection and Sampling

Food Safety	-	126 samples – statutory and monitoring
Food Standards	-	57 samples – monitoring

Control and Investigation of Outbreaks and Food Related Infectious Disease (Food Safety only)

Sporadic Notifications	-	226	
Outbreaks	-	9	none found to be food-related

Other Types of Service Requests (Food Safety only)

<u>Water Disconnections</u>	-	41
<u>Shellfish Requests for Registration Documents</u>	-	34
<u>Ship Sanitation</u>	-	1
<u>Export Certificates</u>	-	14

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **CABINET**

DATE: **10th JULY 2012**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **NEW LEGISLATION CONCERNING THE
REGULATION OF THE SUPPLY OF SINGLE USE
CARRIER BAGS BY SELLERS OF GOODS IN
FLINTSHIRE**

1.00 PURPOSE OF REPORT

- 1.01 For Members to consider The Climate Change Act 2008 and The Single Use Carrier Bags Charge (Wales) Regulations 2010.
- 1.02 To inform Members of additional powers of civil sanction granted to the Authority by the legislation.
- 1.03 For Members to delegate additional powers to the Director of Environment to appoint and authorise officers of the Trading Standards Service to enforce the new legislation in Flintshire.

2.00 BACKGROUND

- 2.01 The Single Use Carrier Bags Charge (Wales) Regulations 2010 (the Regulations) came into force on 1st October 2011. They appoint Local Authorities in Wales as administrators of the provisions contained therein. The Regulations were made by The Welsh Ministers in exercise of powers conferred by The Climate Change Act 2008 (the Act). The Act allows the Welsh Ministers to make regulations relating to other issues for which civil sanctions will also be applicable.
- 2.02 In brief the Regulations require sellers of goods to:
- make a minimum charge of 5 pence for each new single use carrier bag they supply (subject to exemptions)
 - If employing more than 10 staff, trading above the VAT threshold and supplying more than 1000 bags per year, to keep, supply and publish records about the number of bags sold, profit made (with calculation) and a summary of how any profit has been used (publication for the first period is required by 31st May 2012)

There is no provision to require retailers to donate the profit to any good cause though this is being strongly encouraged by the Welsh Ministers.

3.00 CONSIDERATIONS

3.01 It is expected that compliance will be achieved by general consent and education where necessary. The Ministers have clearly indicated that enforcement action is seen as a last resort in accordance with Hampton principles of intelligence led and proportionate enforcement activity. Nevertheless, it is important that the Council has the powers in place to take enforcement action should it be found necessary.

3.02 The Regulations also introduce the provision to make civil sanctions for breaches of the requirements. These sanctions are:

- Fixed monetary penalties (maximum of £100 or £200 depending on the breach).
- Additional discretionary requirements which can be financial or procedural (maximum £5000 or £20,000 depending on breach).
- Requirements for businesses to take action such as training of staff or implementing improvements to their record keeping processes.

Such sanctions are an alternative to criminal law enforcement which involves the time trouble and expense of action through the Magistrates' or Crown Courts.

3.03 The provisions for civil sanctions are a significant new development for local authorities in this area of work. The Welsh Government commissioned the Local Better Regulation Office (LBRO) to carry out a review of the progress of all County and County Borough Councils in Wales in working to the principles of good regulation, as set out in paragraph 23 of Schedule 6 to the Climate Change Act 2008, i.e.

- Regulatory activities should be carried out in a way that is transparent, accountable, proportionate and consistent.
- Regulatory activities should be targeted only at cases in which action is needed.

3.04 LBRO were content that all local authorities in Wales are working to those principles and thereby competent to carry out enforcement via the civil sanction processes.

3.05 The Welsh Ministers have indicated that they will issue guidelines and standard policies and documentation for consideration and adoption by each Local Authority in due course. Following the publication of such guidance it is expected that each Local Authority will publish information about its use of civil sanctions and about how it will exercise its powers in respect of civil sanctions.

3.06 Delegation of Powers - The enforcement powers available to an 'Administrator' (ie. the Local Authority) or anyone appointed by the Administrator are set out in Appendix 1. This report recommends that the powers of Administrator (including the power to appoint other officers as Administrators) be delegated to the Director of Environment.

4.00 RECOMMENDATIONS

4.01 That Members note the provisions of The Climate Change Act 2008 and the Single Use Carrier Bags Charge (Wales) Regulations 2010.

4.02 That Members note the additional powers of civil sanction granted to the Flintshire County Council by the legislation.

4.03 That Members agree to delegate powers to the Director of Environment to appoint and authorise officers of the Trading Standards Service to enforce the new legislation in Flintshire.

5.00 FINANCIAL IMPLICATIONS

5.01 At present the compliance levels relating to the 5 pence charge for single use carrier bags are high. There may be some income from the payment of civil penalties in future but accurate estimates are not possible at the current time.

6.00 ANTI POVERTY IMPACT

6.01 The Welsh Government expects retailers to donate the proceeds from the 5 pence charge to charitable organisations once the costs of administering the charge have been deducted. This should provide significant additional revenue for the chosen charities.

7.00 ENVIRONMENTAL IMPACT

7.01 The Regulations are intended to substantially decrease the number of single use carrier bags used in Wales in order to reduce their adverse impact on the environment. The Welsh Government hope to see a 90% reduction in the number of single use bags distributed in Wales.

8.00 EQUALITIES IMPACT

8.01 None.

9.00 PERSONNEL IMPLICATIONS

9.01 None.

10.00 CONSULTATION REQUIRED

10.01 None.

11.00 CONSULTATION UNDERTAKEN

11.01 None.

12.00 APPENDICES

12.01 Appendix 1 - Delegation of Powers
Appendix 2 - the Single Use Carrier Bags Charge (Wales) Regulations
2010

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS

The Climate Change Act 2008
The Single Use Carrier Bags Charge (Wales) Regulations 2010

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Appendix 1

Delegation of Powers to Officers under The Single Use Carrier Bags Charge (Wales) Regulations 2010

Administrator

A local authority is to administer the provisions made by these Regulations and accordingly, is the administrator for its area. The reference to a local authority is a reference to a county or county borough council.

For the definition of administrator see paragraph 6(1) and (4) of Schedule 6 of the Climate Change Act 2008. Under Schedule 6 paragraph 6(4), references to an administrator include a person appointed by an administrator.

Powers of Administrator

Powers of Administrator under The Climate Change Act 2008 and associated regulations can be delegated to the Director of Environment including the power to appoint other officers as Administrators with such powers as may be considered appropriate having consulted with the relevant Head of Service or Service Manager.

Enforcement Powers (extract from the Single Use Carrier Bags Charge (Wales) Regulations 2010)

PART 6

Enforcement and Non-compliance

Enforcement powers

- 14.**—(1) An administrator has the powers of enforcement in this regulation.
- (2) The powers are—
- (a) to make test purchases of goods for the purposes of ascertaining whether these Regulations are being complied with;
 - (b) to inspect any goods and to enter any premises at any reasonable time (other than domestic premises) for the purposes of ascertaining whether these Regulations are being complied with;
 - (c) if an administrator reasonably believes that there has been a failure to comply with a requirement of these Regulations—
 - (i) to question a seller or officers or employees of a seller;
 - (ii) to require the production of documents or the provision of information.

(3) In this regulation "domestic premises" means premises used wholly or mainly as a private dwelling.

(4) An administrator seeking to exercise a power under paragraph (2)(b) or (c) must produce evidence of identity and authority if requested by a person who is, or appears to be—

(a) the seller, or an officer or employee of the seller;

(b) an owner or occupier of any premises in which the administrator seeks to exercise the power concerned.

(5) Nothing in paragraph (2) compels the production of any document of which—

(a) in England and Wales or Northern Ireland, that person would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the County Court or High Court; or

(b) in Scotland, that person would on grounds of confidentiality of communications be entitled to withhold production on an order for the production of documents in an action in the Court of Session.



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 2880 (Cy.238)

2010 No. 2880 (W.238)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

Rheoliadau Codi Tâl am Fagiau
Siopa Untro (Cymru) 2010

The Single Use Carrier Bags
Charge (Wales) Regulations 2010

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch yr isafswm tâl mae'n rhaid i werthwyr nwyddau ei godi am fagiau siopa untro. Caiff y Rheoliadau eu gwneud o dan adrannau 77 a 90 o Ddeddf Newid Hinsawdd 2008 ac Atodlen 6 iddi.

These Regulations make provision about a minimum amount which sellers of goods must charge for single use carrier bags. The Regulations are made under sections 77 and 90 of, and Schedule 6 to, the Climate Change Act 2008.

Mae Rhan 1 o'r Rheoliadau yn ymdrin â diffiniadau a gweinyddwyr. Mae'n cynnwys diffiniad o "bag siopa untro" a diffiniad o "gwerthwr"; ac mae'n penodi cynghorau sir a chynghorau bwrdeistref sirol yn weinyddwyr o dan y Rheoliadau.

Part 1 of the Regulations deals with definitions and administrators. It includes a definition of "single use carrier bag" and a definition of "seller"; and appoints county councils and county borough councils as administrators under the Regulations.

Mae Rhan 2 o'r Rheoliadau'n ymdrin â'r isafswm tâl y mae'n rhaid i werthwr ei godi am fag siopa untro a'r mathau o fagiau siopa untro nad yw'r gofyniad i godi tâl yn gymwys ar eu cyfer (nodir y bagiau o dan sylw yn Atodlen 1 i'r Rheoliadau).

Part 2 of the Regulations deals with the minimum amount which a seller must charge for a single use carrier bag and the types of single use carrier bags to which the requirement to charge does not apply (the bags in question are set out in Schedule 1 to the Regulations).

Mae Rhan 3 o'r Rheoliadau'n ymdrin â chadw, cyflenwi a chyhoeddi cofnodion gan werthwyr.

Part 3 of the Regulations deals with the keeping, supply and publication of records by sellers.

Mae Rhan 4 o'r Rheoliadau'n pennu'r amgylchiadau pan fo gwerthwr yn torri'r Rheoliadau hyn.

Part 4 of the Regulations specifies the circumstances in which a seller breaches these Regulations.

Mae Rhan 5 o'r Rheoliadau'n ymwneud â sancsiynau sifil. Mae'n cyflwyno Atodlenni 2 a 3 ac yn ymdrin ag amgylchiadau pan na ellir gwneud cynnig ffurfiol i osod cosb benodedig neu wneud gofyniad yn ôl disgrisiwn.

Part 5 of the Regulations concerns civil sanctions. It introduces Schedules 2 and 3 and deals with the circumstances in which a formal proposal to impose a fixed penalty or discretionary requirement cannot be made.

Mae Atodlen 2 yn rhoi pŵer i weinyddwyr i osod cosbau ariannol penodedig ac mae'n cynnwys hawliau a rhwymedigaethau gweithdrefnol cysylltiedig. Mae Atodlen 3 yn rhoi pŵer i weinyddwyr osod gofynion yn ôl disgrisiwn ac mae'n cynnwys hawliau a rhwymedigaethau gweithdrefnol cysylltiedig.

Schedule 2 confers power on administrators to impose fixed monetary penalties and contains associated procedural rights and obligations. Schedule 3 confers power on administrators to impose discretionary requirements and contains associated procedural rights and obligations.

Mae Rhan 6 o'r Rheoliadau'n ymdrin â gorfodaeth a pheidio â chydymffurfio. Mae'n rhoi pwerau gorfodi i weinyddwyr; yn caniatáu i weinyddwyr adennill costau gorfodi penodol y maent yn rhesymol wedi mynd iddynt; ac yn caniatáu i weinyddwyr adennill arian am gosbau a chostau gorfodi drwy'r llysoedd sifil neu, os yw'r llys yn gorchymyn hynny, fel pe baent yn daladwy o dan orchymyn llys. Mae'r Rhan hon yn cyflwyno Atodlen 4 sy'n caniatáu i weinyddwyr osod cosbau ar werthwyr sy'n methu â chydymffurfio â gofynion penodol a osodwyd arnynt cyn hynny. Mae'r Rhan hon hefyd yn caniatáu i weinyddwyr ei gwneud yn ofynnol i werthwyr gyhoeddi manylion unrhyw sancsiynau sifil y maent wedi mynd iddynt.

Mae Rhan 7 o'r Rheoliadau'n ymdrin â materion gweinyddol megis cwmpas pwerau gweinyddwyr o dan y Rheoliadau, darpariaeth gyffredinol mewn perthynas ag apelau a dyletswyddau gweinyddwyr i gyhoeddi canllawiau ynghylch sut y byddant yn arfer y pwerau sancsiynu sifil a gorfodi sydd ganddynt o dan y Rheoliadau.

Comisiynodd Llywodraeth Cynulliad Cymru y Swyddfa Gwell Rheoleiddio Lleol ("SGRhL1") i gynnal arolwg o'r cynnydd a wnaed gan bob cyngor sir a chyngor bwrdeistref sirol yng Nghymru o ran gweithio yn ôl egwyddorion rheoleiddio da, fel a nodir ym mharagraff 23 o Atodlen 6 i Ddeddf Newid Hinsawdd 2008. Gellir cael copi o adroddiad SGRhL1 gan Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Mae asesiad effaith wedi cael ei baratoi ar gyfer y Rheoliadau hyn. Gellir cael copi oddi wrth Lywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

Hysbyswyd y Comisiwn Ewropeaidd am ddrafft o'r Rheoliadau yn unol â'r canlynol:

(i) Erthygl 8 o Gyfarwyddeb 98/34/EC Senedd Ewrop a'r Cyngor sy'n gosod gweithdrefn ar gyfer darparu gwybodaeth ym maes safonau a rheoliadau technegol (OJ Rhif L204, 21.7.1998, t.37) a ddiwygiwyd ddiwethaf gan Gyfarwyddeb y Cyngor 2006/96/EC (OJ Rhif L363, 20.12.2006, t.81); a

(ii) Erthygl 16 o Gyfarwyddeb Senedd Ewrop a'r Cyngor 94/62/EC dyddiedig 20 Rhagfyr 1994 ar becynnu a gwastraff pecynnu (OJ Rhif L365, 31.12.1994, t.10) a ddiwygiwyd ddiwethaf gan Reoliad (EC) Rhif 219/2009 (OJ Rhif L87, 31.3.2009, t.109).

Part 6 of the Regulations deals with enforcement and non-compliance. It confers enforcement powers on administrators; allows administrators to recover certain enforcement costs which they have reasonably incurred; and allows administrators to recover penalties and enforcement costs through the civil courts or, if a court so orders, as if payable under a court order. This Part introduces Schedule 4 which allows administrators to impose penalties on sellers who fail to comply with certain requirements previously imposed on them. This Part also allows administrators to require sellers to publish details of any civil sanctions which they have incurred.

Part 7 of the Regulations deals with administrative matters such as the scope of administrators' powers under the Regulations, general provision in relation to appeals and duties on administrators to publish guidance about how they will exercise their civil sanctioning and enforcement powers under the Regulations.

The Welsh Assembly Government commissioned the Local Better Regulation Office ("LBRO") to carry out a review of the progress of all county and county borough councils in Wales in working to the principles of good regulation, as set out in paragraph 23 of Schedule 6 to the Climate Change Act 2008. A copy of the LBRO's report can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

An impact assessment has been prepared for these Regulations. A copy can be obtained from the Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

A draft of the Regulations was notified to the European Commission in accordance with:

(i) Article 8 of Directive 98/34/EC of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical standards and regulations (OJ No. L204, 21.7.1998, p.37) last amended by Council Directive 2006/96/EC (OJ No. L363, 20.12.2006, p. 81); and

(ii) Article 16 of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste (OJ No. L365, 31.12.1994, p.10) last amended by Regulation (EC) No. 219/2009 (OJ No. L87, 31.3.2009, p.109).

2010 Rhif 2880 (Cy.238)

2010 No. 2880 (W.238)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

**Rheoliadau Codi Tâl am Fagiâu
Siopa Untro (Cymru) 2010**

**The Single Use Carrier Bags
Charge (Wales) Regulations 2010**

Gwnaed 30 Tachwedd 2010

Made 30 November 2010

Yn dod i rym 1 Hydref 2011

Coming into force 1 October 2011

Mae Gweinidogion Cymru'n gwneud y Rheoliadau hyn drwy arfer y pwerau a roddwyd gan adrannau 77(2) a 90(3)(a) a (b) o Ddeddf Newid Hinsawdd 2008 a pharagraffau 1, 2, 3(1)(a) a (2)(a), 4 i 8, 9(1) a (2), 10, 12, 16 i 19 a 21 o Atodlen 6 iddi(1).

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 77(2) and 90(3)(a) and (b) of, and paragraphs 1, 2, 3(1)(a) and (2)(a), 4 to 8, 9(1) and (2), 10, 12, 16 to 19 and 21 of Schedule 6 to, the Climate Change Act 2008(1).

Mae Gweinidogion Cymru wedi eu bodloni, yn unol â pharagraff 23 o Atodlen 6 i'r Ddeddf honno y bydd pob cyngor sir a phob cyngor bwrdeistref sirol yng Nghymru yn gweithredu yn unol â'r egwyddorion y cyfeirir atynt yn y paragraff hwnnw pan fyddant yn arfer pŵer a roddir gan y Rheoliadau hyn wrth osod sancsiwn sifil.

The Welsh Ministers are satisfied in accordance with paragraph 23 of Schedule 6 to that Act that every county council and county borough council in Wales will act in accordance with the principles referred to in that paragraph when exercising a power conferred by these Regulations to impose a civil sanction.

Mae drafft o'r Rheoliadau hyn wedi cael ei osod gerbron Cynulliad Cenedlaethol Cymru a'i gymeradwyo ganddo drwy benderfyniad yn unol ag adran 77(4)(a) a (b) o Ddeddf Newid Hinsawdd 2008 a pharagraff 27(3)(2) o Atodlen 6 iddi.

A draft of these Regulations has been laid before, and approved by resolution of, the National Assembly for Wales pursuant to section 77(4)(a) and (b) of, and paragraph 27(3)(2) of Schedule 6 to, the Climate Change Act 2008.

(1) 2008 p.27; gweler adran 77(3) o Ddeddf Newid Hinsawdd 2008 i gael y diffiniad o "the relevant national authority"; a pharagraff 3(4) o Atodlen 6 i'r Ddeddf honno i gael y diffiniad o "specified".

(2) Gweler adran 97 o'r Ddeddf honno i gael y diffiniad o "devolved legislature".

(1) 2008 c.27; see section 77(3) of the Climate Change Act 2008 for the definition of "the relevant national authority"; and paragraph 3(4) of Schedule 6 to that Act for the definition of "specified".

(2) See section 97 of that Act for the definition of "devolved legislature".

RHAN 1

Cyflwyniad

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Codi Tâl am Fagiâu Siopa Untro (Cymru) 2010.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru ac maent yn dod i rym ar 1 Hydref 2011.

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "blwyddyn adrodd" ("*reporting year*") yw—

- (a) y cyfnod sy'n dechrau ar y dyddiad y daw'r Rheoliadau hyn i rym ac sy'n dod i ben ar 6 Ebrill 2012;
- (b) ar ôl hynny, y cyfnod sy'n cychwyn ar 7 Ebrill mewn un flwyddyn ac sy'n dod i ben ar 6 Ebrill y flwyddyn ganlynol; ac mae'r cyfnod hwnnw am y tro cyntaf i gychwyn ar 7 Ebrill 2012;

ystyr "cofnod" ("*record*") yw'r wybodaeth a bennir yn rheoliad 8(3);

ystyr "cosb am dalu'n hwyr" ("*late payment penalty*") yw unrhyw gynnydd mewn swm sy'n daladwy—

- (a) fel cosb ariannol benodedig, yn rhinwedd paragraff 10 o Atodlen 2;
- (b) fel cosb ariannol amrywiadwy, yn rhinwedd paragraff 9 o Atodlen 3;
- (c) fel cosb am beidio â chydymffurfio, yn rhinwedd paragraff 8 o Atodlen 4;

mae i "hysbysiad adennill costau gorfodi" ("*enforcement costs recovery notice*") yr ystyr a roddir yn rheoliad 16(1);

mae i "hysbysiad o gosb am beidio â chydymffurfio" ("*non-compliance penalty notice*") yr ystyr a roddir ym mharagraff 5(4) o Atodlen 4;

mae i "swm penodedig" ("*specified sum*") yr ystyr a roddir ym mharagraff 4(2) o Atodlen 2;

mae "swyddogaethau" ("*functions*") yn cynnwys pwerau a dyletswyddau; ac

ystyr "y tâl" ("*the charge*") yw'r isafswm tâl a bennir yn rheoliad 6.

(2) Mae cyfeiriadau at—

- (a) hysbysiad o fwriad mewn perthynas â chosb ariannol benodedig, yn gyfeiriadau at hysbysiad o fwriad a gyflwynir o dan baragraff 3(1) o Atodlen 2;
- (b) hysbysiad terfynol mewn perthynas â chosb ariannol benodedig, yn gyfeiriadau at hysbysiad

PART 1

Introduction

Title, commencement and application

1.—(1) The title of these Regulations is the Single Use Carrier Bags Charge (Wales) Regulations 2010.

(2) These Regulations apply in relation to Wales and come into force on 1 October 2011.

Interpretation

2.—(1) In these Regulations—

"the charge" ("*y tâl*") means the minimum charge specified in regulation 6;

"enforcement costs recovery notice" ("*hysbysiad adennill costau gorfodi*") has the meaning given in regulation 16(1);

"functions" ("*swyddogaethau*") includes powers and duties;

"late payment penalty" ("*cosb am dalu'n hwyr*") means any increase in an amount payable—

- (a) as a fixed monetary penalty, by virtue of paragraph 10 of Schedule 2;
- (b) as a variable monetary penalty, by virtue of paragraph 9 of Schedule 3;
- (c) as a non-compliance penalty, by virtue of paragraph 8 of Schedule 4;

"non-compliance penalty notice" ("*hysbysiad o gosb am beidio â chydymffurfio*") has the meaning given in paragraph 5(4) of Schedule 4;

"record" ("*cofnod*") means the information specified in regulation 8(3);

"reporting year" ("*blwyddyn adrodd*") means—

- (a) the period starting on the date on which these Regulations come into force and ending on 6 April 2012;
- (b) thereafter, the period commencing 7 April in one year and ending on 6 April the following year; the first such period to commence 7 April 2012;

"specified sum" ("*swm penodedig*") has the meaning given in paragraph 4(2) of Schedule 2.

(2) References to—

- (a) a notice of intent in relation to a fixed monetary penalty, are references to a notice of intent served under paragraph 3(1) of Schedule 2;
- (b) a final notice in relation to a fixed monetary penalty, are references to a final notice served

terfynol a gyflwynir o dan baragraff 6(5) o Atodlen 2;

- (c) hysbysiad o fwriad mewn perthynas â gofyniad yn ôl disgresiwn, yn gyfeiriadau at hysbysiad o fwriad a gyflwynir o dan baragraff 3(1) o Atodlen 3;
- (ch) hysbysiad terfynol mewn perthynas â gofyniad yn ôl disgresiwn, yn gyfeiriadau at hysbysiad terfynol a gyflwynir o dan baragraff 5(6) o Atodlen 3;
- (d) hysbysiad o fwriad mewn perthynas â chosb am beidio â chydymffurfio, yn gyfeiriadau at hysbysiad o fwriad a gyflwynir o dan baragraff 3(1) o Atodlen 4.

(3) Mae cyfeiriadau at fagiâu siopa untro sy'n denu'r tâl yn gyfeiriadau at y bagiau siopa untro hynny y mae rheoliad 6 yn gymwys iddynt.

Ystyr "bag siopa untro"

3.—(1) Yn y Rheoliadau hyn ystyr "bag siopa untro" ("*single use carrier bag*") yw bag sy'n cyfateb i'r disgrifiad ym mharagraff (2) neu (3)—

(2) Mae bag yn cyfateb i'r disgrifiad yn y paragraff hwn—

- (a) os yw wedi ei wneud yn gyfan gwbl neu'n bennaf o bapur, deunydd sy'n seiliedig ar blanhigion neu startsh naturiol; a
- (b) os nad yw wedi ei weithgynhyrchu'n benodol i'w aildefnyddio'n aml.

(3) Mae bag yn cyfateb i'r disgrifiad yn y paragraff hwn os yw'n fag plastig—

- (a) nad yw'n bodloni pob un o'r gofynion ym mharagraff (4); neu
- (b) sy'n bodloni pob un o'r gofynion ym mharagraff (4) ond nad yw wedi ei fwriadu i'w aildefnyddio'n aml (*gweler* paragraff (5)).

(4) Y gofynion yw—

- (a) bod y naill a'r llall o ddimensiynau'r bag yn fwy na 404 o filimetrau ("mm");
- (b) bod o leiaf un o ddimensiynau'r bag yn fwy na 439 mm;
- (c) bod y bag wedi ei weithgynhyrchu o ddeunydd sy'n fwy na 49 o ficronau yn ei drwch.

(5) Mae bag plastig wedi ei fwriadu i'w aildefnyddio'n aml—

- (a) os yw wedi ei brynu gan y cwsmer; a
- (b) pan fydd wedi ei dreulio'n llwyr, os gellir ei ddychwelyd i'r gwerthwr y prynwyd ef ohono a chael un newydd yn ei le yn ddi-dâl.

(6) Yn y rheoliad hwn—

ystyr "bag plastig" ("*plastic bag*") yw bag sydd wedi ei wneud yn gyfan gwbl neu'n bennaf o blastig;

under paragraph 6(5) of Schedule 2;

- (c) to a notice of intent in relation to a discretionary requirement, are references to a notice of intent served under paragraph 3(1) of Schedule 3;
- (d) to a final notice in relation to a discretionary requirement, are references to a final notice served under paragraph 5(6) of Schedule 3;
- (e) to a notice of intent in relation to a non-compliance penalty, are references to a notice of intent served under paragraph 3(1) of Schedule 4.

(3) References to single use carrier bags attracting the charge are references to those single use carrier bags to which regulation 6 applies.

Meaning of "single use carrier bag"

3.—(1) In these Regulations "single use carrier bag" ("*bag siopa untro*") means a bag fitting the description in paragraph (2) or (3)—

(2) A bag fits the description in this paragraph if—

- (a) it is made wholly or mainly of paper, plant-based material or natural starch; and
- (b) it is not specifically manufactured for multiple reuse.

(3) A bag fits the description in this paragraph if it is a plastic bag—

- (a) which does not meet all of the specifications in paragraph (4); or
- (b) which meets all of the specifications in paragraph (4) but is not intended for multiple reuse (*see* paragraph (5)).

(4) The specifications are—

- (a) both of the bag's dimensions are greater than 404 millimetres ("mm");
- (b) at least one of the bag's dimensions is greater than 439 mm;
- (c) the bag is manufactured from material which is greater than 49 microns in thickness.

(5) A plastic bag is intended for multiple reuse if—

- (a) it is purchased by the customer; and
- (b) when worn out, it is returnable to the seller from whom it was purchased to be replaced free of charge.

(6) In this regulation—

"dimensions" ("*dimensiynau*") means width or height;

ystyr "dimensiynau" ("*dimensions*") yw lled neu uchder.

Ystyr "gwerthwr"

4.—(1) Yn y Rheoliadau hyn, ystyr "gwerthwr" ("*seller*") yw person sydd wrth fasnachu neu redeg busnes—

- (a) yn gwerthu nwyddau o le yng Nghymru;
- (b) yn gwerthu nwyddau a gyflenwir i bersonau yng Nghymru.

Ond mae hyn yn ddarostyngedig i baragraff (2).

(2) Pan fo person (A) yn gwerthu nwyddau yn swyddogaeth A fel swyddog neu gyflogai i berson arall (B), yna at ddibenion y Rheoliadau hyn B yw'r gwerthwr o dan yr amgylchiadau hynny, ac nid A.

Gweinyddwr

5.—(1) Awdurdod lleol sydd i weinyddu'r ddarpariaeth a wneir gan y Rheoliadau hyn, ac yn unol â hynny, ef yw'r gweinyddwr ar gyfer ei ardal(1).

(2) Ym mharagraff (1) mae'r cyfeiriad at awdurdod lleol yn gyfeiriad at gyngor sir neu gyngor bwrdeistref sirol.

RHAN 2

Y Tâl a Godir

Gofyniad i godi tâl

6. Rhaid i werthwr godi isafswm o 5 ceiniog am bob bag siopa untro newydd a gyflenwir—

- (a) yn y lle yng Nghymru lle y gwerthir y nwyddau, at ddibenion galluogi'r nwyddau i gael eu cymryd oddi yno;
- (b) at ddibenion galluogi'r nwyddau i gael eu cyflenwi i bersonau yng Nghymru.

Ond mae hyn yn ddarostyngedig i reoliad 7.

Esemptiad i'r gofyniad i godi tâl

7. Nid yw rheoliad 6 yn gymwys mewn perthynas â chyflenwi bagiau siopa untro o'r mathau a ddisgrifir yn Atodlen 1 ac mae'r Atodlen honno yn cael effaith yn unol â hynny.

(1) I gael diffiniad o "*administrator*", gweler paragraff 6(1) a (4) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008; ac ar gyfer cwmpas pwerau gweinyddwyr o dan y Rheoliadau hyn, gweler rheoliad 19.

"plastic bag" ("*bag plastig*") means a bag which is made wholly or mainly of plastic.

Meaning of "seller"

4.—(1) In these Regulations "seller" ("*gwerthwr*") means a person who in the course of trade or business—

- (a) sells goods from a place in Wales;
- (b) sells goods which are delivered to persons in Wales.

But this is subject to paragraph (2).

(2) Where a person (A) sells goods in A's capacity as an officer or employee of another person (B), then for the purposes of these Regulations B is the seller in those circumstances, and not A.

Administrator

5.—(1) A local authority is to administer the provision made by these Regulations and accordingly, is the administrator for its area(1).

(2) In paragraph (1) the reference to a local authority is a reference to a county or county borough council.

PART 2

The Charge

Requirement to charge

6. A seller must charge a minimum of 5 pence for every single use carrier bag supplied new—

- (a) at the place in Wales where the goods are sold, for the purpose of enabling the goods to be taken away;
- (b) for the purpose of enabling the goods to be delivered to persons in Wales.

But this is subject to regulation 7.

Exemption from the requirement to charge

7. Regulation 6 does not apply in relation to the supply of single use carrier bags of the kinds described in Schedule 1 and that Schedule has effect accordingly.

(1) For the definition of "*administrator*", see paragraph 6(1) and (4) of Schedule 6 to the Climate Change Act 2008; and for the scope of administrators' powers under these Regulations, see regulation 19.

Cadw cofnodion

8.—(1) Rhaid i werthwr gadw cofnod cywir o'r wybodaeth a bennir ym mharagraff (3) ar gyfer pob blwyddyn adrodd.

(2) Rhaid i werthwr ddal gafael ar gofnodion am gyfnod o dair blynedd gan gychwyn ar 31 Mai yn y flwyddyn adrodd yn dilyn honno y mae cofnod yn berthnasol iddi.

(3) Yr wybodaeth yw—

- (a) nifer y bagiau siopa untro a gyflenwir gan y gwerthwr sy'n denu'r tâl;
- (b) y swm gros a gafwyd gan y gwerthwr drwy godi taliadau am fagiâu siopa untro sy'n denu'r tâl;
- (c) enillion gros y tâl(1);
- (ch) enillion net y tâl(2);
- (d) dadansoddiad o sut y daethpwyd at y swm sy'n cynrychioli'r gwahaniaeth rhwng enillion gros ac enillion net y tâl, gan gynnwys (yn benodol)—
 - (i) y dosraniad rhwng unrhyw TAW briodoladwy a chostau rhesymol;
 - (ii) y dosraniad rhwng pennau gwahanol o gostau rhesymol;
- (dd) at ba ddibenion y defnyddiwyd yr enillion net a gafwyd o'r tâl.

(4) Y canlynol yw'r symiau penodedig at ddibenion y diffiniad o "*net proceeds of the charge*" ym mharagraff 7(4) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008(3)—

- (a) swm unrhyw TAW briodoladwy;
- (b) swm unrhyw gostau rhesymol.

(5) Yn y rheoliad hwn—

- ystyr "costau rhesymol" ("*reasonable costs*") yw—
- (a) costau y mae gwerthwr yn rhesymol yn mynd iddynt i alluogi'r gwerthwr i gydymffurfio â'r Rheoliadau hyn;
 - (b) costau y mae gwerthwr yn rhesymol yn mynd iddynt i alluogi'r gwerthwr i gyfathrebu gwybodaeth am y tâl i gwsmeriaid;

(1) I gael ystyr "*gross proceeds of the charge*" gweler paragraff 7(4) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008.

(2) I gael ystyr "*net proceeds of the charge*" gweler paragraff 7(4) o Atodlen 6 i'r Ddeddf honno.

(3) 2008 p.27.

Record-keeping

8.—(1) A seller must keep an accurate record of the information specified in paragraph (3) for every reporting year.

(2) Records must be retained by a seller for a period of three years beginning on 31 May in the reporting year following that to which a record relates.

(3) The information is—

- (a) the number of single use carrier bags supplied by the seller which attract the charge;
- (b) the gross amount received by the seller by way of charges for single use carrier bags which attract the charge;
- (c) the gross proceeds of the charge(1);
- (d) the net proceeds of the charge(2);
- (e) a breakdown of how the amount which represents the difference between the gross and net proceeds of the charge has been arrived at, including (in particular)—
 - (i) the apportionment between any attributable VAT and reasonable costs;
 - (ii) the apportionment between different heads of reasonable costs;
- (f) the uses to which the net proceeds of the charge have been put.

(4) The following are the amounts specified for the purposes of the definition of "net proceeds of the charge" in paragraph 7(4) of Schedule 6 to the Climate Change Act 2008(3)—

- (a) the amount of any attributable VAT;
- (b) the amount of any reasonable costs.

(5) In this regulation—

"attributable VAT" ("*TAW briodoladwy*") means VAT on the supply by the seller of single use carrier bags which attract the charge;

"reasonable costs" ("*costau rhesymol*") means—

- (a) costs reasonably incurred by a seller to enable the seller to comply with these Regulations;
- (b) costs reasonably incurred by a seller to enable the seller to communicate information about the charge to customers;

(1) For the meaning of "gross proceeds of the charge" see paragraph 7(4) of Schedule 6 to the Climate Change Act 2008.

(2) For the meaning of "net proceeds of the charge" see paragraph 7(4) of Schedule 6 to that Act.

(3) 2008 c.27.

mae i "TAW" yr ystyr a roddir i "VAT" yn adran 96 o Ddeddf Treth ar Werth 1994(1);

ystyr "TAW" briodoladwy ("attributable VAT") yw'r TAW ar gyflenwad gan y gwerthwr o fagiâu siopa untro sy'n denu'r tâl.

Argaeledd cofnodion

9.—(1) Mae'r rheoliad hwn yn gymwys pan fo person a grybwyllir ym mharagraff (4) yn gwneud cais i werthwr yn ysgrifenedig i gyflenwi cofnod am flwyddyn adrodd.

(2) Os daw cais i law yn ystod y cyfnod y delir gafael ar y cofnod sydd o dan sylw, rhaid i'r gwerthwr ddarparu copi o'r cofnod hwnnw i'r person a wnaeth gais amdano o fewn 28 o ddiwrnodau ar ôl iddo gael y cais ysgrifenedig.

(3) Y cyfnod dal gafael yw'r cyfnod o dair blynedd y mae'n rhaid dal gafael ar unrhyw gofnod penodol o dan reoliad 8(2).

(4) Y personau yw—

- (a) Gweinidogion Cymru;
- (b) aelod o'r cyhoedd.

Cyhoeddi cofnodion

10.—(1) Rhaid i werthwr gyhoeddi'r cofnod ar gyfer blwyddyn adrodd os bodlonir yr amodau ym mharagraff (2) gan y gwerthwr mewn perthynas â'r flwyddyn adrodd o dan sylw.

(2) Yr amodau yw—

- (a) bod y gwerthwr yn berson trethadwy at ddibenion Deddf Treth ar Werth 1994;
- (b) bod y gwerthwr yn cyflenwi 1000 neu fwy o fagiâu siopa untro sy'n denu'r tâl.

(3) Rhaid i werthwr gyhoeddi'r cofnod ar neu cyn 31 Mai yn y flwyddyn adrodd sy'n dilyn honno y mae'r cofnod yn ymwneud â hi.

(4) Rhaid i'r cofnod barhau i fod wedi ei gyhoeddi hyd at 31 Mai yn y flwyddyn adrodd ddilynol.

(5) Rhaid i'r cyhoeddi fod yn y dull a ganlyn—

- (a) ar wefan y gwerthwr; neu
- (b) drwy arddangos hysbysiad sy'n cynnwys y cofnod yn holl fangreuedd y gwerthwr yng Nghymru y mae gan gwsmeriaid fynediad iddynt.

(6) Os bydd gwerthwr yn cyhoeddi'r cofnod ar ei wefan—

- (a) rhaid i'r cofnod gael ei arddangos yn amlwg ar dudalen gartref y gwerthwr; neu

"VAT" ("TAW") has the meaning given in section 96 of the Value Added Tax Act 1994(1).

Availability of records

9.—(1) This regulation applies where a person mentioned in paragraph (4) requests a seller in writing to supply a record for a reporting year.

(2) If the request is received during the retention period for the record in question, the seller must provide a copy of that record to the person who requested it within 28 days of receiving the written request.

(3) The retention period is the three year period for which any particular record must be retained under regulation 8(2).

(4) The persons are—

- (a) the Welsh Ministers;
- (b) a member of the public.

Publication of records

10.—(1) A seller must publish the record for a reporting year if the conditions in paragraph (2) are met by the seller in relation to the reporting year in question.

(2) The conditions are—

- (a) that the seller is a taxable person for the purposes of the Value Added Tax Act 1994;
- (b) that the seller supplies 1000 or more single use carrier bags which attract the charge.

(3) A seller must publish the record on or before 31 May in the reporting year following that to which the record relates.

(4) The record must remain published until 31 May in the following reporting year.

(5) Publication must be by way of—

- (a) the seller's internet site; or
- (b) the display of a notice containing the record in all of the seller's premises in Wales to which customers have access.

(6) If a seller publishes the record by way of its internet site—

- (a) the record must be displayed prominently on the seller's home page; or

(1) 1994 p.23; mae diwygiadau i adran 96 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) 1994 c.23; there are amendments to section 96 which are not relevant to these Regulations.

- (b) os yw'r cofnod i gael ei arddangos yn rhywle arall ar wefan y gwerthwr, rhaid i ddolen i'r cofnod gael ei harddangos yn amlwg ar dudalen gartref y gwerthwr.

(7) Os bydd gwerthwr yn cyhoeddi'r cofnod yn y dull a ddisgrifir ym mharagraff (5)(b), rhaid i'r hysbysiad gael ei arddangos mewn lle amlwg, fel bod cwsmeriaid yn gallu ei weld yn eglur ac yn gallu ei ddarllen.

- (b) if the record is to be displayed elsewhere on the seller's internet site, a link to the record must be displayed prominently on the seller's home page.

(7) If a seller publishes the record in the way described in paragraph (5)(b), the notice must be displayed in a prominent position so that it is clearly visible to, and readable by, customers.

RHAN 4

Torri'r Rheoliadau

Torri'r Rheoliadau

11.—(1) Mae gwerthwr yn torri'r Rheoliadau hyn os yw, oherwydd methiant i gymryd pob cam rhesymol sy'n angenrheidiol i'w alluogi i wneud hynny, yn methu â chydymffurfio â gofyniad a grybwyllir ym mharagraff (2).

(2) Y gofynion yw—

- (a) y gofyniad i godi tâl yn unol â rheoliad 6;
- (b) y gofyniad i gadw cofnodion yn unol â rheoliad 8;
- (c) y gofyniad i ddal gafael ar gofnodion yn unol â rheoliad 8;
- (ch) y gofyniad i gyflenwi cofnodion yn unol â rheoliad 9;
- (d) y gofyniad i gyhoeddi cofnodion yn unol â rheoliad 10.

(3) Mae gwerthwr yn torri'r Rheoliadau hyn os yw, heb achos rhesymol—

- (a) yn rhoi gwybodaeth anwir neu gamarweiniol i weinyddwr;
- (b) yn rhwystro gweinyddwr neu'n methu â rhoi cymorth iddo fel arall wrth iddo gyflawni ei swyddogaethau o dan y Rheoliadau hyn.

RHAN 5

Sancsiynau sifil

Sancsiynau sifil

12. Mae'r Atodlenni canlynol yn cael effaith—

- (a) Atodlen 2, sy'n gwneud darpariaeth ar gyfer cosbau ariannol penodedig(1);

(1) I gael ystyr "fixed monetary penalty" gweler paragraff 10(3) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008.

PART 4

Breaches

Breaches

11.—(1) A seller breaches these Regulations if, as a result of having failed to take all reasonable steps necessary to enable it to do so, a seller fails to comply with a requirement mentioned in paragraph (2).

(2) The requirements are—

- (a) the requirement to charge in accordance with regulation 6;
- (b) the requirement to keep records in accordance with regulation 8;
- (c) the requirement to retain records in accordance with regulation 8;
- (d) the requirement to supply records in accordance with regulation 9;
- (e) the requirement to publish records in accordance with regulation 10.

(3) A seller breaches these Regulations if, without reasonable cause, a seller—

- (a) gives false or misleading information to an administrator;
- (b) otherwise obstructs or fails to assist an administrator in the conduct of its functions under these Regulations.

PART 5

Civil sanctions

Civil sanctions

12. The following Schedules have effect—

- (a) Schedule 2, which makes provision for fixed monetary penalties(1);

(1) For the meaning of "fixed monetary penalty" see paragraph 10(3) of Schedule 6 to the Climate Change Act 2008.

- (b) Atodlen 3, sy'n gwneud darpariaeth ar gyfer gofynion yn ôl disgresiwn(1).

Cyfuniad o gosbau

13.—(1) Ni chaiff gweinyddwr gyflwyno hysbysiad o fwriad mewn perthynas â chosb ariannol benodedig i werthwr os gosodwyd gofyniad yn ôl disgresiwn ar y gwerthwr hwnnw mewn perthynas â'r un toriad yn y Rheoliadau.

(2) Ni chaiff gweinyddwr gyflwyno hysbysiad o fwriad mewn perthynas â gofyniad yn ôl disgresiwn i werthwr yn unrhyw o'r amgylchiadau canlynol—

- (a) pan fo cosb ariannol benodedig wedi ei gosod ar y gwerthwr hwnnw mewn perthynas â'r un toriad yn y Rheoliadau;
- (b) pan fo'r gwerthwr wedi rhyddhau ei hun rhag atebolrwydd i gosb ariannol benodedig mewn perthynas â'r un toriad yn y Rheoliadau drwy dalu swm penodedig;
- (c) pan fo gofyniad yn ôl disgresiwn eisoes wedi ei osod mewn perthynas â'r un weithred neu anwaith.

RHAN 6

Gorfodi a Pheidio â chydymffurfio

Pwerau gorfodi

14.—(1) Mae gan weinyddwr y pwerau gorfodi sydd yn y rheoliad hwn.

(2) Y pwerau yw—

- (a) prynu nwyddau prawf er mwyn canfod a gydymffurfir â'r Rheoliadau hyn;
- (b) arolygu unrhyw nwyddau a mynd i mewn i unrhyw fangre ar unrhyw adeg resymol (heblaw mangre ddomestig) er mwyn canfod a gydymffurfir â'r Rheoliadau hyn;
- (c) os yw gweinyddwr yn credu'n rhesymol bod methiant wedi bod i gydymffurfio â'r Rheoliadau hyn—
 - (i) cwستیynu gwerthwr neu swyddogion neu gyflogeion gwerthwr;
 - (ii) ei gwneud yn ofynnol bod dogfennau'n cael eu dangos neu fod gwybodaeth yn cael ei darparu.

(3) Yn y rheoliad hwn ystyr "mangre ddomestig" ("*domestic premises*") yw mangre a ddefnyddir yn gyfan gwbl neu'n bennaf yn annedd breifat.

(1) I gael ystyr "*discretionary requirement*" gweler paragraff 12(3) o Atodlen 6 i'r Ddeddf honno.

- (b) Schedule 3, which makes provision for discretionary requirements(1).

Combination of penalties

13.—(1) An administrator may not serve a notice of intent in relation to a fixed monetary penalty on a seller if a discretionary requirement has been imposed on that seller in relation to the same breach.

(2) An administrator may not serve a notice of intent in relation to a discretionary requirement on a seller in any of the following circumstances—

- (a) where a fixed monetary penalty has been imposed on that seller in relation to the same breach;
- (b) where the seller has discharged liability to a fixed monetary penalty in respect of the same breach by payment of a specified sum;
- (c) where a discretionary requirement has previously been imposed in respect of the same act or omission.

PART 6

Enforcement and Non-compliance

Enforcement powers

14.—(1) An administrator has the powers of enforcement in this regulation.

(2) The powers are—

- (a) to make test purchases of goods for the purposes of ascertaining whether these Regulations are being complied with;
- (b) to inspect any goods and to enter any premises at any reasonable time (other than domestic premises) for the purposes of ascertaining whether these Regulations are being complied with;
- (c) if an administrator reasonably believes that there has been a failure to comply with a requirement of these Regulations—
 - (i) to question a seller or officers or employees of a seller;
 - (ii) to require the production of documents or the provision of information.

(3) In this regulation "domestic premises" ("*mangre ddomestig*") means premises used wholly or mainly as a private dwelling.

(1) For the meaning of "discretionary requirement" see paragraph 12(3) of Schedule 6 to that Act.

(4) Rhaid i weinyddwr sy'n ceisio arfer pŵer o dan baragraff (2)(b) neu (c) ddangos tystiolaeth o bwy ydyw a thystiolaeth o'i awdurdod os y person sy'n gofyn iddo, neu felly yr ymddengys, yw—

- (a) y gwerthwr, neu swyddog neu gyflogai i'r gwerthwr;
- (b) perchennog neu feddiannydd unrhyw fangre lle y mae'r gweinyddwr yn ceisio arfer y pŵer o dan sylw.

(5) Nid oes dim ym mharagraff (2) sy'n gorfodi dangos unrhyw ddogfen—

- (a) yng Nghymru a Lloegr neu Ogledd Iwerddon, y byddai gan y person hwnnw ar seiliau braint broffesiynol gyfreithiol yr hawl i beidio â'i dangos o dan orchymyn datgelu mewn achos yn y Llys Sirol neu'r Uchel Lys; neu
- (b) yn yr Alban, y byddai gan y person hwnnw ar seiliau cyfrinachedd gohebiaeth yr hawl i beidio â'i dangos o dan orchymyn dangos dogfennau mewn achos yn y Llys Sesiwn.

Gofynion yn ôl disgrisiwn nad ydynt yn rhai ariannol: gorfodi

15. Mae Atodlen 4 yn gwneud darpariaeth ar gyfer gosod cosbau ariannol mewn achosion pan fo gwerthwr yn methu â chydymffurfio â gofyniad yn ôl disgrisiwn nad yw'n un ariannol(1) ac mae'r Atodlen honno'n cael effaith yn unol â hynny.

Adennill costau gorfodi

16.—(1) Caiff gweinyddwr gyflwyno hysbysiad ("hysbysiad adennill costau gorfodi") i werthwr y gosodwyd gofyniad yn ôl disgrisiwn arno yn ei gwneud yn ofynnol bod y gwerthwr hwnnw'n talu'r costau yr aed iddynt gan y gweinyddwr mewn perthynas â gosod y gofyniad yn ôl disgrisiwn hyd at amser ei osod ("costau gorfodi").

- (2) Mae costau gorfodi yn cynnwys, yn benodol—
 - (a) costau ymchwilio;
 - (b) costau gweinyddu;
 - (c) costau cael cyngor arbenigwr (gan gynnwys cyngor cyfreithiol).

(3) Rhaid i hysbysiad adennill costau gorfodi bennu'r swm y mae'n ofynnol ei dalu a rhaid iddo gynnwys gwybodaeth o ran—

- (a) sut y gellir talu;
- (b) y dyddiad erbyn pryd y mae'n rhaid talu;
- (c) yr hawl i apelio; a
- (ch) y canlyniadau am fethu â thalu erbyn y dyddiad y mae'n ddyledus.

(4) An administrator seeking to exercise a power under paragraph (2)(b) or (c) must produce evidence of identity and authority if requested by a person who is, or appears to be—

- (a) the seller, or an officer or employee of the seller;
- (b) an owner or occupier of any premises in which the administrator seeks to exercise the power concerned.

(5) Nothing in paragraph (2) compels the production of any document of which—

- (a) in England and Wales or Northern Ireland, that person would on grounds of legal professional privilege be entitled to withhold production on an order for discovery in an action in the County Court or High Court; or
- (b) in Scotland, that person would on grounds of confidentiality of communications be entitled to withhold production on an order for the production of documents in an action in the Court of Session.

Non-monetary discretionary requirements: enforcement

15. Schedule 4 makes provision for the imposition of monetary penalties in cases where a seller fails to comply with a non-monetary discretionary requirement(1) and that Schedule has effect accordingly.

Enforcement costs recovery

16.—(1) An administrator may serve a notice ("an enforcement costs recovery notice") on a seller on whom a discretionary requirement is imposed requiring that seller to pay the costs incurred by the administrator in relation to the imposition of the discretionary requirement up to the time of its imposition ("enforcement costs").

- (2) Enforcement costs include, in particular—
 - (a) investigation costs;
 - (b) administration costs;
 - (c) costs of obtaining expert advice (including legal advice).

(3) An enforcement costs recovery notice must specify the amount required to be paid and must include information as to—

- (a) how payment may be made;
- (b) the date by which payment must be made;
- (c) the right of appeal; and
- (d) the consequences of failure to make payment by the date it is due.

(1) I gael ystyr "*non-monetary discretionary requirement*" gweler paragraff 12(3)(b) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008.

(1) For the meaning of "*non-monetary discretionary requirement*" see paragraph 12(3)(b) of Schedule 6 to the Climate Change Act 2008.

(4) Rhaid i'r dyddiad y cyfeirir ato ym mharagraff (3)(b) fod o leiaf 28 o ddiwrnodau ar ôl y dyddiad y cyflwynir yr hysbysiad adennill costau gorfodi i'r gwerthwr.

(5) Rhaid i'r gwerthwr dalu'r costau gorfodi erbyn y dyddiad a bennir yn yr hysbysiad adennill costau gorfodi.

(6) Ond mae paragraff (5) yn ddarostyngedig i weddill y darpariaethau yn y rheoliad hwn a rheoliad 21(4) (atal gofynion a hysbysiadau tra disgwylir apêl).

(7) Os yw penderfyniad gweinyddwr o dan y rheoliad hwn yn destun apêl, yna i'r graddau y caiff y penderfyniad hwnnw ei gadarnhau, rhaid i'r gwerthwr dalu'r costau gorfodi o fewn 28 o ddiwrnodau ar ôl y diwrnod y dyfernir yr apêl.

(8) Rhaid i weinyddwr ddarparu dadansoddiad manwl o'r costau a bennir mewn hysbysiad adennill costau gorfodi os bydd y gwerthwr y cyflwynwyd yr hysbysiad iddo yn gofyn amdano.

(9) Nid yw gwerthwr yn atebol i dalu unrhyw gostau y mae'r gwerthwr hwnnw'n dangos yr aed iddynt yn ddiangen.

(10) Caiff gwerthwr apelio—

- (a) yn erbyn penderfyniad gweinyddwr i osod gofyniad i dalu costau;
- (b) yn erbyn penderfyniad gweinyddwr o ran swm y costau hynny.

Adennill taliadau

17. Caiff gweinyddwr adennill unrhyw gosb ariannol benodedig, cosb ariannol amrywiadwy, cosb am fethu â chydymffurfio, costau gorfodi neu gosb am fod yn hwyr yn talu—

- (a) fel dyled sifil;
- (b) ar orchymyn gan lys, fel pe bai'n daladwy o dan orchymyn llys.

Cyhoeddusrwydd ar gyfer gosod sancsiwnau sifil

18.—(1) Caiff gweinyddwr roi hysbysiad cyhoeddusrwydd i werthwr y gosodwyd sancsiwn sifil arno(1).

(2) Y canlynol yw'r wybodaeth a bennir at ddibenion paragraff 19(2)(b) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008—

- (a) y math o sancsiwn sifil o dan sylw;
- (b) y seiliau dros osod y sancsiwn;
- (c) os oedd y sancsiwn yn gosb ariannol benodedig neu'n gosb ariannol amrywiadwy, swm y gosb honno;

(1) I gael ystyr "publicity notice" gweler paragraff 19(2) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008.

(4) The date referred to in paragraph (3)(b) must be at least 28 days later than the date on which the enforcement costs recovery notice is served on the seller.

(5) Enforcement costs must be paid by the seller by the date specified in the enforcement costs recovery notice.

(6) But paragraph (5) is subject to the remaining provisions of this regulation and to regulation 21(4) (suspension of requirements and notices pending appeal).

(7) If a decision of an administrator under this regulation is the subject of an appeal, then to the extent that that decision is upheld, the seller must pay the enforcement costs within 28 days of the day on which the appeal is determined.

(8) An administrator must provide a detailed breakdown of the costs specified in an enforcement costs recovery notice if requested to do so by the seller on whom the notice is served.

(9) A seller is not liable to pay any costs shown by that seller to have been unnecessarily incurred.

(10) A seller may appeal—

- (a) against a decision of an administrator to impose a requirement to pay costs;
- (b) against a decision of an administrator as to the amount of those costs.

Recovery of payments

17. An administrator may recover any fixed monetary penalty, variable monetary penalty, non-compliance penalty, enforcement costs or late payment penalty—

- (a) as a civil debt;
- (b) on the order of a court, as if payable under a court order.

Publicity for imposition of civil sanctions

18.—(1) An administrator may give a publicity notice to a seller on whom a civil sanction has been imposed(1).

(2) The following is the information specified for the purposes of paragraph 19(2)(b) of Schedule 6 to the Climate Change Act 2008—

- (a) the type of civil sanction concerned;
- (b) the grounds on which the sanction was imposed;
- (c) if the sanction was a fixed or variable monetary penalty, the amount of that penalty;

(1) For the meaning of "publicity notice" see paragraph 19(2) of Schedule 6 to the Climate Change Act 2008.

(ch) os oedd y sancsiwn yn ofyniad yn ôl disgresiwn nad yw'n ariannol, natur y gofyniad o dan sylw.

(3) Rhaid i hysbysiad cyhoeddusrwydd—

- (a) pennu'r dull cyhoeddi sy'n ofynnol;
- (b) pennu'r amser ar gyfer cydymffurfio â'r hysbysiad;
- (c) ei gwneud yn ofynnol i'r gwerthwr ddarparu tystiolaeth o gydymffurfio â'r hysbysiad o fewn amser a bennir yn yr hysbysiad.

(4) Os bydd gwerthwr yn methu â chydymffurfio â hysbysiad cyhoeddusrwydd o fewn yr amser a bennir o dan baragraff (3)(b), caiff y gweinyddwr—

- (a) rhoi cyhoeddusrwydd i'r wybodaeth y mae'n ofynnol rhoi cyhoeddusrwydd iddi gan yr hysbysiad; a
- (b) adennill y costau o wneud hynny oddi wrth y gwerthwr o dan sylw.

(5) Pan fo gweinyddwr yn rhoi cyhoeddusrwydd i wybodaeth o dan baragraff (4)(a) rhaid iddo wneud hynny mewn dull y mae'n ystyried yw'r dull mwyaf tebygol i ddwyn yr wybodaeth i sylw aelodau o'r cyhoedd yn ei ardal.

(d) if the sanction was a non-monetary discretionary requirement, the nature of the requirement in question.

(3) A publicity notice must—

- (a) specify the manner of publication required;
- (b) specify the time for compliance with the notice;
- (c) require the seller to provide evidence of compliance with the notice within a time specified in the notice.

(4) If a seller fails to comply with a publicity notice within the time specified under paragraph (3)(b), the administrator may—

- (a) publicise the information required to be publicised by the notice; and
- (b) recover the costs of doing so from the seller in question.

(5) Where an administrator publicises information under paragraph (4)(a) it must do so in a way it considers most likely to bring the information to the attention of members of the public in its area.

RHAN 7

Gweinyddu

Cwmpas pwerau gweinyddwyr

19. Mae'r swyddogaethau a roddir i weinyddwr gan y Rheoliadau hyn yn arferadwy gan weinyddwr yn ei ardal ac mewn perthynas â hi.

Tynnu hysbysiad yn ôl neu ei ddiwygio

20.—(1) Caiff gweinyddwr ar unrhyw adeg yn ysgrifenedig—

- (a) tynnu'n ôl hysbysiad o fwriad neu hysbysiad terfynol mewn perthynas â chosb ariannol benodedig;
- (b) tynnu'n ôl hysbysiad o fwriad neu hysbysiad terfynol mewn perthynas â chosb ariannol amrywiadwy neu leihau'r swm a bennir yn yr hysbysiad;
- (c) tynnu'n ôl hysbysiad o fwriad neu hysbysiad terfynol mewn perthynas â gofyniad yn ôl disgresiwn nad yw'n ariannol neu ddiwygio'r camau a bennir yn yr hysbysiad er mwyn lleihau swm y gwaith angenrheidiol i gydymffurfio â'r hysbysiad;
- (ch) tynnu'n ôl hysbysiad o fwriad mewn perthynas â chosb am beidio â chydymffurfio neu leihau'r swm a bennir yn yr hysbysiad;

PART 7

Administration

Scope of administrators' powers

19. The functions conferred on an administrator by these Regulations are exercisable by an administrator in, and in relation to, its area.

Withdrawing or amending a notice

20.—(1) An administrator may at any time in writing—

- (a) withdraw a notice of intent or a final notice in relation to a fixed monetary penalty;
- (b) withdraw a notice of intent or final notice in relation to a variable monetary penalty or reduce the amount specified in the notice;
- (c) withdraw a notice of intent or a final notice in relation to a non-monetary discretionary requirement or amend the steps specified in the notice so as to reduce the amount of work necessary to comply with the notice;
- (d) withdraw a notice of intent in relation to a non-compliance penalty or reduce the amount specified in the notice;

(d) tynnu'n ôl hysbysiad o gosb am beidio â chydymffurfio neu leihau'r swm a bennir yn yr hysbysiad;

(dd) tynnu'n ôl hysbysiad adennill costau gorfodi neu leihau'r swm a bennir yn yr hysbysiad.

(2) Rhaid i weinyddwr ymgynghori â'r gwerthwr o dan sylw cyn tynnu hysbysiad yn ôl neu ei ddiwygio o dan baragraff (1).

(3) Ond nid yw paragraff (2) yn gymwys yn unrhyw achos os nad yw'n ymarferol i ymgynghori â'r gwerthwr o dan sylw.

Apelau

21.—(1) Mae apêl o dan y Rheoliadau hyn i'r Tribiwnlys Haen Gyntaf(1) ("y Tribiwnlys").

(2) Yn unrhyw apêl pan fo cyflawni toriad yn y Rheoliadau yn fater sy'n gofyn am ddyfarniad, rhaid i'r gweinyddwr brofi'r toriad hwnnw yn y Rheoliadau yn ôl pwysau tebygolrwydd.

(3) Yn unrhyw achos arall rhaid i'r Tribiwnlys ddyfarnu safon y prawf.

(4) Mae gofyniad neu hysbysiad sy'n destun apêl yn cael eu hatal tra disgwylir dyfarniad i'r apêl.

(5) Caiff y Tribiwnlys, mewn perthynas â gosod gofyniad neu gyflwyno hysbysiad—

- (a) tynnu'n ôl y gofyniad neu'r hysbysiad;
- (b) cadarnhau'r gofyniad neu'r hysbysiad;
- (c) cymryd y camau hynny y gallai gweinyddwr eu cymryd mewn perthynas â'r weithred neu'r anwaith a roes fod i'r gofyniad neu'r hysbysiad;
- (ch) dychwelyd y penderfyniad ai cadarnhau'r gofyniad neu'r hysbysiad ai peidio, neu unrhyw fater sy'n ymwneud â'r penderfyniad hwnnw, yn ôl at y gweinyddwr.

Canllawiau o ran defnyddio sancsiynau sifil

22.—(1) Rhaid i weinyddwr gyhoeddi canllawiau am ei ddefnydd o sancsiynau sifil o dan y Rheoliadau hyn.

(2) Rhaid i'r canllawiau gynnwys yr wybodaeth berthnasol (gweler paragraffau (5) a (6)).

(3) Rhaid i weinyddwr ddiwygio'r canllawiau lle y mae hynny'n briodol.

(e) withdraw a non-compliance penalty notice or reduce the amount specified in the notice;

(f) withdraw an enforcement costs recovery notice or reduce the amount specified in the notice.

(2) An administrator must consult the seller in question before withdrawing or amending a notice under paragraph (1).

(3) But paragraph (2) does not apply in any case where it is impracticable to consult the seller concerned.

Appeals

21.—(1) An appeal under these Regulations is to the First-tier Tribunal(1) ("the Tribunal").

(2) In any appeal where the commission of a breach is an issue requiring determination, the administrator must prove that breach on the balance of probabilities.

(3) In any other case the Tribunal must determine the standard of proof.

(4) A requirement or notice which is the subject of an appeal is suspended pending the determination of the appeal.

(5) The Tribunal may, in relation to the imposition of a requirement or service of a notice—

- (a) withdraw the requirement or notice;
- (b) confirm the requirement or notice;
- (c) take such steps as the administrator could take in relation to the act or omission giving rise to the requirement or notice;
- (d) remit the decision whether to confirm the requirement or notice, or any matter relating to that decision, to the administrator.

Guidance as to use of civil sanctions

22.—(1) An administrator must publish guidance about its use of civil sanctions under these Regulations.

(2) The guidance must contain the relevant information (see paragraphs (5) and (6)).

(3) An administrator must revise the guidance where appropriate.

(1) Trosglwyddir apelau i Siambr Reoleiddio Gyffredinol Tribiwnlys yr Haen Gyntaf yn rhinwedd erthygl 5B(a) o Orchymyn Tribiwnlys yr Haen Gyntaf a'r Tribiwnlys Uchaf (Siambrau) 2008 (O.S. 2008/2684, a ddiwygiwyd gan O.S. 2009/196, 2009/1021 a 2009/1590). Mae Rheolau Gweithdrefn y Tribiwnlysoedd (Tribiwnlys yr Haen Gyntaf) (Y Siambr Reoleiddio Gyffredinol) 2009 (O.S. 2009/1976) yn gosod rheolau gweithdrefnol sy'n ymwneud â'r cyfryw apelau.

(1) Appeals are assigned to the General Regulatory Chamber of the First-tier Tribunal by virtue of article 5B(a) of the First-tier Tribunal and Upper Tribunal (Chambers) Order 2008 (S.I. 2008/2684, amended by S.I. 2009/196, 2009/1021 and 2009/1590). The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009 (S.I. 2009/1976) sets out procedural rules relating to such appeals.

(4) Rhaid i'r gweinyddwr roi sylw i'r canllawiau neu'r canllawiau diwygiedig wrth iddo arfer ei swyddogaethau.

(5) Yn achos canllawiau sy'n ymwneud â chosb ariannol benodedig, yr wybodaeth berthnasol y cyfeirir ati ym mharagraff (2) yw'r wybodaeth o ran—

- (a) o dan ba amgylchiadau y mae'r gosb yn debygol o gael ei gosod;
- (b) o dan ba amgylchiadau ni chaniateir gosod y gosb;
- (c) swm y gosb;
- (ch) sut y gellir cael rhyddhad rhag atebolrwydd am y gosb ac effaith y rhyddhad;
- (d) hawliau i wneud sylwadau a gwrthwynebiadau; a
- (dd) hawliau i apelio.

(6) Yn achos canllawiau sy'n ymwneud â gofyniad yn ôl disgrisiwn, yr wybodaeth berthnasol y cyfeirir ati ym mharagraff (2) yw'r wybodaeth o ran—

- (a) o dan ba amgylchiadau y mae'r gofyniad yn debygol o gael ei osod;
- (b) o dan ba amgylchiadau ni chaniateir gosod y gofyniad;
- (c) yn achos cosb ariannol amrywiadwy, y materion sy'n debygol o gael eu cymryd i ystyriaeth gan y gweinyddwr wrth iddo ddyfarnu swm y gosb (gan gynnwys, os yw'n berthnasol, unrhyw ddisgownt am adrodd yn wirfoddol am beidio â chydymffurfio);
- (ch) hawliau i wneud sylwadau a gwrthwynebiadau; a
- (d) hawliau i apelio.

Canllawiau ychwanegol

23.—(1) Rhaid i weinyddwr gyhoeddi canllawiau ynghylch sut y bydd yn arfer y pwerau a roddir gan reoliad 15 ac Atodlen 4 (cosbau am beidio â chydymffurfio) a rheoliad 16 (adennill costau gorfodi).

(2) Rhaid i'r canllawiau gynnwys, yn benodol, gwybodaeth o ran—

- (a) o dan ba amgylchiadau y mae'r pwerau'n debygol o gael eu harfer;
- (b) y materion sydd i'w hystyried wrth ddyfarnu'r symiau mewn golwg;
- (c) hawliau i apelio.

(3) Rhaid i weinyddwr ddiwygio'r canllawiau lle y mae hynny'n briodol.

(4) Rhaid i weinyddwr roi sylw i'r canllawiau neu'r canllawiau diwygiedig wrth iddo arfer ei swyddogaethau.

(4) An administrator must have regard to the guidance or revised guidance in exercising its functions.

(5) In the case of guidance relating to a fixed monetary penalty, the relevant information referred to in paragraph (2) is information as to—

- (a) the circumstances in which the penalty is likely to be imposed;
- (b) the circumstances in which the penalty may not be imposed;
- (c) the amount of the penalty;
- (d) how liability for the penalty may be discharged and the effect of discharge;
- (e) rights to make representations and objections; and
- (f) rights of appeal.

(6) In the case of guidance relating to a discretionary requirement, the relevant information referred to in paragraph (2) is information as to—

- (a) the circumstances in which the requirement is likely to be imposed;
- (b) the circumstances in which the requirement may not be imposed;
- (c) in the case of a variable monetary penalty, the matters likely to be taken into account by the administrator in determining the amount of the penalty (including, where relevant, any discounts for voluntary reporting of non-compliance);
- (d) rights to make representations and objections; and
- (e) rights of appeal.

Additional guidance

23.—(1) An administrator must publish guidance about how it will exercise the powers conferred by regulation 15 and Schedule 4 (non-compliance penalties) and regulation 16 (enforcement costs recovery).

(2) The guidance must include, in particular, information as to—

- (a) the circumstances in which the powers are likely to be exercised;
- (b) matters to be taken into account in determining the amounts involved;
- (c) rights of appeal.

(3) An administrator must revise the guidance where appropriate.

(4) An administrator must have regard to the guidance or revised guidance in exercising its functions.

Ymgynghori ar ganllawiau

24. Cyn cyhoeddi unrhyw ganllawiau neu ganllawiau diwygiedig o dan y Rheoliadau hyn rhaid i weinyddwr ymgynghori â'r canlynol—

- (a) Gweinidogion Cymru;
- (b) y Swyddfa Gwell Rheoleiddio Lleol;
- (c) Cydffederasiwn Diwydiant Prydain;
- (ch) Ffederasiwn Busnesau Bach;
- (d) Consortiwm Manwerthu Prydain.

Cyhoeddi camau gorfodi

25.—(1) Rhaid i weinyddwr o bryd i'w gilydd gyhoeddi adroddiadau sy'n pennu—

- (a) yr achosion y gosodwyd sanctsiwn sifil ynddynt am dorri'r Rheoliadau hyn;
- (b) os cosb ariannol benodedig yw'r sanctsiwn sifil, yr achosion y rhyddhawyd atebolrwydd rhag cosb ynddynt yn unol â pharagraff 4 o Atodlen 2 (rhyddhau rhag atebolrwydd yn dilyn hysbysiad o fwriad).

(2) Ym mharagraff (1)(a) nid yw'r cyfeiriad at achosion y gosodwyd sanctsiwn sifil ynddynt yn cynnwys achosion pan osodwyd y sanctsiwn ond pan gafodd ei wrthdroi ar apêl.

(3) Rhaid i weinyddwr beidio â chyhoeddi adroddiad mewn unrhyw achos pan fo Gweinidogion Cymru yn hysbysu'r gweinyddwr yn ysgrifenedig y byddai'n amhriodol i wneud hynny.

Consultation on guidance

24. Before publishing any guidance or revised guidance under these Regulations an administrator must consult—

- (a) the Welsh Ministers;
- (b) the Local Better Regulation Office;
- (c) the Confederation of British Industry;
- (d) the Federation of Small Businesses;
- (e) the British Retail Consortium.

Publication of enforcement action

25.—(1) An administrator must from time to time publish reports specifying—

- (a) the cases in which a civil sanction for a breach of these Regulations has been imposed;
- (b) where the civil sanction is a fixed monetary penalty, the cases in which liability to the penalty has been discharged in accordance with paragraph 4 of Schedule 2 (discharge of liability following notice of intent).

(2) In paragraph (1)(a) the reference to cases in which the civil sanction has been imposed does not include cases where the sanction has been imposed but overturned on appeal.

(3) An administrator must not publish a report in any case where the Welsh Ministers notify the administrator in writing that it would be inappropriate to do so.

Jane Davidson

Y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai, un o Weiniogion Cymru

Minister for Environment, Sustainability and Housing, one of the Welsh Ministers

30 Tachwedd 2010

30 November 2010

Esemptiadau

1.—(1) Y mathau o fagiau siopa untro nad yw rheoliad 6 yn gymwys iddynt yw—

- (a) bagiau a ddefnyddir yn unig i gynnwys bwyd heb ei becynnu ar gyfer ei fwyta gan bobl neu gan anifeiliaid;
- (b) bagiau a ddefnyddir yn unig i gynnwys hadau, bylbiau, cormau neu risomau rhydd heb eu pecynnu;
- (c) bagiau a ddefnyddir yn unig i gynnwys unrhyw fwyell, cylllell, llafn cylllell neu lafn rasel heb eu pecynnu;
- (ch) bagiau a ddefnyddir yn unig i gynnwys nwyddau heb eu pecynnu ac a halogwyd gan bridd;
- (d) bagiau a ddefnyddir yn unig i gynnwys y canlynol a gafodd eu pecynnu—
 - (i) pysgod neu gynhyrchion pysgod heb eu coginio;
 - (ii) cig neu gynhyrchion cig heb eu coginio;
 - (iii) dofednod neu gynhyrchion dofednod heb eu coginio,

y mae, mewn perthynas â hwy, uchafswm eu dimensiynau yn 205 o filimetrau ("mm") (lled) x 125 mm (lled cwysed) x 458 mm (uchder gan gynnwys handlenni);

- (dd) bagiau wedi eu selio a gyflenwir gan werthwr cyn cyrraedd y man gwerthu;
- (e) bagiau a ddefnyddir i gynnwys nwyddau a brynwyd ar fwrdd llongau, trenau, awyrennau, coetsis neu fysiau;
- (f) bagiau a ddefnyddir i gynnwys nwyddau a brynwyd mewn man a ddynodwyd gan yr Ysgrifennydd Gwladol yn fan o dan gyfyngiad diogelwch o dan adran 11A o Ddeddf Diogelwch wrth Hedfan 1982(1);
- (ff) bagiau ar gyfer pecynnu a chyflenwi post neu nwyddau wth archebu drwy'r post;
- (g) bagiau—
 - (i) a wnaed yn gyfan gwbl o bapur;
 - (ii) mae uchafswm eu dimensiynau yn 175 mm (lled) x 260 mm (uchder);
 - (iii) nad oes ganddynt gwysed; a
 - (iv) nad oes ganddynt handlen;

(1) 1982 p.36; cafodd adran 11A ei mewnosod gan Ddeddf Diogelwch Awyrennol a Morol 1990 (p.31), Atodlen 1, paragraff 3; a'i diwygio gan O.S. 2010/902, rheoliadau 3 a 9(b).

Exemptions

1.—(1) The kinds of single use carrier bags to which regulation 6 does not apply are—

- (a) bags used solely to contain unpackaged food for human or animal consumption;
- (b) bags used solely to contain unpackaged loose seeds, bulbs, corms or rhizomes;
- (c) bags used solely to contain any unpackaged axe, knife, knife blade or razor blade;
- (d) bags used solely to contain unpackaged goods contaminated by soil;
- (e) bags used solely to contain packaged—
 - (i) uncooked fish or fish products;
 - (ii) uncooked meat or meat products;
 - (iii) uncooked poultry or poultry products,

and in respect of which the maximum dimensions are 205 millimetres ("mm") (width) x 125 mm (gusset width) x 458 mm (height inclusive of handles);

- (f) sealed bags supplied by a seller before the point of sale;
- (g) bags used to contain purchases made on board ships, trains, aircraft, coaches or buses;
- (h) bags used to contain purchases made in an area designated by the Secretary of State as a security restricted area under section 11A of the Aviation Security Act 1982(1);
- (i) bags for packaging and delivery of mail or mail order goods;
- (j) bags which—
 - (i) are made wholly from paper;
 - (ii) have maximum dimensions of 175 mm (width) x 260 mm (height);
 - (iii) do not have a gusset; and
 - (iv) do not have a handle;

(1) 1982 c.36; section 11A was inserted by the Aviation and Maritime Security Act 1990 (c.31), Schedule 1, paragraph 3; and amended by S.I. 2010/902, regulations 3 and 9(b).

- (ng) bagiau—
- (i) a wnaed yn gyfan gwbl neu'n bennaf o blastig;
 - (ii) mae uchafswm eu dimensiynau yn 125 mm (lled) x 125 mm (uchder);
 - (iii) nad oes ganddynt gwysed; a
 - (iv) nad oes ganddynt handlen;

- (h) bagiau—
- (i) a wnaed yn gyfan gwbl o bapur;
 - (ii) mae uchafswm eu dimensiynau yn 80 mm (lled) x 50 mm (lled cwysed) x 155 mm (uchder); a
 - (iii) nad oes ganddynt handlen;
- (i) leiniau â chwysed a ddefnyddir i leinio neu i lapio blychau, cratiau neu gynwysyddion eraill o natur debyg;
- (j) bagiau a ddefnyddir yn unig i gynnwys creaduriaid byw dyfrol mewn dŵr;
- (k) bagiau a ddefnyddir yn unig i gynnwys un eitem neu fwy o'r categorïau a bennir yn is-baragraff (2).

(2) Y categorïau a bennir yw—

- (a) cynnyrch meddyginiaethol neu gyfarpar rhestredig a werthir yn unol â phresgripsiwn a ddyroddwyd gan ymarferydd meddygol cofrestredig, deintydd, rhagnodydd atodol, nyrs-ragnodydd annibynnol, nyrs sy'n rhagnodi'n annibynnol, optometrydd-ragnodydd annibynnol, fferylllydd-ragnodydd annibynnol neu broffesiynolyn iechyd yr AEE;
- (b) pan werthir neu pan gyflenwir hwy heb fod yn unol â pharagraff (a), meddyginiaeth fferyllol.

(3) Yn y paragraff hwn—

ystyr "cyfarpar rhestredig" yw cyfarpar rhestredig o fewn ystyr "*listed appliances*" yn unrhyw un o'r canlynol—

- (a) adran 80 o Ddeddf y Gwasanaeth Iechyd Gwladol (Cymru) 2006(1);
- (b) erthygl 63 o Orchymyn Iechyd a Gwasanaethau Cymdeithasol Personol (Gogledd Iwerddon) 1972(2);
- (c) adran 27 o Ddeddf y Gwasanaeth Iechyd Gwladol (Yr Alban) 1978(3);
- (ch) adran 126 o Ddeddf y Gwasanaeth Iechyd Gwladol 2006(4);

(k) bags which—

- (i) are made wholly or mainly from plastic;
- (ii) have maximum dimensions of 125 mm (width) x 125 mm (height);
- (iii) do not have a gusset; and
- (iv) do not have a handle;

(l) bags which—

- (i) are made wholly from paper;
- (ii) have maximum dimensions of 80 mm (width) x 50 mm (gusset width) x 155 mm (height); and
- (iii) do not have a handle;

- (m) gusseted liners used to line or cover boxes, crates or other containers of a similar nature;
- (n) bags used solely to contain live aquatic creatures in water;
- (o) bags used solely to contain one or more items from the categories specified in sub-paragraph (2).

(2) The specified categories are—

- (a) medicinal products or listed appliances sold in accordance with a prescription issued by a registered medical practitioner, a dentist, a supplementary prescriber, a nurse independent prescriber, an independent nurse prescriber, an optometrist independent prescriber, a pharmacist independent prescriber or an EEA health professional;
- (b) where sold or supplied otherwise than in accordance with paragraph (a), pharmacy medicine.

(3) In this paragraph—

"dentist" ("*deintydd*") means a person registered in the dentists register kept under section 14 of the Dentists Act 1984(1);

"EEA health professional" ("*proffesiynolyn iechyd yr AEE*") has the meaning given in regulation 1(2) of the Medicines for Human Use (Prescribing by EEA Practitioners) Regulations 2008(2);

"independent nurse prescriber" ("*nyrs sy'n rhagnodi'n annibynnol*") has the meaning given in regulation 2(1) of the National Health Service (Pharmaceutical Services) Regulations 1992(3);

(1) 2006 p.42.

(2) O.S. 1972/1265 (G.I. 14), diwygiwyd gan 1978/1907 (G.I. 26); mae diwygiadau eraill ond nid oes unrhyw un yn berthnasol.

(3) 1978 p.29; mae diwygiadau i adran 27 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(4) 2006 p.41.

(1) 1984 c.24; section 14 was substituted by S.I. 2005/2011, articles 2(1) and 6; and amended by S.I. 2007/3101, regulations 109 and 111.

(2) S.I. 2008/1692, to which there are amendments not relevant to these Regulations.

(3) S.I. 1992/662; relevant amending instruments are S.I. 2003/2624 (W. 252), S.I. 2007/205 (W. 19) and S.I. 2010/1647 (W.155).

mae i "cynnyrch meddyginiaethol" yr ystyr a roddir i "*medicinal product*" yn adran 130 o Ddeddf Meddyginiaethau 1968(1);

ystyr "deintydd" ("*dentist*") yw person sydd wedi'i gofrestru yn y gofrestr ddeintyddion a gedwir o dan adran 14 o Ddeddf Deintyddion 1984(2);

ystyr "heb ei becynnu" ("*unpacked*") yw heb gael ei lapio'n gyfan gwbl neu'n rhannol;

ystyr "meddyginiaeth fferyllol" ("*pharmacy medicine*") yw cynnyrch meddyginiaethol nad yw'n feddyginiaeth drwy bresgripsiwn yn unig ac sydd—

- (a) yn unol ag adran 52(3) o Ddeddf Meddyginiaethau 1968, y gellir ei werthu neu ei gyflenwi yn unig o dan yr amodau a bennir yn is-adran (1)(a) i (c) o'r adran honno; neu
- (b) heblaw am y ffaith y gellir ei werthu neu ei gyflenwi yn unol ag adran 55(4) o'r Ddeddf honno, dim ond o dan yr amodau hynny y gellid ei werthu neu ei gyflenwi'n gyfreithiol;

ystyr "meddyginiaeth drwy bresgripsiwn yn unig" ("*prescription only medicine*") yw cynnyrch meddyginiaethol—

- (a) o ddisgrifiad neu sy'n dod o fewn dosbarth a bennir mewn gorchymyn a wnaed o dan adran 58(5) o Ddeddf Meddyginiaethau 1968;
- (b) y mae adran 58 o'r Ddeddf honno yn gymwys iddo yn rhinwedd gorchymyn a wnaed o dan adran 104(6) o'r Ddeddf honno;

mae i "nyrs sy'n rhagnodi'n annibynnol" yr ystyr a roddir i "*independent nurse prescriber*" yn rheoliad 2(1) o Reoliadau'r Gwasanaeth Iechyd Gwladol (Gwasanaethau Fferyllol) 1992(7);

mae i "proffesiynolyn iechyd yr AEE" yr ystyr a roddir i "*EEA health professional*" yn rheoliad 1(2) o Reoliadau Meddyginiaethau at Ddefnydd Dynol (Rhagnodi gan Ymarferwyr AEE) 2008(8); ac

"listed appliances" ("*cyfarpar rhestredig*") means listed appliances within the meaning of any of the following—

- (a) section 80 of the National Health Service (Wales) Act 2006(1);
- (b) article 63 of the Health and Personal Social Services (Northern Ireland) Order 1972(2);
- (c) section 27 of the National Health Service (Scotland) Act 1978(3);
- (d) section 126 of the National Health Service Act 2006(4);

"medicinal product" ("*cynnyrch meddyginiaethol*") has the meaning given in section 130 of the Medicines Act 1968(5);

"pharmacy medicine" ("*meddyginiaeth fferyllol*") means a medicinal product which is not a prescription only medicine and which—

- (a) in accordance with section 52(6) of the Medicines Act 1968, can only be sold or supplied under the conditions specified in sub-section (1)(a) to (c) of that section; or
- (b) but for the fact that it is sold or supplied in accordance with section 55(7) of that Act, could only lawfully be sold or supplied under those conditions;

"prescription only medicine" ("*meddyginiaeth drwy bresgripsiwn yn unig*") means a medicinal product—

- (a) of a description or falling within a class specified in an order made under section 58(8) of the Medicines Act 1968;
- (b) to which section 58 of that Act applies by virtue of an order made under section 104(9) of that Act;

"supplementary prescriber" ("*rhagnodydd atodol*"), "nurse independent prescriber" ("*nyrs-ragnodydd*"),

(1) 1968 p.67; diwygiwyd adran 130 gan O.S. 1994/3119, rheoliad 2(b); ac O.S. 2005/50, rheoliad 25(1)(c) a (d); mae diwygiadau eraill ond nid ydynt yn berthnasol.

(2) 1984 p.24; amnewidiwyd adran 14 gan O.S. 2005/2011, erthyglau 2(1) a 6; ac a ddiwygiwyd gan O.S. 2007/3101 rheoliadau 109 a 111.

(3) Diwygiwyd adran 52 gan Ddeddf Iechyd 2006 (p.28); mae diwygiadau eraill ond nid ydynt yn berthnasol.

(4) Diwygiwyd adran 55 gan O.S. 2004/1771, erthygl 3 a pharagraff 10(b) o'r Atodlen; gan O.S. 2006/2407, paragraffau 1 a 26 o Atodlen 8.

(5) Mae diwygiadau i adran 58 nad ydynt yn berthnasol i'r Rheoliadau hyn.

(6) Diwygiwyd adran 104 gan O.S. 2004/1031, rheoliad 54 a pharagraff 17 o Atodlen 10; a chan O.S. 2006/2407, paragraffau 1 a 54 o Atodlen 8.

(7) O.S. 1992/662; O.S. 2003/2624 (Cy.252), O.S. 2007/205 (Cy. 19) ac O.S. 2010/1647 (Cy.155) yw'r offerynnau diwygio perthnasol.

(8) O.S. 2008/1692, mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) 2006 c.42.

(2) S.I. 1972/1265 (N.I. 14), amended by 1978/1907 (N.I. 26); there are other amendments but none is relevant.

(3) 1978 c.29; there are amendments to section 27 which are not relevant to these Regulations.

(4) 2006 c.41.

(5) 1968 c.67; section 130 was amended by S.I. 1994/3119, regulation 2(b); and S.I. 2005/50, regulation 25(1)(c) and (d); there are other amendments but none is relevant.

(6) Section 52 was amended by the Health Act 2006 (c.28); there are other amendments but none is relevant.

(7) Section 55 was amended by S.I. 2004/1771, article 3 and paragraph 10(b) of the Schedule; by S.I. 2006/2407, paragraphs 1 and 26 of Schedule 8.

(8) There are amendments to section 58 which are not relevant to these Regulations.

(9) Section 104 was amended by S.I. 2004/1031, regulation 54 and paragraph 17 of Schedule 10; and by S.I. 2006/2407, paragraphs 1 and 54 of Schedule 8.

mae i "rhagnodydd atodol", "nyrs-ragnodydd annibynnol", "optometrydd-ragnodydd annibynnol" a "fferyllydd-ragnodydd annibynnol" yr ystyr a briodolir i "supplementary prescriber", "nurse independent prescriber", "optometrist independent prescriber" a "pharmacist independent prescriber" yn ôl eu trefn yn erthygl 1(2) o Orchymyn Meddyginiaethau drwy Bresgripsiwn yn Unig (Defnydd Dynol) 1997(1).

annibynnol"), "optometrist independent prescriber" ("optometrydd-ragnodydd annibynnol") and "pharmacist independent prescriber" ("fferyllydd-ragnodydd annibynnol") each have the meanings respectively ascribed to them in article 1(2) of the Prescription Only Medicines (Human Use) Order 1997(1);

"unpacked" ("*heb ei becynnu*") means wholly or partly unwrapped.

ATODLEN 2

SCHEDULE 2

Rheoliad 12

Regulation 12

Cosbau ariannol penodedig

Fixed monetary penalties

RHAN 1

PART 1

Gosod cosbau ariannol penodedig a gweithdrefn

Imposition of fixed monetary penalties and procedure

Y pŵer i osod cosb ariannol benodedig

1.—(1) Caiff gweinyddwr drwy hysbysiad osod cosb ariannol benodedig ar werthwr sy'n torri'r Rheoliadau hyn o dan yr amgylchiadau a bennir yn rheoliad 11(2).

(2) Caiff gweinyddwr arfer y pŵer a roddir gan is-baragraff (1) mewn perthynas ag achos os yw wedi ei fodloni yn ôl pwysau tebygolrwydd bod y toriad yn y Rheoliadau wedi digwydd.

Cosbau ariannol penodedig

2. Swm y gosb y gellir ei gosod gan weinyddwr fel cosb ariannol benodedig mewn unrhyw achos yw'r swm a bennir yn ail golofn y tabl yn Rhan 2 drwy gyfeirio at y math o doriad yn y Rheoliadau sydd o dan sylw.

Hysbysiad o Fwriad

3.—(1) Pan fo gweinyddwr yn bwriadu gosod cosb ariannol benodedig ar werthwr, rhaid i'r gweinyddwr gyflwyno hysbysiad o fwriad i'r gwerthwr hwnnw(2).

(2) Rhaid i hysbysiad o fwriad—

- (a) datgan swm y gosb;
- (b) cynnig y cyfle i'r gwerthwr ryddhau ei hun rhag atebolrwydd am y gosb drwy dalu'r swm

Power to impose fixed monetary penalty

1.—(1) An administrator may by notice impose a fixed monetary penalty on a seller who breaches these Regulations in the circumstances specified in regulation 11(1).

(2) An administrator may exercise the power conferred by sub-paragraph (1) in relation to a case if it is satisfied on the balance of probabilities that the breach has occurred.

Fixed monetary penalties

2. The amount of penalty which can be imposed by an administrator as a fixed monetary penalty in any case is the amount specified in the second column of the table in Part 2 by reference to the kind of breach concerned.

Notice of Intent

3.—(1) Where an administrator proposes to impose a fixed monetary penalty on a seller, the administrator must serve a notice of intent on that seller(2).

(2) A notice of intent must—

- (a) state the amount of the penalty;
- (b) offer the seller the opportunity to discharge its liability to the penalty by paying the specified

(1) O.S. 1997/1830; O.S. 2003/696, O.S. 2004/1771, O.S. 2005/765, O.S. 2006/915 ac O.S. 2010/1621 yw'r offerynnau diwygio perthnasol.

(2) I gael ystyr "*notice of intent*" gweler paragraff 11(1)(a) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008.

(1) S.I. 1997/1830; relevant amending instruments are S.I. 2003/696, S.I. 2004/1771, S.I. 2005/765, S.I. 2006/915, S.I. 2010/1621.

(2) For the meaning of "*notice of intent*" see paragraph 11(1)(a) of Schedule 6 to the Climate Change Act 2008.

penodedig o fewn 28 o ddiwrnodau sy'n dechrau ar y diwrnod y cafwyd yr hysbysiad;

(c) cynnwys gwybodaeth o ran—

- (i) y seiliau am y bwriad i osod cosb ariannol benodedig;
- (ii) effaith talu'r swm penodedig;
- (iii) yr hawl i wneud sylwadau a gwrthwynebiadau a roddir gan baragraff 5;
- (iv) o dan ba amgylchiadau ni chaiff y gweinyddwr osod y gosb ariannol benodedig;
- (v) y cyfnod o 28 o ddiwrnodau y caniateir rhyddhau rhag atebolrwydd i gosb ariannol benodedig yn rhinwedd paragraff 4;
- (vi) y cyfnod o 28 o ddiwrnodau y ceir gwneud sylwadau a gwrthwynebiadau ynddo;

(vii) sut y gellir talu.

sum within 28 days beginning with the day on which the notice is received;

(c) include information as to—

- (i) the grounds for the proposal to impose the fixed monetary penalty;
- (ii) the effect of payment of the specified sum;
- (iii) the right to make representations and objections conferred by paragraph 5;
- (iv) the circumstances in which the administrator may not impose the fixed monetary penalty;
- (v) the 28 day period within which liability to the fixed monetary penalty may be discharged by virtue of paragraph 4;
- (vi) the 28 day period within which representations and objections may be made;

(vii) how payment may be made.

Rhyddhau rhag atebolrwydd yn dilyn hysbysiad o fwriad

4.—(1) Caiff atebolrwydd gwerthwr i gosb ariannol benodedig ei ryddhau os bydd y gwerthwr yn talu'r swm penodedig o fewn 28 o ddiwrnodau sy'n dechrau ar y diwrnod y cafwyd yr hysbysiad o fwriad sy'n ymwneud ag ef.

(2) Y swm penodedig yw'r swm a bennir yn nhrydedd golofn y tabl yn Rhan 2 drwy gyfeirio at y math o doriad yn y Rheoliadau sydd o dan sylw.

Gwneud sylwadau a gwrthwynebiadau

5.—(1) Mae'r paragraff hwn yn gymwys os na fydd gwerthwr yn rhyddhau ei hun rhag atebolrwydd i gosb ariannol benodedig drwy dalu'r swm penodedig.

(2) O fewn 28 o ddiwrnodau ar ôl y diwrnod y cafodd y gwerthwr yr hysbysiad o fwriad, caiff y gwerthwr wneud sylwadau a gwrthwynebiadau ysgrifenedig i'r gweinyddwr mewn perthynas â'r gosb ariannol benodedig y bwriedir ei gosod.

Penderfynu ai gosod cosb ariannol benodedig ai peidio

6.—(1) Ar ddiwedd y cyfnod o 28 o ddiwrnodau i wneud sylwadau a gwrthwynebiadau o dan baragraff 5, rhaid i'r gweinyddwr benderfynu ai gosod y gosb ariannol benodedig ai peidio.

(2) Wrth wneud penderfyniad o dan y paragraff hwn rhaid i weinyddwr gymryd i ystyriaeth unrhyw sylwadau neu wrthwynebiadau a wnaed gan y gwerthwr yn unol â'r paragraff hwnnw.

(3) Ni chaiff gweinyddwr benderfynu gosod cosb ariannol benodedig yn unrhyw un neu ragor o'r amgylchiadau canlynol—

Discharge of liability following notice of intent

4.—(1) A seller's liability to a fixed monetary penalty is discharged if the seller pays the specified sum within 28 days beginning with the day on which the notice of intent to which it relates was received.

(2) The specified sum is the amount specified in the third column of the table in Part 2 by reference to the kind of breach concerned.

Making representations and objections

5.—(1) This paragraph applies if a seller does not discharge its liability to a fixed monetary penalty by payment of the specified sum.

(2) Within 28 days of the day on which the notice of intent was received by the seller, the seller may make written representations and objections to the administrator in relation to the proposed imposition of the fixed monetary penalty.

Decision whether to impose a fixed monetary penalty

6.—(1) At the end of the 28 day period for making representations and objections under paragraph 5, the administrator must decide whether to impose the fixed monetary penalty.

(2) In making a decision under this paragraph an administrator must take into consideration any representations or objections made by the seller in accordance with that paragraph.

(3) An administrator may not decide to impose a fixed monetary penalty in any of the following circumstances—

- (a) os cafwyd rhyddhad rhag atebolrwydd i gosb ariannol benodedig mewn perthynas â'r un toriad yn y Rheoliadau drwy dalu'r swm penodedig;
- (b) os gosodwyd eisoes gosb ariannol benodedig mewn perthynas â'r un toriad yn y Rheoliadau;
- (c) os gosodwyd gofyniad yn ôl disgrisiwn mewn perthynas â'r un weithred neu anwaith.

(4) Heb gyfyngu ar y pŵer o dan is-baragraff (1), caiff gweinyddwr benderfynu peidio â gosod cosb benodedig os yw'r gweinyddwr o'r farn y byddai'n anfuddiol gwneud hynny o dan holl amgylchiadau'r achos.

(5) Pan fo'r gweinyddwr yn penderfynu gosod y gosb ariannol benodedig rhaid iddo wneud hynny drwy gyflwyno'r hysbysiad terfynol i'r gwerthwr(1).

(6) Rhaid i'r hysbysiad terfynol gydymffurfio â pharagraff 7.

Cynnwys hysbysiad terfynol

7. Rhaid i'r hysbysiad terfynol gynnwys gwybodaeth o ran—

- (a) y seiliau dros osod y gosb ariannol benodedig;
- (b) ymateb y gweinyddwr i unrhyw sylwadau a gwrthwynebiadau a wnaed gan y gwerthwr;
- (c) swm y gosb;
- (ch) sut y gellir talu;
- (d) y cyfnod o 56 o ddiwrnodau y mae'n rhaid talu ynddo;
- (dd) effaith paragraff 9 (disgownt am dalu'n gynnar);
- (e) effaith paragraff 10 (cosb am dalu'n hwyr);
- (f) hawliau i apelio; ac
- (ff) canlyniadau peidio â thalu.

Talu

8.—(1) Rhaid talu cosb ariannol benodedig o fewn 56 o ddiwrnodau sy'n dechrau ar y diwrnod y cafwyd yr hysbysiad terfynol sy'n gosod y gosb.

Ond mae hyn yn ddarostyngedig i reoliad 21(4) (atal gofynion a hysbysiadau tra disgwylir apêl).

(2) Os bydd penderfyniad i osod cosb ariannol benodedig yn destun apêl, yna os caiff y penderfyniad hwnnw ei gadarnhau, rhaid i'r gwerthwr dalu'r gosb o fewn 28 o ddiwrnodau sy'n dechrau ar y diwrnod y dyfernir yr apêl.

- (a) if liability to a fixed monetary penalty in respect of the same breach has been discharged by payment of the specified sum;
- (b) if a fixed monetary penalty has previously been imposed in respect of the same breach;
- (c) if a discretionary requirement has been imposed in respect of the same act or omission;

(4) Without restricting the power under sub-paragraph (1), an administrator may decide not to impose a fixed penalty if the administrator considers that in all the circumstances of the case it would be inexpedient to do so.

(5) Where the administrator decides to impose the fixed monetary penalty it must do so by serving the final notice on the seller(1).

(6) The final notice must comply with paragraph 7.

Contents of final notice

7. The final notice must include information as to—

- (a) the grounds for imposing the fixed monetary penalty;
- (b) the administrator's response to any representation and objections made by the seller;
- (c) the amount of the penalty;
- (d) how payment may be made;
- (e) the period of 56 days within which payment must be made;
- (f) the effect of paragraph 9 (early payment discount);
- (g) the effect of paragraph 10 (late payment penalty);
- (h) rights of appeal; and
- (i) the consequences of non-payment.

Payment

8.—(1) A fixed monetary penalty must be paid by a seller within 56 days beginning with the day on which the final notice imposing it was received.

But this is subject to regulation 21(4) (suspension of requirements and notices pending appeal).

(2) If a decision to impose a fixed monetary penalty is the subject of an appeal then if that decision is upheld, the penalty must be paid by the seller within 28 days beginning with the day on which the appeal is determined.

(1) I gael ystyr "the final notice" gweler paragraff 11(1)(d) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008.

(1) For the meaning of "the final notice" see paragraph 11(1)(d) of Schedule 6 to the Climate Change Act 2008.

Disgownt am dalu'n gynnar

9. Caiff gwerthwr ryddhau ei hun rhag atebolrwydd i gosb ariannol benodedig drwy dalu 50% o swm y gosb o fewn 28 o ddiwrnodau sy'n dechrau ar y diwrnod y cafwyd yr hysbysiad terfynol sy'n ei gosod.

Cosb am dalu'n hwyr

10. Os na thelir cosb ariannol benodedig o fewn y cyfnod a ganiateir yn unol â pharagraff 8 cynyddir swm y gosb gan 50%.

Seiliau apêl

11.—(1) Caiff gwerthwr apelio yn erbyn penderfyniad gweinyddwr i osod cosb ariannol benodedig.

(2) Y seiliau ar gyfer apelio yw—

- (a) bod y penderfyniad yn seiliedig ar wall ffeithiol;
- (b) bod y penderfyniad yn anghywir mewn cyfraith;
- (c) bod y penderfyniad yn afresymol am unrhyw reswm arall, neu
- (ch) unrhyw reswm arall.

Early payment discount

9. A seller may discharge its liability to a fixed monetary penalty by paying 50% of the amount of the penalty within 28 days beginning with the day on which the final notice imposing it was received.

Late payment penalty

10. If a fixed monetary penalty is not paid within the period allowed in accordance with paragraph 8 the amount of the penalty is increased by 50%.

Grounds of appeal

11.—(1) A seller may appeal against an administrator's decision to impose a fixed monetary penalty.

(2) The grounds of appeal are—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that the decision was unreasonable for any other reason;
- (d) any other reason.

RHAN 2

Symiau cosbau ariannol penodedig a symiau penodedig

<i>Toriad yn y Rheoliadau</i>	<i>Swm y gosb y gellir ei gosod yn gosb ariannol benodedig</i>	<i>Symiau penodedig</i>
Methiant i gydymffurfio â'r gofyniad i godi tâl yn unol â rheoliad 6 (rheoliad 11(1) a (2))	£200	£100
Methiant i gadw cofnodion yn unol â rheoliad 8 (rheoliad 11(1) a (2))	£100	£50

PART 2

Fixed monetary penalty amounts and specified sums

<i>Breach</i>	<i>Amount of penalty which can be imposed as a fixed monetary penalty</i>	<i>Specified sums</i>
Failure to comply with the requirement to charge in accordance with regulation 6 (regulation 11(1) and (2))	£200	£100
Failure to keep records in accordance with regulation 8 (regulation 11(1) and (2))	£100	£50

Methiant i ddal gafael ar gofnodion yn unol â rheoliad 8 (rheoliad 11(1) a (2))	£100	£50
Methiant i gyflenwi cofnodion yn unol â rheoliad 9 (rheoliad 11(1) a (2))	£100	£50
Methiant i gyhoeddi cofnodion yn unol â rheoliad 10 (rheoliad 11(1) a (2))	£100	£50

Failure to retain records in accordance with regulation 8 (regulation 11(1) and (2))	£100	£50
Failure to supply records in accordance with regulation 9 (regulation 11(1) and (2))	£100	£50
Failure to publish records in accordance with regulation 10 (regulation 11(1) and (2))	£100	£50

ATODLEN 3

SCHEDULE 3

Rheoliad 12

Regulation 12

Gofynion yn ôl disgrisiwn

Discretionary requirements

RHAN 1

PART 1

Gosod gofynion yn ôl disgrisiwn a gweithdrefn

Imposition of discretionary requirements and procedure

Pŵer i osod gofynion yn ôl disgrisiwn

Power to impose discretionary requirements

1.—(1) Caiff gweinyddwr drwy hysbysiad osod un neu fwy o ofynion yn ôl disgrisiwn ar werthwr sy'n torri'r Rheoliadau hyn(1).

1.—(1) An administrator may by notice impose one or more discretionary requirements on a seller who breaches these Regulations(1).

(2) Caiff gweinyddwr arfer y pŵer a roddir gan is-baragraff (1) mewn perthynas ag achos os yw wedi ei fodloni yn ôl pwysau tebygolrwydd bod y toriad yn y Rheoliadau wedi digwydd.

(2) An administrator may exercise the power conferred by sub-paragraph (1) in relation to a case if it is satisfied on the balance of probabilities that the breach has occurred.

Cosbau ariannol amrywiadwy: uchafsymiau

Variable monetary penalties: maximum amounts

2. Uchafswm y gosb y caiff gweinyddwr ei gosod fel cosb ariannol amrywiadwy mewn perthynas ag unrhyw fath o doriad penodol yn y Rheoliadau yw'r swm a bennir yn ail golofn y tabl yn Rhan 2 drwy gyfeirio at y math o doriad yn y Rheoliadau sydd o dan sylw(2).

2. The maximum penalty which may be imposed by an administrator as a variable monetary penalty in respect of any particular kind of breach is the amount specified in the second column of the table in Part 2 by reference to the kind of breach concerned(2).

(1) I gael ystyr "*discretionary requirement*" gweler paragraff 12(3) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008.

(1) For the meaning of "*discretionary requirement*" see paragraph 12(3) of Schedule 6 to the Climate Change Act 2008.

(2) I gael ystyr "*variable monetary penalty*" gweler paragraff 12(4) o Atodlen 6 i'r Ddeddf honno.

(2) For the meaning of "*variable monetary penalty*" see paragraph 12(4) of schedule 6 to the Climate Change Act 2008.

Hysbysiad o Fwriad

3.—(1) Pan fo gweinyddwr yn bwriadu gosod un neu fwy o ofynion yn ôl disgrisiwn ar werthwr, rhaid i'r gweinyddwr gyflwyno hysbysiad o fwriad i'r gwerthwr hwnnw(1).

(2) Rhaid i'r hysbysiad o fwriad—

- (a) os yw'r gweinyddwr yn bwriadu gosod gofyniad yn ôl disgrisiwn nad yw'n un ariannol(2)—
 - (i) pennu'r camau y mae'r gweinyddwr yn bwriadu fydd yn ofynnol i'r gwerthwr eu cymryd;
 - (ii) pennu'r cyfnod o amser y mae'r gweinyddwr yn ei fwriadu i'r camau hynny gael eu cwblhau ynddo;
- (b) os yw'r gweinyddwr yn bwriadu gosod cosb ariannol amrywiadwy, pennu swm y gosb a gynigir;
- (c) cynnwys gwybodaeth o ran—
 - (i) y seiliau am y bwriad i osod un neu fwy o ofynion yn ôl disgrisiwn;
 - (ii) yr hawl i wneud sylwadau a gwrthwynebiadau a roddir gan baragraff 4;
 - (iii) o dan ba amgylchiadau ni chaiff gweinyddwr osod un neu fwy o ofynion yn ôl disgrisiwn;
 - (iv) y cyfnod o 28 o ddiwrnodau y caniateir gwneud sylwadau a gwrthwynebiadau ynddo;
 - (v) yn achos cosb ariannol amrywiadwy, sut y gellir talu.

Gwneud sylwadau a gwrthwynebiadau

4. O fewn y 28 o ddiwrnodau sy'n dechrau ar y diwrnod y mae'r gwerthwr yn cael yr hysbysiad o fwriad, caiff y gwerthwr wneud sylwadau a gwrthwynebiadau ysgrifenedig i'r gweinyddwr mewn perthynas â'r bwriad i osod un neu fwy o ofynion yn ôl disgrisiwn.

Penderfynu ai gosod gofynion yn ôl disgrisiwn ai peidio

5.—(1) Ar ddiwedd y cyfnod o 28 o ddiwrnodau ar gyfer gwneud sylwadau a gwrthwynebiadau o dan baragraff 4, rhaid i'r gweinyddwr benderfynu ai—

- (a) gosod un neu ragor o ofynion yn ôl disgrisiwn gydag addasiadau neu hebddynt; neu
- (b) gosod unrhyw ofyniad arall yn ôl disgrisiwn y mae gan y gweinyddwr y pŵer i'w osod o dan yr Atodlen hon.

(1) I gael ystyr "*notice of intent*" gweler paragraff 13(1)(a) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008.

(2) I gael ystyr "*non-monetary discretionary requirement*" gweler paragraff 12(4) o'r Ddeddf honno.

Notice of intent

3.—(1) Where an administrator proposes to impose one or more discretionary requirements on a seller, the administrator must serve a notice of intent on that seller(1).

(2) The notice of intent must—

- (a) if the administrator proposes to impose a non-monetary discretionary requirement(2)—
 - (i) specify the steps that the administrator proposes the seller be required to take;
 - (ii) specify the time period within which the administrator proposes that those steps are to be completed;
- (b) if the administrator proposes to impose a variable monetary penalty, specify the amount of penalty proposed;
- (c) include information as to—
 - (i) the grounds for the proposal to impose the one or more discretionary requirements;
 - (ii) the right to make representations and objections conferred by paragraph 4;
 - (iii) the circumstances in which the administrator may not impose the one or more discretionary requirements;
 - (iv) the 28 day period within which representations and objections may be made;
 - (v) in the case of a variable monetary penalty, how payment may be made.

Making representations and objections

4. Within 28 days beginning with the day on which the notice of intent is received by the seller, the seller may make written representations and objections to the administrator in relation to the proposed imposition of the one or more discretionary requirements.

Decision whether to impose discretionary requirements

5.—(1) After the end of the 28 day period for making representations and objections under paragraph 4, the administrator must decide whether to—

- (a) impose the one or more discretionary requirements with or without modifications; or
- (b) impose any other discretionary requirement that the administrator has the power to impose under this Schedule.

(1) For the meaning of "*notice of intent*" see paragraph 13(1)(a) of Schedule 6 to that Act.

(2) For the meaning of "*non-monetary discretionary requirement*" see paragraph 12(4) of that Act.

(2) Wrth wneud penderfyniad o dan y paragraff hwn rhaid i weinyddwr ystyried unrhyw sylwadau neu wrthwynebiadau a wnaed gan y gwerthwr yn unol â pharagraff 4.

(3) Ni chaiff gweinyddwr benderfynu gosod gofyniad yn ôl disgrisiwn yn unrhyw un o'r amgylchiadau canlynol—

- (a) os gosodwyd eisoes ofyniad yn ôl disgrisiwn mewn perthynas â'r un weithred neu anwaith;
- (b) os cafwyd eisoes ryddhad rhag atebolrwydd i gosb ariannol benodedig mewn perthynas â'r un toriad yn y Rheoliadau drwy dalu swm penodedig;
- (c) os gosodwyd cosb ariannol benodedig mewn perthynas â'r un toriad yn y Rheoliadau.

(4) Ni chaiff gweinyddwr benderfynu o dan y paragraff hwn i osod cosb ariannol benodedig yn lle gofyniad yn ôl disgrisiwn.

(5) Heb gyfyngu ar y pŵer o dan is-baragraff (1), caiff gweinyddwr benderfynu beidio â gosod gofyniad yn ôl disgrisiwn os yw'r gweinyddwr o'r farn y byddai'n anfuddiol gwneud hynny o dan holl amgylchiadau'r achos.

(6) Pan fo'r gweinyddwr yn penderfynu gosod gofyniad yn ôl disgrisiwn, rhaid iddo wneud hynny drwy gyflwyno'r hysbysiad terfynol i'r gwerthwr⁽¹⁾.

(7) Rhaid i'r hysbysiad terfynol gydymffurfio â pharagraff 6.

Cynnwys hysbysiad terfynol

6. Rhaid i'r hysbysiad terfynol gynnwys gwybodaeth o ran—

- (a) y seiliau am osod un neu ragor o ofynion yn ôl disgrisiwn;
- (b) ymateb y gweinyddwr i unrhyw sylwadau a gwrthwynebiadau a wnaed gan y gwerthwr, gan gynnwys yr effaith (os oes un) ar swm y gosb ariannol amrywiadwy a osodwyd;
- (c) os yw'r gofyniad yn ôl disgrisiwn yn ofyniad yn ôl disgrisiwn nad yw'n un ariannol—
 - (i) y camau y mae'n ofynnol i'r gwerthwr eu cymryd;
 - (ii) y cyfnod o amser y mae'n rhaid cwblhau'r camau hynny ynddo;
- (ch) pan fo'r gofyniad yn ôl disgrisiwn yn gosb ariannol amrywiadwy—
 - (i) swm y gosb;
 - (ii) sut y gellir talu;
 - (iii) o fewn pa gyfnod y mae'n rhaid talu;

(2) In making a decision under this paragraph an administrator must take into consideration any representations or objections made by the seller in accordance with paragraph 4.

(3) An administrator may not decide to impose a discretionary requirement in any of the following circumstances—

- (a) if a discretionary requirement has previously been imposed in relation to the same act or omission;
- (b) if liability to a fixed monetary penalty in respect of the same breach has been discharged by payment of a specified sum;
- (c) if a fixed monetary penalty has been imposed in respect of the same breach.

(4) An administrator may not decide under this paragraph to impose a fixed monetary penalty in place of a discretionary requirement.

(5) Without restricting the power under sub-paragraph (1), an administrator may decide not to impose a discretionary requirement if the administrator considers that in all the circumstances of the case it would be inexpedient to do so.

(6) Where an administrator decides to impose a discretionary requirement it must do so by serving the final notice on the seller⁽¹⁾.

(7) The final notice must comply with paragraph 6.

Contents of a final notice

6. The final notice must include information as to—

- (a) the grounds for imposing the one or more discretionary requirements;
- (b) the administrator's response to any representation and objections made by the seller, including the effect (if any) on the amount of any variable monetary penalty imposed;
- (c) where the discretionary requirement is a non-monetary discretionary requirement—
 - (i) the steps the seller is required to take;
 - (ii) the period within which those steps must be completed;
- (d) where the discretionary requirement is a variable monetary penalty—
 - (i) the amount of the penalty;
 - (ii) how payment may be made;
 - (iii) the period within which payment must be made;

(1) I gael ystyr "*the final notice*" gweler paragraff 13(1)(d) o Atodlen 6 i Ddeddf Newid Hinsawdd 2008.

(1) For the meaning of "*the final notice*" see paragraph 13(1)(d) of Schedule 6 to the Climate Change Act 2008.

- (iv) effaith paragraff 8 (disgownt am dalu'n gynnar);
- (v) effaith paragraff 9 (cosb am dalu'n hwyr);
- (d) hawliau i apelio; ac
- (dd)y canlyniadau am fethu â chydymffurfio â'r hysbysiad.

Talu

7.—(1) Rhaid i'r gwerthwr dalu cosb ariannol amrywiadwy o fewn 56 o ddiwrnodau sy'n dechrau ar y diwrnod y cafwyd yr hysbysiad terfynol sy'n ei gosod.

Ond mae hyn yn ddarostyngedig i reoliad 21(4) (atal gofynion a hysbysadau tra disgwylir apêl).

(2) Os bydd penderfyniad i osod cosb ariannol amrywiadwy yn destun apêl yna i'r graddau y caiff y penderfyniad hwnnw ei gadarnhau, rhaid i'r gwerthwr dalu'r gosb o fewn 28 o ddiwrnodau sy'n dechrau ar y diwrnod y dyfernir yr apêl.

Disgownt am dalu'n gynnar

8. Caiff gwerthwr ryddhau ei hun rhag atebolrwydd i gosb ariannol amrywiadwy drwy dalu 50% o swm y gosb o fewn 28 o ddiwrnodau sy'n dechrau ar y diwrnod y cafwyd yr hysbysiad terfynol sy'n ei gosod.

Cosb am dalu'n hwyr

9. Os na thelir cosb ariannol amrywiadwy o fewn y cyfnod a ganiateir yn unol â pharagraff 7 cynyddir y swm sy'n daladwy gan 50%.

Seiliau apêl

10.—(1) Caiff gwerthwr apelio yn erbyn penderfyniad gweinyddwr i osod gofyniad yn ôl disgrisiwn.

- (2) Y seiliau ar gyfer apelio yw—
 - (a) bod y penderfyniad yn seiliedig ar wall ffeithiol;
 - (b) bod y penderfyniad yn anghywir mewn cyfraith;
 - (c) mewn achos o gosb ariannol amrywiadwy, bod swm y gosb yn afresymol;
 - (ch) mewn achos o ofyniad yn ôl disgrisiwn nad yw'n un ariannol, bod natur y gofyniad yn afresymol;
 - (d) bod y penderfyniad yn afresymol am unrhyw reswm arall;
 - (dd) unrhyw reswm arall.

- (iv) the effect of paragraph 8 (early payment discount)
- (v) the effect of paragraph 9 (late payment penalty);
- (e) rights of appeal; and
- (f) the consequences of failing to comply with the notice.

Payment

7.—(1) A variable monetary penalty must be paid by a seller within 56 days beginning with the day on which the final notice imposing it was received.

But this is subject to regulation 21(4) (suspension of requirements and notices pending appeal).

(2) If the decision to impose a variable monetary penalty is the subject of an appeal then to the extent that that decision is upheld, the penalty must be paid by the seller within 28 days beginning with the day on which the appeal is determined.

Early payment discount

8. A seller may discharge its liability to a variable monetary penalty by paying 50% of the amount of the penalty within 28 days beginning with the day on which the final notice imposing it is received.

Late payment penalty

9. If a variable monetary penalty is not paid within the period allowed in accordance with paragraph 7 the amount payable is increased by 50%.

Grounds of appeal

10.—(1) A seller may appeal against an administrator's decision to impose a discretionary requirement.

- (2) The grounds of appeal are—
 - (a) that the decision was based on an error of fact;
 - (b) that the decision was wrong in law;
 - (c) in case of a variable monetary penalty, that the amount of the penalty is unreasonable;
 - (d) in the case of a non-monetary discretionary requirement, that the nature of the requirement is unreasonable;
 - (e) that the decision was unreasonable for any other reason;
 - (f) any other reason.

RHAN 2

Cosbau ariannol amrywiadwy: uchafsymiau

<i>Toriad yn y Rheoliadau</i>	<i>Yr uchafswm y caniateir ei osod fel cosb ariannol amrywiadwy</i>
Methiant i gydymffurfio â'r gofyniad i godi tâl yn unol â rheoliad 6 (rheoliad 11(1) a (2))	£5,000
Methiant i gadw cofnodion yn unol â rheoliad 8 (rheoliad 11(1) a (2))	£5,000
Methiant i ddal gfael ar gofnodion yn unol â rheoliad 8 (rheoliad 11(1) a (2))	£5,000
Methiant i gyflenwi cofnodion yn unol â rheoliad 9 (rheoliad 11(1) a (2))	£5,000
Methiant i gyhoeddi cofnodion yn unol â rheoliad 10 (rheoliad 11(1) a (2))	£5,000
Heb achos rhesymol, yn rhoi gwybodaeth anwir neu gamarweiniol i weinyddwr (rheoliad 11(3))	£20,000
Heb achos rhesymol, yn rhwystro gweinyddwr rhag cynnal ei swyddogaethau o dan y Rheoliadau hyn neu'n methu â rhoi cymorth iddo fel arall wrth iddo gynnal y swyddogaethau hynny (rheoliad 11(3))	£20,000

PART 2

Variable monetary penalties: maximum amounts

<i>Breach</i>	<i>Maximum amount which may be imposed as a variable monetary penalty</i>
Failure to comply with the requirement to charge in accordance with regulation 6 (regulation 11(1) and (2))	£5,000
Failure to keep records in accordance with regulation 8 (regulation 11(1) and (2))	£5,000
Failure to retain records in accordance with regulation 8 (regulation 11(1) and (2))	£5,000
Failure to supply records in accordance with regulation 9 (regulation 11(1) and (2))	£5,000
Failure to publish records in accordance with regulation 10 (regulation 11(1) and (2))	£5,000
Without reasonable cause, giving false or misleading information to an administrator (regulation 11(3))	£20,000
Without reasonable cause, otherwise obstructing or failing to assist an administrator in the conduct of its functions under these Regulations (regulation 11(3))	£20,000

ATODLEN 4

Rheoliad 15

Gofynion yn ôl disgrisiwn nad ydynt yn rhai ariannol: gorfodi

1.—(1) Yn yr Atodlen hon—

ystyr "camau penodedig" ("*specified steps*") yw'r camau a bennir mewn hysbysiad terfynol o dan baragraff 6(c)(i) o Atodlen 3;

SCHEDULE 4

Regulation 15

Non-monetary Discretionary requirements: enforcement

1.—(1) In this Schedule—

"specified steps" ("*camau penodedig*") means the steps specified in a final notice under paragraph 6(c)(i) of Schedule 3;

ystyr "cyfnod penodedig" ("*specified period*") yw'r cyfnod a bennir mewn hysbysiad terfynol o dan baragraff 6(c)(ii) o Atodlen 3.

(2) Mae cyfeiriad yn yr Atodlen hon at fethiant llwyr yn gyfeiriad at werthwr na chymerodd ddim un o'r camau penodedig o fewn y cyfnod penodedig.

(3) Mae cyfeiriad yn yr Atodlen hon at fethiant rhannol yn gyfeiriad at werthwr a gymerodd o leiaf un o'r camau penodedig, ond nid y cyfan ohonynt, o fewn y cyfnod penodedig.

Y pŵer i osod cosbau am beidio â chydymffurfio

2.—(1) Os yw gwerthwr yn methu â chydymffurfio â gofyniad yn ôl disgrisiwn nad yw'n un ariannol, caiff gweinyddwr drwy hysbysiad osod cosb am beidio â chydymffurfio ar y gwerthwr.

(2) Caniateir gosod cosb am beidio â chydymffurfio mewn perthynas â methiant llwyr neu rannol i gydymffurfio â gofyniad yn ôl disgrisiwn nad yw'n un ariannol.

(3) Caniateir gosod cosb am beidio â chydymffurfio p'un a osodwyd cosb ariannol amrywiadwy ai peidio yn ychwanegol at y gofyniad heb fod yn ôl disgrisiwn y mae cosb am beidio â chydymffurfio yn berthnasol iddo.

(4) Mae swm y gosb am beidio â chydymffurfio i'w ddyfarnu gan y gweinyddwr.

(5) Ond uchafswm y gosb y caniateir ei gosod gan weinyddwr fel cosb am beidio â chydymffurfio yw'r swm a bennir yn is-baragraff (6) drwy gyfeirio at y math o fethiant o dan sylw.

(6) Uchafswm y cosbau yw—

- (a) £5,000 mewn perthynas â methiant rhannol;
- (b) £5,000 mewn perthynas â methiant llwyr.

Hysbysiad o Fwriad

3.—(1) Pan fo gweinyddwr yn bwriadu gosod cosb am beidio â chydymffurfio ar werthwr, rhaid i'r gweinyddwr gyflwyno i'r gwerthwr hwnnw hysbysiad o'r hyn y bwriedir ei wneud ("hysbysiad o fwriad").

(2) Rhaid i hysbysiad o fwriad gynnwys gwybodaeth o ran—

- (a) y math o fethiant y mae'r gweinyddwr yn bwriadu gosod y gosb am beidio â chydymffurfio mewn perthynas â hi;
- (b) y camau penodedig sydd eto i'w cymryd gan y gwerthwr o dan sylw;
- (c) swm y gosb a fwriedir;
- (ch) sut y gellir talu;
- (d) erbyn pa ddyddiad y byddai'r taliad yn ddyledus;

"specified period" ("*cyfnod penodedig*") means the period specified in a final notice under paragraph 6(c)(ii) of Schedule 3.

(2) A reference in this Schedule to a complete failure is a reference to a seller having taken none of the specified steps within the specified period.

(3) A reference in this Schedule to a partial failure is a reference to a seller having taken at least one, but not all, of the specified steps within the specified period.

Power to impose non-compliance penalties

2.—(1) If a seller fails to comply with a non-monetary discretionary requirement an administrator may by notice impose a non-compliance penalty on the seller.

(2) A non-compliance penalty may be imposed in respect of a complete or partial failure to comply with a non-monetary discretionary requirement.

(3) A non-compliance penalty may be imposed irrespective of whether a variable monetary penalty was imposed in addition to the non-discretionary requirement to which the non-compliance penalty relates.

(4) The amount of a non-compliance penalty is to be determined by the administrator.

(5) But the maximum penalty which may be imposed by an administrator as a non-compliance penalty is the amount specified in sub-paragraph (6) by reference to the kind of failure concerned.

(6) The maximum penalties are—

- (a) £5,000 in relation to a partial failure;
- (b) £5,000 in relation to a complete failure.

Notice of intent

3.—(1) Where an administrator proposes to impose a non-compliance penalty on a seller, the administrator must serve on that seller a notice of what is proposed (a "notice of intent").

(2) A notice of intent must include information as to—

- (a) the kind of failure in relation to which the administrator proposes to impose the non-compliance penalty;
- (b) the specified steps which remain to be taken by the seller concerned;
- (c) the amount of the penalty proposed;
- (d) how payment may be made;
- (e) the date by which payment would be due;

- (dd) y canlyniadau am fethu â thalu erbyn y dyddiad y mae'n ddyledus;
- (e) yr hawl i wneud sylwadau a gwrthwynebiadau a roddir gan baragraff 4;
- (f) y cyfnod o 28 o ddiwrnodau y ceir gwneud sylwadau a gwrthwynebiadau ynddo;
- (ff) o dan ba amgylchiadau (os oes rhai) y byddai'r gweinyddwr yn dueddol o leihau swm y gosb a fwriedir.

Gwneud sylwadau a gwrthwynebiadau

4. O fewn 28 o ddiwrnodau sy'n dechrau ar y dyddiad y cafodd y gwerthwr yr hysbysiad o fwriad, caiff y gwerthwr wneud sylwadau a gwrthwynebiadau ysgrifenedig i'r gweinyddwr mewn perthynas â'r bwriad i osod cosb am beidio â chydymffurfio.

Penderfynu ai gosod cosb am beidio â chydymffurfio ai peidio

5.—(1) Ar ddiwedd y cyfnod o 28 o ddiwrnodau ar gyfer gwneud sylwadau a gwrthwynebiadau o dan baragraff 4, rhaid i'r gweinyddwr benderfynu ai gosod y gosb am beidio â chydymffurfio gydag addasiadau neu hebddynt ai peidio.

(2) Heb gyfyngu ar y pŵer o dan is-baragraff (1), caiff gweinyddwr benderfynu peidio â gosod cosb am beidio â chydymffurfio os yw'r gweinyddwr o'r farn y byddai'n anfuddiol gwneud hynny o dan holl amgylchiadau'r achos.

(3) Wrth wneud penderfyniad o dan y paragraff hwn rhaid i'r gweinyddwr ystyried unrhyw sylwadau neu wrthwynebiadau a wnaed gan y gwerthwr yn unol â pharagraff 4.

(4) Pan fo gweinyddwr yn penderfynu gosod cosb am beidio â chydymffurfio rhaid iddo wneud hynny drwy gyflwyno hysbysiad ("hysbysiad o gosb am beidio â chydymffurfio") i'r gwerthwr.

(5) Rhaid i hysbysiad o gosb am beidio â chydymffurfio gydymffurfio â pharagraff 6.

Cynnwys hysbysiad o gosb am beidio â chydymffurfio

6.—(1) Rhaid i hysbysiad o gosb am beidio â chydymffurfio gynnwys gwybodaeth o ran—

- (a) y seiliau am osod y gosb o beidio â chydymffurfio;
- (b) ymateb y gweinyddwr i unrhyw sylwadau a gwrthwynebiadau a wnaed gan y gwerthwr, gan gynnwys yr effaith (os oes un) ar swm y gosb sy'n cael ei osod;
- (c) swm y gosb;
- (ch) sut y gellir talu;
- (d) y dyddiad erbyn pryd y mae'n rhaid talu;

- (f) the consequences of failure to make payment by the date it is due;
- (g) the right to make representations and objections conferred by paragraph 4;
- (h) the 28 day period within which representations and objections may be made;
- (i) the circumstances (if any) in which the administrator may be inclined to reduce the amount of the penalty proposed.

Making representations and objections

4. Within 28 days beginning with the date on which the notice of intent is received by the seller, the seller may make written representations and objections to the administrator in relation to the proposed imposition of a non-compliance penalty.

Decision whether to impose a non-compliance penalty

5.—(1) After the end of the 28 day period for making representations and objections under paragraph 4, the administrator must decide whether to impose the non-compliance penalty with or without modifications.

(2) Without restricting the power under subparagraph (1), an administrator may decide not to impose a non-compliance penalty if the administrator considers that in all the circumstances of the case it would be inexpedient to do so.

(3) In making a decision under this paragraph an administrator must take into consideration any representations or objections made by the seller in accordance with paragraph 4.

(4) Where an administrator decides to impose a non-compliance penalty it must do so by serving a notice ("a non-compliance penalty notice") on the seller.

(5) A non-compliance penalty notice must comply with paragraph 6.

Contents of a non-compliance penalty notice

6.—(1) A non-compliance penalty notice must include information as to—

- (a) the grounds for imposing the non-compliance penalty;
- (b) the administrator's response to any representations and objections made by the seller, including the effect (if any) on the amount of the penalty imposed;
- (c) the amount of the penalty;
- (d) how payment may be made;
- (e) the date by which payment must be made;

(dd) yr hawl i apelio; a

(e) y canlyniadau am fethu â thalu erbyn y dyddiad y mae'n ddyledus.

(2) Rhaid i gosb am beidio â chydymffurfio gael ei thalu gan werthwr o fewn 56 o ddiwrnodau sy'n dechrau ar y dyddiad y cafwyd yr hysbysiad sy'n ei gosod.

(3) Ond mae hyn yn ddarostyngedig i is-baragraff (4) a rheoliad 21(4) (atal gofynion a hysbysiadau tra disgwylir dyfarniad i apêl).

(4) Os cydymffurfir â gofynion y gofyniad yn ôl disgrisiwn nad yw'n un ariannol cyn bod y 56 o ddiwrnodau wedi dod i ben, nid yw'r gosb am beidio â chydymffurfio yn daladwy.

(5) Caiff gwerthwr y cyflwynwyd iddo hysbysiad o gosb am beidio â chydymffurfio apelio yn ei erbyn.

(6) Y seiliau ar gyfer apelio yw—

(a) bod y penderfyniad i gyflwyno'r hysbysiad yn seiliedig ar wall ffeithiol;

(b) bod y penderfyniad yn anghywir mewn cyfraith;

(c) bod swm y gosb yn afresymol;

(ch) bod y penderfyniad yn annheg neu'n afresymol am unrhyw reswm arall;

(d) unrhyw reswm arall.

Talu cosbau am beidio â chydymffurfio yn dilyn apêl

7. Os bydd hysbysiad o gosb am beidio â chydymffurfio yn destun apêl, yna i'r graddau y caiff yr hysbysiad ei gadarnhau, rhaid i'r gwerthwr dalu'r gosb o fewn 28 gan ddechrau ar y diwrnod y caiff yr apêl ei dyfarnu.

Cosbau am beidio â chydymffurfio: cosb am dalu'n hwyr

8. Os na thelir cosb am beidio â chydymffurfio o fewn y cyfnod a ganiateir gan baragraff 6(2) neu (yn ôl y digwydd) gan baragraff 7, cynyddir y swm sy'n daladwy gan 50%.

(f) the right of appeal; and

(g) the consequences of failure to make payment by the date it is due.

(2) A non-compliance penalty must be paid by a seller within 56 days beginning with the date on which the notice imposing it was received.

(3) But this is subject to sub-paragraph (4) and regulation 21(4) (suspension of requirements and notices pending determination of an appeal).

(4) If the requirements of the non-monetary discretionary requirement are complied with before the 56 days expire, the non-compliance penalty is not payable.

(5) A seller on whom a non-compliance penalty notice is served may appeal against it.

(6) The grounds of appeal are—

(a) that the decision to serve the notice was based on an error of fact;

(b) that the decision was wrong in law;

(c) that the amount of the penalty was unreasonable;

(d) that the decision was unfair or unreasonable for any other reason;

(e) any other reason.

Payment of non-compliance penalties following appeal

7. If a non-compliance penalty notice is the subject of an appeal, then to the extent that the notice is upheld, the penalty must be paid by the seller within 28 days beginning with the day on which the appeal is determined.

Non-compliance penalties: late payment penalty

8. If a non-compliance penalty is not paid within the period allowed by paragraph 6(2) or (as the case may be) by paragraph 7, the amount payable is increased by 50%.

OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2010 Rhif 2880 (Cy.238)

2010 No. 2880 (W.238)

**DIOGELU'R AMGYLCHEDD,
CYMRU**

**ENVIRONMENTAL
PROTECTION, WALES**

Rheoliadau Codi Tâl am Fagiau
Siopa Untro (Cymru) 2010

The Single Use Carrier Bags
Charge (Wales) Regulations 2010

FOR INFORMATION

FLINTSHIRE COUNTY COUNCIL

REPORT TO: CABINET
DATE: 10 JULY 2012
REPORT BY: CHIEF EXECUTIVE
SUBJECT: EXERCISE OF DELEGATED POWERS

1.00 PURPOSE OF REPORT

1.01 To inform Members of action taken under delegated powers.

2.00 BACKGROUND

2.01 At the Executive Meeting held on 31st October, 2000 it was agreed that one of the standard agenda items at each Executive should be a report on the "Exercise of Delegated Powers".

3.00 RECOMMENDATION

3.01 Members note the details of actions taken under the "Exercise of Delegated Powers".

4.00 FINANCIAL IMPLICATIONS

4.01 As detailed in each report.

5.00 ANTI-POVERTY IMPACT

5.01 As detailed in each report.

6.00 ENVIRONMENTAL IMPACT

6.01 As detailed in each report.

7.00 EQUALITIES IMPACT

7.01 As detailed in each report.

8.00 PERSONNEL IMPLICATIONS

8.01 As detailed in each report

9.00 CONSULTATION REQUIRED

9.01 Not applicable

10.00 CONSULTATION UNDERTAKEN

10.01 Not applicable

11.00 APPENDICES

11.01 Summary of Decisions taken under Delegated Powers.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background documents: See individual report.

Contact Officer: Detailed on the individual reports.

APPENDIX 1

EXERCISE OF DELEGATED POWERS – DECISIONS TAKEN

<u>Directorate</u>	<u>Subject</u>
Finance	Write off for May 2012 Carry forward requests arising from Month 11 Budget Monitoring 2011/12 to be incorporated into the 2011/12 final accounts process
Community Services	Restructure of Housing Asset Management following advice from the JEQ Unit
Environment	Amendment to the charge to reopen an 8ft grave, bereavement services. 10% increase from £295 to £325.
Lifelong Learning	Museum accreditation – collections management framework 2012/15. The framework replaces the previous Collection Management Plan and is required for Museum accreditation. Museum accreditation – approval of the Flintshire Museums Services forward plan 2012/15.

Copies of the Delegated Powers reports are on deposit in the Team Manager's Room, Committee Services

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