

# Public Document Pack

**Gareth Owens LL.B Barrister/Bargyfreithiwr**  
Chief Officer (Governance)  
Prif Swyddog (Llywodraethu)



Contact Officer:  
Nicola Gittins on 01352 702345  
nicola.gittins@flintshire.gov.uk

To: All Members of the Council

1 December 2021

Dear Sir/Madam

**NOTICE OF REMOTE MEETING**  
**FLINTSHIRE COUNTY COUNCIL**  
**TUESDAY, 7TH DECEMBER, 2021 at 2.00 PM**

Yours faithfully

Robert Robins  
Democratic Services Manager

Please note: This will be a remote meeting and 'attendance' will be restricted to Council Members.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

## **A G E N D A**

### **1 APOLOGIES FOR ABSENCE**

**Purpose:** To receive any apologies.

### **2 MINUTES (Pages 7 - 14)**

**Purpose:** To confirm as a correct record the minutes of the meeting held on 19<sup>th</sup> October 2021.

### **3 DECLARATIONS OF INTEREST**

**Purpose:** To receive any Declarations and advise Members accordingly.

### **4 CHAIR'S COMMUNICATIONS**

**Purpose:** To receive the communications as circulated.

### **5 PETITIONS**

**Purpose:** This is an opportunity for Members of Council to submit petitions on behalf of people in their ward. Once received, petitions are passed to the appropriate Chief Officer for action and response.

## **PRINCIPAL ITEMS OF BUSINESS**

### **6 CAPITAL STRATEGY 2022/23 – 2024/25 (Pages 15 - 34)**

Report of Corporate Finance Manager

**Purpose:** To present the Capital Strategy 2022/23 – 2024/25 for approval.

### **7 CAPITAL PROGRAMME 2022/23 – 2024/25 (Pages 35 - 70)**

Report of Corporate Finance Manager

**Purpose:** To present the Capital Programme 2022/23 – 2024/25 for approval.

## **ORDINARY ITEMS OF BUSINESS**

### **8 LICENSING ACT 2003 DRAFT STATEMENT OF LICENSING POLICY DECEMBER 2021 – DECEMBER 2026 (Pages 71 - 180)**

Report of Chief Officer (Planning, Environment and Economy)

**Purpose:** For Members to consider and adopt the Statement of Licensing Policy for the period December 2021 to December 2026.

### **9 TREASURY MANAGEMENT ANNUAL REPORT (Pages 181 - 198)**

Report of Corporate Finance Manager

**Purpose:** To present to Members the draft Annual Treasury Management Report for 2020/21.

### **10 REVIEW OF POLITICAL BALANCE (Pages 199 - 206)**

Report of Chief Officer (Governance)

**Purpose:** To review the Council's Political Balance calculations due to a new Member joining the Labour Group following the Penyffordd by-election.

### **11 GOVERNANCE AND AUDIT COMMITTEE ANNUAL REPORT (Pages 207 - 246)**

Report of Internal Audit Manager

**Purpose:** To approve the Governance and Audit Committee Annual Report 2020/21.

### **12 OVERVIEW & SCRUTINY ANNUAL REPORT 2020/21 (Pages 247 - 268)**

Report of Head of Democratic Services

**Purpose:** To consider and approve the Overview and Scrutiny Annual Report 2020/21.

## **FOR INFORMATION ONLY**

### **13 PUBLIC QUESTION TIME**

**Purpose:** This item is to receive any Public Questions: none were received by the deadline.

14 **QUESTIONS**

**Purpose:** To note the answers to any questions submitted in accordance with County Council Standing Order No. 9.4(A): none were received by the deadline.

15 **QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES**

**Purpose:** The Minute Book, Edition 1 2021/22 has been circulated to Members. Members are now entitled to ask questions on these minutes, subject to certain limitations, and answers will be provided at the meeting. Members are requested to bring to the meeting their copy of the Minute Book. Any questions must have been received by the Democratic Services Manager prior to the close of business on Wednesday 1<sup>st</sup> December, 2021: none were received by the deadline.

16 **NOTICE OF MOTION** (Pages 269 - 270)

**Purpose:** This item is to receive any Notices of Motion.

17 **RECOGNITION OF SERVICE BY RETIRING HEAD OF DEMOCRATIC SERVICES**

**Purpose:** To recognise the 25 years of service at Flintshire County Council of Robert Robins, the retiring Head of Democratic Services.

***Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours***

## **Procedural Note on the conduct of meetings**

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote.

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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**FLINTSHIRE COUNTY COUNCIL**  
**19 OCTOBER 2021**

Minutes of the hybrid meeting of Flintshire County Council held in the Clwyd Room at Theatr Clwyd, Mold, and remotely, on Tuesday, 19 October 2021

**PRESENT: Councillor Joe Johnson (Chairman)**

Councillors: Mike Allport, Janet Axworthy, Glyn Banks, Haydn Bateman, Marion Bateman, Sean Bibby, Chris Bithell, Helen Brown, Derek Butler, Clive Carver, Geoff Collett, Paul Cunningham, Jean Davies, Rob Davies, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, Ian Dunbar, Andy Dunbobbin, Carol Mared Eastwood, Carol Ellis, David Evans, Veronica Gay, George Hardcastle, David Healey, Gladys Healey, Patrick Heesom, Andy Hughes, Dave Hughes, Ray Hughes, Alasdair Ibbotson, Paul Johnson, Christine Jones, Richard Jones, Tudor Jones, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGuill, Billy Mullin, Ted Palmer, Mike Peers, Michelle Perfect, Vicky Perfect, Neville Phillips, Ian Roberts, Tim Roberts, Kevin Rush, Aaron Shotton, Paul Shotton, Ralph Small, Ian Smith, Owen Thomas, Martin White, Andy Williams, David Wisinger and Arnold Woolley

**APOLOGIES:**

Councillors: Bernie Attridge, Bob Connah, George Hardcastle, Cindy Hinds, Dennis Hutchinson, Rita Johnson, Colin Legg, and Tony Sharps and Carolyn Thomas

**IN ATTENDANCE:**

Chief Executive, Chief Officer (Governance), Chief Executive designate, Chief Officer (Planning, Environment and Economy), Chief Officer (Education and Youth), Chief Officer (Streetscene and Transportation), Corporate Finance Manager, Head of Human Resources & Organisational Change, Head of Democratic Services, Strategic Performance Advisor, Democratic Services Team Leader and Democratic Services Officers

**GUESTS:**

Mrs Isobel Everett  
The Rt. Hon Lord Jones of Deeside, PC and Lady Jones, JP, DL  
Dave Barnes, Revenues & Procurement Manager  
Lisa Brownbill, Internal Audit Manager  
Emma Cater PA to Chief Officer, Social Care  
Amanda Davidson PA to Chief Officer, Education and Youth  
Jane Davies Senior Manager Safeguarding and Commissioning  
Sara Dulson - Strategic Finance Manager  
Debbie Fielder, Deputy Head, Clwyd Pension Fund  
Jen Griffiths, Manager – Benefits  
Claire Harrington, Principal Archivist  
Damian Hughes - Senior Manager, School Planning & Provision  
Susie Lunt, Senior Manager Integrated Services and Lead Adults  
Craig Macleod - Senior Manager: Children  
Lynne McAlpine PA to Chief Officer Housing & Assets  
Lyn Phillips, Team Leader Democratic Services (Elections)  
Joanne Pierce, Executive Officer  
Denise P Price, Business Manager, Housing Asset Management

Jeanette Rock - Senior Manager Inclusion & Progression  
Christopher Taylor - Strategic Finance Manager  
Liz Thomas - Strategic Finance Manager  
Karen Williams, Clwyd Pension Fund Administration Manager  
Lisa Williams, Business Support Supervisor | Test, Trace, Protect, Flintshire

Prior to the start of the meeting the Chairman asked all present to stand for a minutes silence in tribute to the late Sir David Amess, Member of Parliament for Southend West, following the recent tragic event of his death.

**46. MINUTES**

The minutes of the meeting held on 28 September 2021 were approved as a correct record, as moved and seconded by Councillors Chris Bithell and Ian Smith.

**RESOLVED:**

That the minutes be approved as a correct record.

**47. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**48. CHAIRMAN'S COMMUNICATIONS**

The Chairman presented his communications and commented on the following recent events: Shotton Walkers Group Reception, Mayor of Rhyl Town Council Civic Sunday, and Mayor of Flint Civic Service.

The Chairman welcomed Councillor Alasdair Ibbotson to the meeting. The Chief Officer (Governance) introduced Councillor Ibbotson who had recently been elected to fill the vacancy for the Penyffordd Ward following the resignation of Councillor David Williams.

Councillor Ibbotson expressed his thanks to residents of Penyffordd, Penymynydd, and Dobshill for their support and confidence in electing him as their new representative. He paid tribute to former Councillor David Williams for his work and support of the local community. He spoke of the future challenges facing the Penyffordd Ward and gave a commitment to work tirelessly and with respect, in conjunction with Councillor Cindy Hinds, his fellow Member, to achieve the best outcomes for the residents of their Ward.

**49. PETITIONS**

None were received.



**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 meeting during consideration of the following item by virtue of exempt information under Paragraph(s) 15 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

At this point, the livestreaming and recording of the meeting was paused.

**50. CHIEF OFFICER TEAM CAPACITY**

The Chief Executive introduced a report to seek approval of a number of changes to the current operating model. He provided background information and reported on the main considerations as detailed in the report.

The Chief Executive Designate (Chief Officer, Housing and Assets) gave an overview of the current position and capacity in the Housing and Assets portfolio, and reported on the recommended proposals.

Members were asked to consider the proposals as outlined in the report.

In moving the proposals Councillor Ian Roberts spoke in support of the recommendations. Councillor Roberts paid tribute to the Chief Executive, Chief Executive Designate, and members of the Recruitment Panel for their diligent work. Councillor Billy Mullin seconded the motion.

Councillors Ian Dunbar and Chris Dolphin spoke in support of the proposals

Councillor Mike Peers said he supported the proposals in part, however, he expressed a number of concerns and proposed that the recommendations be amended as follows: that a Chief Officer for the Housing and Community portfolio be appointed. That an appointment to the post of Corporate Manager – Capital Programmes and Assets be deferred until after the Local Government Elections in May 2022; and that an officer from the existing Housing and Assets team be appointed on an interim basis for the intervening period. The amendment was seconded by Councillor Owen Thomas.

Councillor Ian Roberts spoke in support of the motion he had put forward and thanked Officers for their detailed responses to the questions raised by Members around salary costs. Councillor Roberts spoke against the proposal to defer the post of Corporate Manager – Capital Programmes and Assets until after May 2022.

A vote was taken on the amendment proposed by Councillor Mike Peers above. The amendment was not carried.

A vote was requested on the substantive motion which had been proposed by Councillor Ian Roberts as follows:

- (a) That the proposal for (1) a replacement Chief Officer for the Housing and Community portfolio and (2) a new post of Corporate Manager, Capital Programmes and Assets be supported: and
- (b) That the current Member Appointments Panel be re-convened for the appointment of the replacement Chief Officer post.

The motion was carried.

**RESOLVED:**

- (a) That the proposals for (1) a replacement Chief Officer for the Housing and Community portfolio and (2) a new post of Corporate Manager, Capital Programme and Assets, be approved; and
- (b) That the current Member Appointments Panel be reconvened for the appointment of the replacement Chief Officer post.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO RE-START THE LIVE STREAM FOR THE PRESS AND PUBLIC**

**RESOLVED:**

That following consideration of the confidential item the live streaming of the meeting be resumed to enable the press and public to view the remainder of the meeting.

At this point, the livestreaming and recording of the meeting was resumed.

**51. ANNUAL PERFORMANCE REPORT 2020/21**

The Chief Executive introduced a report on the Annual Performance Report 2020-21. He provided background information and advised that the Report had been presented to the meeting of Cabinet held prior to County Council and had been recommended to Council for approval. The Chief Executive drew attention to the areas highlighted for improvement and advised that performance against the Council Plan measures was positive overall.

Councillor Ian Roberts commented on the challenge of the global pandemic and said he was proud of the exceptional performance of the Council's employees in such difficult and unprecedented circumstances. He asked that Chief Officers forward sincere thanks to their teams on behalf of the County Council for their work.

Councillor Roberts formally proposed that the appreciation of all Members of the Council for the outstanding work undertaken by Officers and employees in all services be included as an additional recommendation in the report. Councillor Billy Mullin seconded the motion.

In endorsing the comments made by Councillor Roberts, Councillor Mike Peers paid tribute to the work of Schools and the support provided for children of key workers throughout the pandemic. Referring to page 62 of the agenda and the long term planning for recovery of town centres, he noted that charges for car parking had been reintroduced but asked that town centres continued to be monitored and adjustments made as necessary to encourage footfall in the future. Councillor Peers drew attention to the social value information on page 63 of the agenda and the success of the Marleyfield Care Home facility which he said was to be applauded.

Councillor Ian Dunbar spoke in support of the work and services provided by the Housing and Assets team to support the residents of Flintshire.

Councillor Andy Hughes paid tribute to all employees in Social Services for their outstanding work during the pandemic.

The Chief Executive thanked Members for their support. He said that targets set for social value performance had been exceeded for the first 12-18 months and the Council was regarded as an exemplar authority by the Welsh Government and had been asked to mentor other authorities as a result.

Having been moved and seconded, the recommendations were put to the vote and carried.

**RESOLVED:**

- (a) That the Annual Performance Report 2020/2021 be approved; and
- (b) That the appreciation of all Members of the Council for the outstanding work undertaken during the Covid-19 pandemic be passed to Officers and their teams in all Services.

**52. NOTICE OF MOTION**

Councillor Ian Roberts referred to the recent tragic death of Sir David Amess, Member of Parliament for Southend West, and said the Labour Group considered that it would be inappropriate to discuss the Notice of Motion which called for the UK Government to continue with the £20 enhancement to Universal Credit at the current time. He proposed that the Notice of Motion be deferred to a future meeting. This was unanimously agreed by Members.

**53. PUBLIC QUESTION TIME**

None were received.

**54. QUESTIONS**

None were received.

**55. RECOGNITION OF SERVICE BY COLIN EVERETT, OUTGOING CHIEF EXECUTIVE**

The Chair of the Council invited the outgoing Chief Executive, Colin Everett, to speak. In his opening remarks the Chief Executive thanked Officers and colleagues in Democratic Services, Theatr Clwyd, Corporate Communications, and Picturehouse for their work in organising a technical and logistically complex meeting.

The Chief Executive said that when he joined Flintshire County Council in 2007, the Authority did not have the regional or national influence it deserved. He spoke of his brief on appointment which was to bring new energy, professional leadership, and make positive change happen. Today there was recognition from many sources including the First Minister, other Cabinet Ministers, and national commentators, that Flintshire County Council was a strong, high performing and innovative Council, providing leadership to other authorities and organisations, and the best authority in Wales for partnership working.

The Chief Executive gave a brief synopsis of his career in local government service which had spanned 40 years. He said that Flintshire County Council would hold a special memory for him and he had been privileged to serve its residents and local communities. He then gave a short presentation which highlighted a few of the many achievements and notable events during his period of office. He felt that the Authority was in a confident, resilient, and able position to move forward in the future under the new leadership of Neal Cockerton, Chief Executive designate.

In his closing comments, the Chief Executive said that the future was good for North Wales; and its location, landscape, heritage, and economy was unique. He had enjoyed living in North Wales during his time as a public services leader and was confident that it would recover well from the impact of the Covid-19 pandemic and continue to be a safe place to live and work.

The Chief Executive expressed thanks to the current and former Chairs of Flintshire County Council, Leaders of the Council, Group Leaders, Cabinet Members, Chairs of Committees, and Members, for their support. He also thanked senior officer colleagues, Chief Officers, Service Managers, and the Chief Executive team for their support and companionship throughout the last 14 years. He commented on his personal plans for the future and said he would make a return visit when the opportunity arose.

The Chief Executive welcomed Lord Barry Jones and Lady Janet Jones to the meeting. He paid special thanks to Lord Barry Jones for his personal support as a mentor. He paid tribute to his work and personal qualities and in summarising said he was the embodiment of advocacy for Flintshire and its people. In recognition of his service as a Member of Parliament for 50 years, the Chief Executive asked Members to stand in tribute to Lord Barry Jones.

The Chief Executive paid tribute to his successor Neal Cockerton, the incoming Chief Executive, and referred to his personal qualities and exemplary work ethic and values. Neal Cockerton thanked the Chief Executive for his counsel, mentoring, guidance, and professional support. He also passed on the thanks of the

Chief Officer team, the workforce, and partner organisations, for his strong leadership throughout some of the most challenging events to be faced by the Council. He spoke of the Chief Executive’s relationship with Welsh Government and regional partners which was key to the delivery of transformational and intergenerational programmes and would leave a lasting legacy in the region. The incoming Chief Executive presented a short introductory film which briefly set out his thoughts and aspirations for the future of the Council.

The Chairman presented a gift to the outgoing Chief Executive to mark his retirement on behalf of Members and work colleagues.

Councillor Ian Roberts said the Council owed a debt of gratitude to the outgoing Chief Executive. He spoke of his leadership and resilience, and his personal qualities of friendship, kindness, and the support offered to Members when needed. He commented on the challenge of many years of austerity and severe budget restraints which were faced by the Council under the Chief Executive’s leadership and the unprecedented demands of the Covid-19 pandemic which followed. He spoke of the importance of an effective working partnership between officers and Members and thanked the Chief Executive for his ability to work with Members to achieve best outcomes for the Council as a substantial direct provider of services. In conclusion Councillor Roberts asked Members to join him in standing ovation to the Chief Executive.

Councillors Mike Peers, Marion Bateman, Clive Carver, Carol Ellis, Aaron Shotton, and Neville Phillips paid tribute to the Chief Executive, referring to examples of his unseen work in response to the needs of others and for the benefit of Flintshire and its residents, and thanked him for his service and dedication. Members wished him well for the future and also wished the incoming Chief Executive every success in his new role.

The Chief officer (Governance) presented the Chief Executive with a leather bound ‘Memory Book’, which had been put together by a team of officers, and incorporated memories, expressions of goodwill, and anecdotes from Members, Officers, and professional colleagues across Wales. The book had been hand-stitched and bound in leather with gold letter tooling by Mark Allen, Senior Conservator with the North Wales Archives service. He invited the Principal Archivist to explain the process behind the volume. The Chief Executive expressed his appreciation to all who had contributed to the Memory Book which he said he would treasure.

**56. MEMBERS OF THE PRESS IN ATTENDANCE**

There were no members of the press in attendance.

(The meeting started at 2.00 pm and ended at 5.05 pm)

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**Chairman**

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## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Tuesday, 7 December 2021
<b>Report Subject</b>	Capital Strategy Including Prudential Indicators 2022/23 to 2024/25
<b>Report Author</b>	Corporate Finance Manager

### EXECUTIVE SUMMARY

This report updates the Council's Capital Strategy and seeks Council's approval.

The report explains the need for the Strategy, its key aims, and the content of each of its sections.

Under the Prudential Code for Capital Finance in Local Authorities (the Prudential Code), authorities are required to set a range of Prudential Indicators (PI's). The Capital Strategy includes details of the Council's Prudential Indicators for 2022/23 – 2024/25.

### RECOMMENDATIONS

1	Council approves the Capital Strategy.
2	<p>Council approves:-</p> <ul style="list-style-type: none"> <li>The Prudential Indicators for 2022/23 - 2024/25 as detailed within Tables 1, and 4 – 7 of the Capital Strategy.</li> <li>Delegated authority for the Corporate Finance Manager to effect movements between the separately agreed limits within the authorised limit for external debt and the operational boundary for external debt (Table 6 of the Capital Strategy).</li> </ul>

## REPORT DETAILS

<b>1.00</b>	<b>CAPITAL STRATEGY 2022 – 2025</b>
1.01	The Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2017 Edition (the Code), requires that the Council has in place a Capital Strategy (the Strategy). The guidance to the Code defines the specific requirements of the Strategy. This report updates the Strategy for Council's consideration.
1.02	The key aims of the Strategy are to explain the ways in which the capital programme is developed and funded, the potential impact it has on the Council's Medium Term Financial Strategy (MTFS) and the way in which it relates to the Council's Treasury Management Strategy. The Strategy is an overarching document and refers to other documents such as the Capital Programme, the Treasury Management Strategy and the Minimum Revenue Provision Policy. The Strategy is split into a number of sections as described below. The Strategy is enclosed as Appendix 1.
1.03	<b>Capital Expenditure</b>  This section defines capital expenditure and that there is some limited local discretion in the definition as reflected in the Council's accounting policies.
1.04	<b>Resources</b>  This section explains the way in which the Capital Programme is funded. The Council has a number of funding sources but these sources are limited and in some cases, particularly capital receipts, diminishing. Some of those sources, particularly prudential borrowing, add pressure to the Council's MTFS.
1.05	<b>Prioritisation of Capital Expenditure</b>  This section explains the way in which the Capital Programme is divided into three sections and how decisions are made as to which schemes to include in each section in each year.
1.06	<b>Governance</b>  This section explains the governance arrangements in place in the development and monitoring of the capital programme.
1.07	<b>Capital Expenditure Plans</b>  This section refers to the Council's capital expenditure plans as agreed in its Capital Programme. It covers: <ul style="list-style-type: none"><li>• Capital expenditure plans</li><li>• The way in which those plans are expected to be financed</li><li>• Minimum Revenue Provision</li><li>• Estimates of the Capital Financing Requirement, a measure of unfinanced expenditure</li></ul>



1.08	<p><b>Treasury Management</b></p> <p>This section covers the way in which the Strategy relates to the Council's treasury management activity. It covers:</p> <ul style="list-style-type: none"> <li>• The Council's Borrowing Strategy</li> <li>• The relationship between the Council's debt portfolio and its Capital Financing Requirement</li> <li>• The Authorised Limit and Operational Debt Limits for borrowing, ensuring the limits on the Council's exposure to debt are set</li> <li>• The Council's Investment Strategy</li> <li>• Treasury management governance</li> </ul>
1.09	<p><b>Commercial activities</b></p> <p>This section reports that the Council has limited commercial activity, having a limited portfolio of investment properties (agricultural properties and industrial units).</p>
1.10	<p><b>Liabilities</b></p> <p>This section explains the liabilities which the Council has, in particular the deficit on its pension fund, and links with the Council's Statement of Accounts.</p>
1.11	<p><b>Revenue budget implications</b></p> <p>This section shows the impact of the capital financing costs on the revenue stream of the Council's budget.</p>
1.12	<p><b>Knowledge and skills</b></p> <p>This section details the skills of officers involved in developing and managing the capital programme and treasury management activity, and explains that the Council makes use of external advisers to assist with this activity.</p>
1.13	<p><b>Prudential Indicators</b></p> <p>The Council is required by the Code to develop and monitor Prudential Indicators. These are contained within the various sections of the Strategy, and are indicated as such.</p>
1.14	<p><b>Prudential Code Update</b></p> <p>CIPFA is looking to strengthen its Code to ensure local authorities' financial plans are affordable, prudent and sustainable. The updated Code is expected to be published by the end of the year. The Code will clarify what constitutes prudential borrowing activities to help stop a number of authorities from misinterpreting its provision.</p> <p>Key changes will include clarification to better define commercial activity and investment and a requirement to incorporate an assessment of risk against levels of resources.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Financial consequences for capital resources are as set out within the report and in Appendix 1.
2.02	Financial consequences for revenue resources are as set out within the report and in Appendix 1.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The Capital Strategy and the proposed Capital Programme were considered by the Corporate Resources Overview and Scrutiny Committee at its meeting on 11 <sup>th</sup> November 2021 with their comments being fed back to the Cabinet at its meeting on 16 <sup>th</sup> November 2021.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Decisions made which involve the Council's assets and its Capital Programme often have very large and long term financial implications. The purpose of the Capital Strategy includes setting a clear framework within which such decisions can be made mitigating the risks involved.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Capital Strategy

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None.  <b>Contact Officer:</b> Chris Taylor, Strategic Finance Manager <b>Telephone:</b> 01352 703309 <b>E-mail:</b> <a href="mailto:christopher.taylor@flintshire.gov.uk">christopher.taylor@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Capital Expenditure</b> - Expenditure on the acquisition of <b>Non-current Assets</b> or expenditure that extends the life or value of an existing asset  <b>Capital Programme</b> - The Council's financial plan covering capital schemes and expenditure proposals for the current year and a number of future years. It also includes estimates of the capital resources available to finance the programme

**Capital Receipt** - Receipts (in excess of £10,000) from the disposal of an asset

**Capital Scheme** - An individual capital project which is monitored and managed in isolation. The aggregate of all schemes comprises the **Capital Programme**

**Capital Strategy** - A corporate document providing clear strategic guidance about an authority's objectives, priorities and spending plans, demonstrating the link to key corporate and service objectives.

**Council Fund** - The fund to which all the Council's revenue and capital expenditure is charged

**Disposal** - The decommissioning or transfer of an asset to another party

**Non-current Asset** - A resource controlled (but not necessarily owned) by the Council, from which economic benefits or service potential are expected to flow to the Council for more than 12 months.

**Prudential Code** - The Code of Practice drawn up by the Chartered Institute of Public Finance and Accountancy (CIPFA) to underpin the requirements of the Local Government Act 2003 in respect of an authority's duty to determine the affordability, prudence and sustainability of its capital investment needs

**Prudential Indicators** - Required by the **Prudential Code**, these take the form of limits, estimates or actual figures used to support the local decision making process for capital investment

**Unsupported Prudential Borrowing** - Borrowing administered under the **Prudential Code**, whereby authorities can set their own policies on acceptable levels and types of borrowing. The Prudential Framework allows authorities to take out loans in response to overall cash flow forecasts and other factors provided they can show that the borrowing is to meet planned capital expenditure in the current year or the next three years.

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# **CAPITAL STRATEGY**

**2022/23 TO 2024/25**

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# CAPITAL STRATEGY REPORT 2022/23

## 1. INTRODUCTION

The creation and approval of a capital strategy is now a requirement of the Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2017 Edition (the CIPFA Code).

The Code requires the Council to set Prudential Indicators in relation to its Capital Programme. This document includes those Prudential Indicators in tables 1 and, 4 - 7.

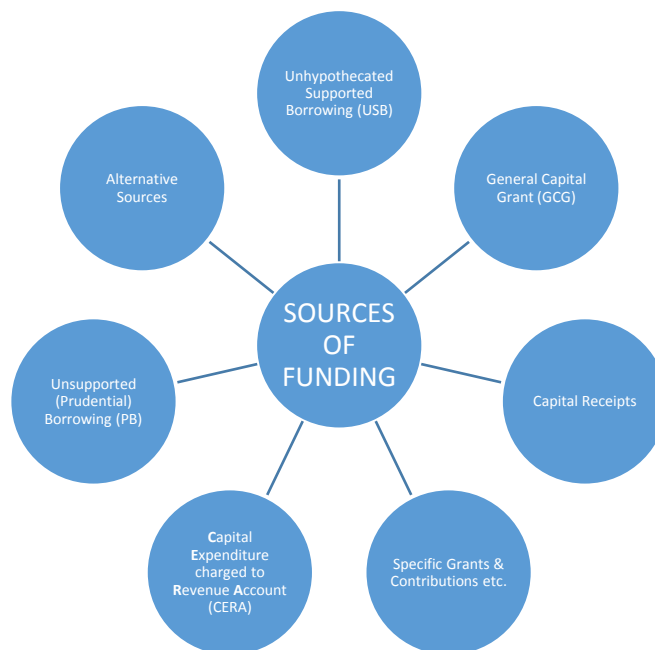
This document updates the capital strategy approved by Council in December 2020. It gives a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of local public services along with an overview of how associated risk is managed and the implications for future financial sustainability.

## 2. CAPITAL EXPENDITURE

Capital expenditure occurs when the Council spends money on assets, such as property or vehicles, which will be used for more than one year. In local government this includes spending on assets owned by other bodies, and loans and grants to other bodies enabling them to buy assets. The Council has some limited discretion on what counts as capital expenditure, as assets costing below £20k are not capitalised and are charged to revenue in year. Details of the Council's policy on capitalisation may be found in the Accounting Policy section of the Council's Statement of Accounts.

## 3. RESOURCES

The sources of funding available to the Council are described below:



## **Unhypothecated Supported Borrowing (USB), commonly referred to as Supported Borrowing**

Each year Welsh Government provides councils with a Supported Borrowing capital allocation. Councils can then borrow to fund capital expenditure up to that annual allocation, and Welsh Government will include funding to cover the revenue costs associated with that level of borrowing in future years within the Revenue Support Grant. The Council decides how this funding is spent.

## **General Capital Grant (GCG)**

This is the annual capital grant from Welsh Government. The Council decides how this funding is spent.

Supported borrowing and general capital grant will be used to fund capital schemes which:

- invest in, or maintain the life of, existing assets which will be retained for future service delivery
- are statutory / regulatory in nature

The Housing Revenue Account (HRA) equivalent is known as the Major Repairs Allowance (MRA).

## **Capital Receipts**

These are funds raised from the sale of council assets, usually, but not restricted to, land and buildings. Other examples include repayments of loans for capital purposes and release of restrictive covenants.

Capital finance regulations dictate that capital receipts can only be used to fund capital expenditure or repay debt. In the past regulations required a proportion of all receipts be set aside to repay debt, but this requirement was removed some time ago for the Council Fund and was removed for the HRA with the introduction of self-financing. The Council's policy is to use capital receipts to fund capital expenditure rather than voluntarily set aside to repay debt. The Council sets a Minimum Revenue Provision policy each year which sets out our prudent methods for repayment of debt.

The current policy of pooling all capital receipts to allocate to capital schemes in accordance with the Council's strategic aims and priorities will continue. Capital receipts will not be 'ring-fenced' to fund schemes in the same service or geographical areas (with the exception of the HRA). Capital receipts represent a finite funding source based on a planned approach to asset disposals in support of the Council's priorities. They will be used to fund new capital investment schemes.

Generation of capital receipts depends on our ability to identify assets that are surplus to requirements, and to sell them at an appropriate time which will be subject to local economic factors. In recent years this has been challenging, and will continue to be so. Careful and prudent planning around the timing of capital receipts is needed to ensure schemes funded by capital receipts don't begin until we have received the receipt.

Capital receipts will be generated by continuing with our agricultural disposal policy, our policy to reduce the number of assets that we have and the forthcoming review of the commercial estate.

Our assets are also supporting the Strategic Housing and Regeneration Programme (SHARP) in innovative ways. We have identified surplus Council owned sites which will be used to develop new housing. This input will need to continue throughout the life of the programme. The impact of this on the generation of capital receipts will need to be carefully mapped and reflected within the wider Capital Programme.



## **Specific Grants and Contributions etc.**

### **Specific Grants**

These are grant allocations received from a range of sponsoring bodies including Welsh Government, Lottery, etc. for associated specific programmes and projects, with limited local discretion on how the funding is spent. Often the terms and conditions of such funding will require unused funding to be returned, and can require the Council to match fund. In times where capital resources are declining the Council will seek to maximise such funding streams, subject to the initiative/scheme reflecting both the third party's agenda and the Council's priorities.

### **Specific Contributions**

These are contributions from developers towards the provision of public assets or facilities. Sometimes these are to mitigate the impact of their development on communities and are often referred to as Section 106 contributions. Contributions are earmarked for specific purposes in planning agreements and often relate to infrastructure projects including play areas, open spaces, and schools, but also including affordable housing. Developers also contribute to highways infrastructure developments through Section 38 and 278 agreements.

### **Specific Capital Loans**

Increasingly, as Welsh Government's funding comes under pressure, capital funding that was previously issued as a specific capital grant is converted into a repayable loan, examples include the Home Improvement Loans fund, and Vibrant and Viable Places funding. Grant funding will always be preferable to loan funding as it does not require repayment, however, loan funding does have benefits. Its use to date has been to provide recyclable loan funding for regeneration purposes. The benefit is that rather than being used to fund a single project, the funding can be recycled and used to fund a number of projects over the term of the loan.

Capital Loans are also available, and have been used, from other sources such as Salix in relation to energy saving projects.

As with grants, the Council will seek to maximise such developments that are in line with its priorities, whilst carefully considering the additional administrative burden in issuing and collecting loans, and the risk it carries from loan defaults.

### **Local Government Borrowing Initiative (LGBI)**

In recent years, as Welsh Government funding has been under pressure, schemes that would have been funded by capital grant have been funded by LGBI. Welsh Government provides the revenue support for borrowing costs incurred by the Council in borrowing to fund capital schemes (the difference with supported borrowing being that it's for a specific purpose aligned to Welsh Government priorities). LGBI has recently been used for highways maintenance and used to part fund the Welsh Government element of the 21<sup>st</sup> Century Schools programme – 'Band A'.

### **Capital Expenditure charged to Revenue Account (CERA)**

Capital expenditure can be funded via a direct contribution from revenue funding (note: capital financing regulations mean it is not possible to use capital funding to fund revenue expenditure). This method of funding is extensively used by the HRA and will continue to be in the future. Its use for Council Fund activity is generally quite limited as this would add pressure to the revenue budget as forecast in the Medium Term Financial Strategy.

## **Unsupported Prudential Borrowing (commonly referred to as Prudential Borrowing)**

The Prudential Code for Capital Finance in Local Authorities supports local authorities in determining their programmes for capital investment in assets (we are required by regulation to follow its requirements). The Prudential Code gives councils discretion to undertake borrowing to fund capital projects with the full cost of borrowing funded from future council revenue resources subject to the Council demonstrating, within a clear framework, that the capital investment plans are affordable, prudent and sustainable. A range of prudential indicators must be produced and approved demonstrating the impact of the programme. This option for funding additional capital developments is one which is funded from within existing revenue budgets or from generating additional and ongoing income streams, there is no support from any external funding which is a major constraint on its use as any scheme funded by prudential borrowing will add to the forecast budget deficit in the MTFS.

To date, limited use has been made of the option following cautious and prudent consideration of long term impacts. This approach will continue to be used with schemes that have a clear financial benefit such as 'invest to save', 'spend to earn', and those that generate returns over and above the costs of debt. The focus will be to fund schemes that are the Council's priorities, attract third party funding and generate revenue benefits in future financial years in the form of revenue savings, income generation or increasing Council Tax yield. In addition, prudential borrowing will be used to fund the Council element of 21<sup>st</sup> Century Schools – 'Band B', redevelopment of Theatr Clwyd, relocation of Tri-ffordd day service provision and the HRA Strategic Housing and Regeneration Programme (SHARP) schemes.

## **Alternative Sources**

There are a number of other alternative sources of capital funding which the Council could make use of, depending on circumstances and cost:-

- Finance Leases - Leases that transfers (to the lessee) substantially all the risks and rewards of ownership of an asset, even though ownership may not be transferred. This method was used for the equipment at Deeside Leisure Centre and the Jade Jones Pavilion, Flint.
- Public Private Partnerships (PPPs) - This is a broad term for various arrangements in which the Council has a longer and more intensive relationship with a private sector supplier than it does under a traditional contract. It includes:-
  - PFI contracts;
  - Local Asset Backed Vehicles (LABVs);
  - Strategic partnering;
  - Sale and Lease back;
  - Joint Ventures;
  - Deferred Purchase, and
  - Mutual Investment Model (MIM)

To date, the Council has made very limited use of alternative funding options listed above. In future all options, along with any new initiatives, will be explored and used carefully. Capital schemes funded from alternative sources are likely to increase the Council's debt liability, therefore use will be restricted and considered in the same way as prudential borrowing.

## 4. PRIORITISATION OF CAPITAL EXPENDITURE

The purpose of the Capital Programme is to optimise the Council’s use of capital resources by allocation to those areas identified as representing the strategic priorities of the Council. The Programme is split into 3 sections;

- Statutory / Regulatory Programme consisting of an annual allocation to fund schemes of a statutory / regulatory nature. Examples include providing financial support to repair, improve and adapt private sector homes, and adapting schools for disabled children. Service areas will be required to submit plans for approval before the start of each financial year.
- Retained Asset Programme consisting of an annual allocation to fund schemes that maintain, improve or lengthen the economic life of the assets that we retain to use in delivering services where there is already a significant amount of capital work needed, identified by service plans / condition surveys etc. Service areas identified are: schools, highways, and corporate office accommodation. Service areas are required to submit plans for approval before the start of each financial year.
- Investment Programme consisting of allocations to fund new schemes arising from Portfolio Business Plans. Such schemes will be necessary to achieve revenue efficiencies included within Portfolio Business Plans, the MTFs and our strategic priorities as included in the Council Plan. Approval of such schemes will be through the submission of a full business case identifying the source of capital funding and the asset’s lifetime costs going forward.

**Funding of schemes will be allocated as shown below:**

Statutory / Regulatory Programme		Retained Asset Programme		Investment Programme
General Capital Grant	Supported Borrowing	Capital Receipts	Debt and Alternative Sources of Funding	

Capital Programmes will be set every year covering a timeframe of the next 3 financial years on a rolling basis, reflecting that capital schemes don’t match financial years and span more than 1 financial year. Schemes starting in that first financial year will be approved along with any costs and funding required in the subsequent 2 financial years. Schemes starting later than the first financial year will be given indicative support to enable services to plan, but will ultimately require formal approval through the process of approving the subsequent years’ Capital Programme.

Sufficient headroom will be built into the Capital Programme to facilitate more flexibility, thus allowing smaller schemes to be presented, considered and approved by Cabinet in year. Such schemes arise in year due to, for example, grants that require an element of match funding or unforeseen events such as regulatory works etc.

The development of the Capital Programme will be considered in the context of its impact on the Council’s MTFs and in particular the added pressure the Capital Programme may bring to the revenue budget.

## 5. GOVERNANCE

Planning for the Capital Programme is determined in parallel with service and revenue budget planning process within the framework of the MTFS.

New investment capital schemes will be rigorously appraised through submission of full business cases which will include schemes funded by grants or contributions from 3<sup>rd</sup> parties. Large schemes which are programmes in their own right will be subject to gateway reviews at stages during the programme, for example 21<sup>st</sup> Century Schools and SHARP. This ensures that the evidence and the case for change when the scheme was initially approved is still valid, and that lessons learned from early stages can be applied to future stages.

Those portfolios with core allocations will submit annual plans for assessment and challenge by the Capital and Assets Programme Board to ensure compliance with the Capital Strategy and the Asset Management Plan.

The Capital Programme, where possible, will be set for each coming financial year before the annual budget, and will include indicative figures spanning the same time frame as the MTFS.

Monitoring of the annual Capital Programme will be undertaken at a Portfolio level by the Capital and Technical Accounting Team, with progress updates given to the Capital and Assets Programme Board. Reporting to Members will take place quarterly to Cabinet and Corporate Resources Overview and Scrutiny Committee including:

- New schemes or additions to existing schemes
- Removal of or reductions to schemes
- Slippage on schemes, and impact on future years capital programme
- Funding virements between schemes
- Other necessary revisions to the scheme

The Capital and Assets Programme Board will develop processes for monitoring the outcomes of capital schemes and measures to monitor the performance of assets.

### Capital expenditure plans

The Council's planned capital expenditure for the period 2022/23 to 2024/25 is summarised below:

**Table 1: Prudential Indicator: Estimates of Capital Expenditure in £ millions**

	<b>2022/23 Estimate</b>	<b>2023/24 Estimate</b>	<b>2024/25 Estimate</b>
Council Fund	37.469	47.350	22.576
Housing Revenue Account	25.074	27.519	27.680
<b>Total</b>	<b>62.543</b>	<b>74.869</b>	<b>50.256</b>

The Council's Capital Programme is due to be approved by Council in December 2021, and details can be found on the Council's website.

The Council is planning a number of significant investments during the period of this strategy. In particular, it is investing substantially in its schools in conjunction with Welsh Government through the 21<sup>st</sup> Century Schools programme; is undertaking redevelopment of Theatr Clwyd; is making infrastructure improvements at Standard Yard Waste Transfer Station (WTS) in Buckley to accommodate growth in recycling rates and an increase in resilience and processing capacity for future waste streams; has plans, in conjunction with its partners, to create a new archive building to deliver a single archive service for North East Wales, and is planning to relocate the Tri-ffordd day service provision. More detail is available in the Capital Programme 2022/23 – 2024/25 report.

The Housing Revenue Account (HRA) is a ring-fenced account which ensures that council housing does not subsidise, or is itself subsidised by, other local services. HRA capital expenditure is therefore recorded separately. The Council has plans to invest significantly in housing assets over the period of the strategy, including the building of new homes as part of the SHARP, as well as bringing its stock into line with the Welsh Housing Quality Standard (WHQS).

In addition, part of SHARP is to build new homes for rent at intermediate rent levels (between social housing rents and market rents). This is achieved by making capital loans to the Council's wholly owned subsidiary, North East Wales Homes Ltd (NEW Homes) to build affordable homes.

All capital expenditure must be financed, either from external sources (government grants and other contributions), the Council's own resources (revenue, reserves and capital receipts) or debt (borrowing, leasing etc.). The planned financing of the above expenditure is as follows, broken down into the sources detailed above:

**Table 2: Capital Financing in £ millions**

	<b>2022/23 Estimate</b>	<b>2023/24 Estimate</b>	<b>2024/25 Estimate</b>
<b>Council Fund</b>			
<u>External Sources</u>			
USB	4.040	4.040	4.040
GCG	2.492	2.492	2.492
Specific Grants/Contrib's/Loans	24.131	23.853	9.141
<u>Own Resources</u>			
Capital Receipts	3.463	0.000	0.000
CERA	0.000	0.000	0.000
<u>Debt</u>			
Prudential Borrowing	3.343	16.965	6.903
<b>Sub Total - Council Fund</b>	<b>37.469</b>	<b>47.350</b>	<b>22.576</b>

<b>Housing Revenue Account</b>			
<u>External Sources</u>			
MRA	4.968	4.968	4.968
Specific Grants/Contrib's/Loans	0.400	0.400	0.400
<u>Own Resources</u>			
Capital Receipts	0.000	0.000	0.000
CERA	10.898	11.385	11.731
Othe contns	0.000	0.000	0.000
<u>Debt</u>			
Prudential Borrowing	8.808	10.766	10.581
<b>Sub Total - HRA</b>			
	<b>25.074</b>	<b>27.519</b>	<b>27.680</b>
<b>TOTAL</b>			
	<b>62.543</b>	<b>74.869</b>	<b>50.256</b>

Debt is only a temporary source of finance, as any loans or leases must be repaid. Local authorities are required each year under regulations, to set aside some of their revenue resources as provision for the repayment of debt. The annual charge to the revenue account for repaying debt is known as the Minimum Revenue Provision (MRP). Planned MRP is as follows:

**Table 3: Minimum Revenue Provision in £ millions**

	<b>2022/23 Estimate</b>	<b>2023/24 Estimate</b>	<b>2024/25 Estimate</b>
Council Fund	3.282	3.460	3.871
Housing Revenue Account	1.590	1.740	1.929

Local authorities are required to set a policy for MRP each financial year. The Council sets its annual MRP policy in February each year and this is available on its website.

Alternatively, capital receipts may be used to repay debt by applying capital receipts to the Capital Financing Requirement (CFR).

The Council's cumulative outstanding amount of capital expenditure financed by debt is measured by the Capital Financing Requirement (CFR). This increases with new debt-financed capital expenditure and reduces with MRP and any capital receipts used to repay debt. Based on the above figures for expenditure and financing, the Council's estimated CFR is as follows:

**Table 4: Prudential Indicator: Estimates of Capital Financing Requirement in £ millions**

	<b>2022/23 Estimate</b>	<b>2023/24 Estimate</b>	<b>2024/25 Estimate</b>
Council Fund	230.815	252.856	263.646
Housing Revenue Account	138.710	149.991	158.839
<b>Total</b>	<b>369.525</b>	<b>402.847</b>	<b>422.485</b>

## 6. TREASURY MANAGEMENT

Treasury Management is concerned with keeping sufficient but not excessive cash available to meet the Council's spending needs as they fall due, while managing the risks involved. Surplus cash is invested until required, while a shortage of cash will be met by borrowing, to avoid excessive credit balances or overdrafts in the bank current account. The Council is typically cash rich in the short-term as revenue income is received before it is spent, but cash poor in the long-term as capital expenditure is incurred before being financed. The revenue cash surpluses are offset against capital cash shortfalls to reduce overall borrowing.

Due mainly to decisions taken in the past, the Council currently (30<sup>th</sup> September 2021) has £288m long term borrowing at an average interest rate of 4.61%, and £17m short term borrowing at an average interest rate at 0.02%. It also has £17m treasury investments at an average interest rate of 0.016%.

**Borrowing strategy:** The Council's main objectives when borrowing are to achieve a low but certain cost of finance while retaining flexibility should plans change in future. These objectives are often conflicting, and the Council therefore seeks to strike a balance between cheap short-term loans (currently available at around 0.03%) and long-term fixed rate loans where the future cost is known but higher (currently 2.15% to 2.51%).

Projected levels of the Council's total outstanding debt (which comprises borrowing and leases) are shown below, compared with the capital financing requirement (see above).

**Table 5: Prudential Indicator: Gross Debt & the Capital Financing Requirement in £ millions**

	<b>2022/23 Estimate</b>	<b>2023/24 Estimate</b>	<b>2024/25 Estimate</b>
Debt (Incl Leases)	364.075	398.584	420.461
Capital Financing Requirement	369.525	402.847	422.485

Statutory guidance is that debt should remain below the Capital Financing Requirement, except in the short-term. As can be seen from Table 5, the Council expects to comply with this in the medium term.

**Affordable borrowing limit:** The Council is legally obliged to set an affordable borrowing limit (also termed the authorised limit for external debt) each year and to keep it under review. In line with statutory guidance, a lower “operational boundary” is also set as a warning level should debt approach the limit.

**Table 6: Prudential Indicators: Authorised Limit & Operational Boundary for external debt in £m**

	<b>2022/23 Limit</b>	<b>2023/24 Limit</b>	<b>2024/25 Limit</b>
Authorised Limit - Borrowing	411	433	448
Authorised Limit - Other long term liabilities	35	35	35
Authorised Limit - Total External Debt	446	468	483
Operational Boundary - Borrowing	391	413	428
Operational Boundary - Other long term liabilities	20	20	20
Operational Boundary - Total External Debt	411	433	448

**Investment strategy:** Treasury investments arise from receiving cash before it is paid out again. Investments made for service reasons or for pure financial gain are not generally considered to be part of treasury management.

The Council’s policy on treasury investments is to prioritise security and liquidity over yield, that is to focus on minimising risk rather than maximising returns. Cash that is likely to be spent in the near term is invested securely, for example with the government, other local authorities or selected high-quality banks, to minimise the risk of loss. Money that will be held for longer terms is invested more widely, including in bonds, shares and property, to balance the risk of loss against the risk of receiving returns below inflation. Both near-term and longer-term investments may be held in pooled funds, where an external fund manager makes decisions on which particular investments to buy and the Council may request its money back at short notice.

**Governance:** Decisions on treasury management investment and borrowing are made daily and are therefore delegated to the Corporate Finance Manager and the Treasury Management team, who must act in line with the Treasury Management Strategy approved annually by the Council in February. Quarterly reports on treasury management activity are presented to the Governance and Audit Committee. The Governance and Audit Committee is responsible for scrutinising treasury management decisions.

The Council sets a Treasury Management Policy Statement, an annual Treasury Management Strategy and Treasury Management Schedules and Practices which contain further details on the Council’s borrowing strategy, investment strategy and treasury management governance which are available on its website.



## 7. COMMERCIAL ACTIVITIES

The Council has a portfolio of investment properties, in the form of agricultural property and industrial units. Although these are classified as investment properties, they are legacy assets and the Council is managing down its agricultural portfolio and is reviewing its position in regard to industrial units.

## 8. LIABILITIES

In addition to debt of £288m detailed above, the Council is committed to making future payments to cover its pension fund deficit (valued at £431m). It has also set aside £1m to cover the risks associated with the aftercare of former landfill sites, and £3.4m as a provision against bad debts.

The Council is also at risk of having to pay for any additional works necessary at landfill sites, payments in respect of historic insurance, abuse and housing disrepair claims, costs involved in some employment tribunal cases, and has given pension guarantees on behalf of various alternative service delivery models. The Council has not set aside any funds because of a lack of certainty in estimating the size and timing of these liabilities.

**Governance:** Decisions on incurring new discretionary liabilities are taken by Chief Officers in consultation with the Corporate Finance Manager. The risk of liabilities crystallising and requiring payment is monitored by corporate finance and reported as required to Cabinet.

Further details on liabilities and guarantees are in the contingent liability section in Note 34 of the Council's 2020/21 Statement of Accounts available on its website.

## 9. REVENUE BUDGET IMPLICATIONS

Although capital expenditure is not charged directly to the revenue budget, interest payable on loans and MRP are charged to revenue, offset by any investment income receivable. The net annual charge is known as financing costs; this is compared to the net revenue stream i.e. the amount funded from Revenue Support Grant, Council Tax and business rates (NNDR) for the Council Fund, and the HRA equivalent is the amount to be met from WG grants and rent payers.

**Table 7: Prudential Indicator: Proportion of Financing Costs to Net Revenue Stream**

	<b>2022/23 Estimate</b>	<b>2023/24 Estimate</b>	<b>2024/25 Estimate</b>
Council Fund	4.40%	4.58%	4.90%
HRA	18.35%	19.03%	19.30%

**Sustainability:** Due to the very long-term nature of capital expenditure and financing, the revenue budget implications of expenditure incurred in the next few years will extend for up to 50 years into the future. The Corporate Finance Manager is satisfied that the proposed Capital Programme is prudent, affordable and sustainable because the impact of the existing Capital Programme on the

MTFS has been considered, and the revenue implications of future capital schemes are included when considering the approval of the capital budget. .

Other revenue implications of capital expenditure are included in business cases and are factored into the MTFS.

## **10. KNOWLEDGE AND SKILLS**

The Council employs professionally qualified and experienced staff in senior positions with responsibility for making capital expenditure, borrowing and investment decisions. For example, the Corporate Finance Manager is a qualified accountant with significant experience. The Council pays for junior staff to study towards relevant professional qualifications, including CIPFA and AAT.

Where Council staff do not have the knowledge and skills required, use is made of external advisers and consultants that are specialists in their field. The Council currently employs Arlingclose Limited as treasury management advisors. This approach is more cost effective than employing such staff directly, and ensures that the Council has access to knowledge and skills commensurate with its risk appetite.



## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Tuesday, 7 December 2021
<b>Report Subject</b>	Capital Programme 2022/23 – 2024/25
<b>Report Author</b>	Chief Executive Corporate Finance Manager

### EXECUTIVE SUMMARY

This report presents the proposed Capital Programme for the period 2022/23 – 2024/25 for approval by Council.

The Council's Capital Programme covers investment in assets for the long term to enable the delivery of high quality and value for money public services. Assets include buildings (such as schools, care homes and day centres), infrastructure (such as highways, IT networks, and waste transfer stations) and assets not owned by the Council (such as works to improve and adapt private sector homes). The proposed capital investments outlined within this report are closely aligned to portfolio service business plans and the Council Plan.

The Council has limited capital resources from Welsh Government to support Council priorities, needs and liabilities. However, it has the powers to fund capital schemes by borrowing - this is temporary and ultimately, the cost and repayment of any borrowing is charged to the Council's revenue budget. Schemes funded by borrowing are carefully considered due to the long-term impacts on the Council's revenue budget.

The report divides the Council Fund Capital Programme into three sections:-

1. Statutory / Regulatory - allocations to cover regulatory and statutory works.
2. Retained Assets - allocations to fund infrastructure works necessary to ensure service and business continuity.
3. Investment - allocations to fund works necessary to remodel services to deliver efficiencies outlined in portfolio business plans and invest in services as outlined in the Council Plan.

Historically, much of the Council's programme has been funded from capital receipts and grants. The Council's ability to generate significant capital receipts is challenging as the assets the Council has available for disposal diminish. Wherever possible every opportunity to identify assets for sale and other sources of funding such as specific grants and revenue contributions will be explored. However, the Council will need to use prudential borrowing to finance more of the programme going forward. In particular, the 21st Century Schools Band B programme, and other schemes included within the investment programme will need to be funded through prudential borrowing.

The Capital Strategy has been updated and is presented separately on the agenda.

The information in this report refers to the Council Fund (CF) programme only, not the housing programme which is funded from the Housing Revenue Account (HRA) and which is reported separately.

## RECOMMENDATIONS

1	To approve the allocations and schemes in Table 3 (paragraph 1.09) for the Statutory/Regulatory and Retained Assets sections of the Council Fund Capital Programme 2022/23 - 2024/25.
2	To approve the schemes included in Table 4 (paragraph 1.29) for the Investment section of the Council Fund Capital Programme 2022/23 - 2024/25.
3	To note that the shortfall in funding of schemes in 2022/23, 2023/24 and 2024/25 in Table 5 (paragraph 1.38) at this point in the approval process allows flexibility. Options including a combination of future capital receipts, alternative grants (if available), prudential borrowing or the re-phasing of schemes will be considered during 2022/23, and included in future Capital Programme reports.
4	To consider and approve the schemes included in Table 6 (paragraph 1.44) for the specifically funded section of the Council Fund Capital Programme which will be funded in part through borrowing.

## REPORT DETAILS

1.00	<b>EXPLAINING THE CAPITAL PROGRAMME 2022/23 – 2024/25</b>
1.01	<p>The Council’s Capital Programme encompasses investing significant resources in assets for the long term to enable the delivery of high quality, value for money public services. Assets include buildings (such as schools, care homes and day centres), infrastructure (such as highways, IT networks, and waste transfer stations), and assets not owned by the Council (such as works to improve and adapt private sector homes). The proposed capital investments outlined within this report are closely aligned to portfolio service business plans and the Council Plan.</p> <p>The Council has limited capital resources from Welsh Government (WG) to support Council priorities, needs and liabilities; however, it has the powers to fund capital schemes by borrowing, but this is temporary and ultimately the cost and repayment of any borrowing is charged to the Council’s revenue budget. Schemes funded by borrowing are carefully considered due to the long term impacts on the Council’s revenue budget.</p> <p>The first half of this report covers parts of the Capital Programme where the Council invests in local infrastructure, facilities and assets, which will be funded from general capital resources (General Capital Grant, Unhypothecated Supported Borrowing and Capital Receipts). Regional programmes such as the Growth Deal for North Wales which will draw on national funds, and the Housing Revenue Account (HRA) Capital Programme, which is separate and includes the Welsh Housing Quality Standard (WHQS) work programme and Strategic Housing and Regeneration Programme (SHARP), supplement the Council funded Capital Programme.</p> <p>The second half of the report covers parts of the Capital Programme which includes specific grants as far as information is available at the time of writing, and borrowing. This includes the 21<sup>st</sup> Century Schools Programme, delivered in partnership between the Council and WG.</p>
1.02	<p><b>General Capital Programme 2021/22 – 2023/24 Update</b></p> <p>The Council’s Capital Strategy divides the Capital Programme into three parts as follows.</p> <ol style="list-style-type: none"><li><b>1. Statutory / Regulatory section</b> – to cover regulatory and statutory works. Examples include providing support to improve and adapt private sector homes (Disabled Facilities Grants), adaptations to schools for children with disabilities and any works required to keep buildings open by meeting Health and Safety requirements.</li><li><b>2. Retained Assets section</b> – to ensure service and business continuity. This includes schemes that enhance and improve retained assets and infrastructure to deliver services and meets significant need identified by service plans or through condition surveys etc.</li></ol>

3. **Investment section** – to fund costs incurred when remodelling and investing in services. This includes new schemes arising from portfolio business plans, the Council Plan, other relevant and emerging plans, and other strategies or emerging Council priorities approved through a selection process based on the provision of a business case.

1.03 Table 1 below summarises the updated Council funded Capital Programme for 2021/22 – 2023/24 as reported at Month 6 2021/22:

**Table 1**

<b>ESTIMATED FUNDING 2021/22 - 2023/24</b>				
	2021/22	2022/23	2023/24	Total
	£m	£m	£m	£m
<b>Funding</b>				
Un-hypothecated Supported Borrowing (USB) <sup>1</sup>	4.040	4.040	4.040	12.120
General Capital Grant (GCG) <sup>1</sup>	2.492	2.492	2.492	7.476
Additional General Capital Grant (GCG) 1	1.559	0.000	0.000	1.559
Surplus B/Fwd	4.004	0.000	0.000	4.004
<b>Total Funding</b>	<b>12.095</b>	<b>6.532</b>	<b>6.532</b>	<b>25.159</b>
<b>Expenditure</b>				
Total Capital Programme 2021/22 - 2023/24	8.632	6.502	5.878	21.012
	<b>8.632</b>	<b>6.502</b>	<b>5.878</b>	<b>21.012</b>
<b>Surplus / (Shortfall)</b>	<b>3.463</b>	<b>0.030</b>	<b>0.654</b>	<b>4.147</b>
<b>1 As per 21/22 Final Settlement</b>				

1.04 Table 1 shows the current position of the Capital Programme 2021/22 – 2023/24 as reported at Month 6 to Cabinet and Corporate Resources Overview and Scrutiny Committee an overall surplus in funding of £4.147m, with a surplus in 2021/22 of £3.463m.

When the budget was set in December 2020, there was a shortfall in funding of schemes in 2021/22 and surplus in 2022/23 and 2023/24. At that point in the approval process the position was kept flexible and this was explained in the report to Council at that time. Options included a combination of future capital receipts, alternative grants, prudential borrowing or scheme phasing over several years which would be considered during 2021/22.

1.05 Given the current position in setting the Capital Programme for the next 3 years 2022/23 – 2024/25, careful consideration has been given to new schemes proposed for inclusion as, should other sources of funding not materialise, the Council will need to use prudential borrowing to finance the remainder of the programme going forward.

1.06

**Projected General Funding Available 2022/23 - 2024/25**

Table 2 below shows the general capital funding currently projected to be available to fund the Capital Programme over the next 3 years (2022/23 - 2024/25).

**Table 2**

<b>ESTIMATED AVAILABLE FUNDING 2022/23 - 2024/25</b>				
	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Funding (Excluding Specific Funding)</b>				
Un-hypothecated Supported Borrowing (USB) <sup>1</sup>	4.040	4.040	4.040	12.120
General Capital Grant (GCG) <sup>1</sup>	2.492	2.492	2.492	7.476
Surplus B/Fwd from 2021/22	3.463	0.000	0.000	3.463
<b>Total</b>	<b>9.995</b>	<b>6.532</b>	<b>6.532</b>	<b>23.059</b>
<b>1 As per 21/22 Final Settlement</b>				

1.07

Table 2 assumes that the Un-hypothecated Supported Borrowing allocation and the General Capital Grant received from WG in the years 2022/23 to 2024/25 remains the same as included in the information provided in the 2021/22 final Financial Settlement for Welsh local government. The 2022/23 Provisional Settlement for Welsh local government announcement has been provisionally set for the 20<sup>th</sup> December.

1.08

The figures in Table 2 relate to the Council Fund (CF) only, with the HRA Capital Programme being reported separately.

**General Capital Programme 2022/23 – 2024/25**

1.09

**Statutory / Regulatory and Retained Asset Allocations – 2022/23 – 2024/25**

Table 3 shows the proposed allocations for the period 2022/23 - 2024/25 for the Statutory / Regulatory and Retained Asset sections of the Capital Programme.

**Table 3**

<b>PROPOSED ALLOCATIONS 2022/23 - 2024/25</b>				
	2022/23	2023/24	2024/25	Total
	£m	£m	£m	£m
<b>Statutory / Regulatory Section</b>				
Equalities Act - Individual pupils	0.500	0.500	0.500	1.500
Disabled Facilities Grants	1.660	1.660	1.660	4.980
Private Sector Housing Renewal	0.040	0.040	0.040	0.120
School building works	0.500	0.500	0.500	1.500
Corporate property works	0.300	0.300	0.300	0.900
Upgrade of kitchen equipment in schools	0.050	0.050	0.000	0.100
School safeguarding works	0.100	0.100	0.100	0.300
Target Hardening	0.030	0.030	0.030	0.090
<b>Total Statutory / Regulatory</b>	<b>3.180</b>	<b>3.180</b>	<b>3.130</b>	<b>9.490</b>
<b>Retained Assets Section</b>				
School building works	1.000	1.000	1.000	3.000
Corporate property works	0.300	0.300	0.300	0.900
Highways asset management plan	1.000	1.000	1.000	3.000
Play areas	0.200	0.200	0.200	0.600
ICT - Equipment at Datacentres	0.050	0.000	0.510	0.560
ICT - Server Technology	0.210	0.000	0.070	0.280
ICT - Laptop / PC Replacements	0.103	0.104	0.092	0.299
Works to the Greenfield Valley Reservoirs	0.038	0.000	0.000	0.038
Base Provision for Leisure and Libraries Estate	0.200	0.200	0.200	0.600
All Weather Pitches	0.300	0.195	0.000	0.495
Public Space CCTV Upgrades	0.045	0.033	0.000	0.078
New Street Car Park - Retaining Wall / Attenuation	0.144	0.000	0.000	0.144
Shredder replacement at Greenfield HRC	0.400	0.000	0.000	0.400
'Headroom'	0.350	0.350	0.350	1.050
<b>Total Retained Assets Section</b>	<b>4.340</b>	<b>3.382</b>	<b>3.722</b>	<b>11.444</b>

1.10 The information in Table 3 in relation to the new and previously approved schemes is explained in more detail in paragraphs 1.11 to 1.28 below.

1.11 Equalities Act – Individual pupils

An annual allocation to adapt and modify schools for children who have disabilities to support and create increasingly inclusive school environments. These works help the Council to meet its obligations under disability legislation, and reduce the potential costs and disruption associated with transporting pupils to alternative sites.

The budget as it currently stands, does not meet the demands for the physical adaptations required. It is proposed to increase the allocation by



	£0.200m, to £0.500m, for 2022/23 to 2024/25 to enable continued delivery of school adaptation works, to meet the needs of pupils with disabilities.
1.12	<p><u>Disabled Facilities Grants (DFG)</u></p> <p>An annual allocation to improve and adapt private sector homes comprising:</p> <ul style="list-style-type: none"> <li>• Disabled Facilities Grants – adaptations enabling residents to continue to live independently in their own homes</li> <li>• Partnership working with Care and Repair to support vulnerable residents</li> </ul> <p>No changes are proposed for 2022/23 to 2024/25.</p>
1.13	<p><u>Private Sector Housing Renewal</u></p> <p>An annual allocation for private sector housing renewal and improvement loan management and administration. This had previously been reported under the DFG section before the services were disaggregated across portfolios.</p> <p>No changes are proposed for 2022/23 to 2024/25.</p>
1.14	<p><u>School building works</u></p> <p>An annual allocation to fund the most urgent property works required at schools split across the regulatory / statutory and retained assets sections of the Capital Programme.</p> <p>A programme of toilet upgrades in both primary and secondary schools to ensure compliance with Education (School Premises) Regulations 1999 and Department for Education and Skills document "Toilets in Schools". There is currently a backlog of such works estimated to be in the region of £1.5m which is often reflected as a Health and Safety issue in Estyn inspections of schools. £0.100m per annum. When building new schools or extending current ones, the Council takes the approach to upgrade to the current standards at that time.</p> <p>Works to upgrade ventilation systems at school kitchens which are failing building regulations and gas safety legislation and are at risk of closure. £0.200m per annum.</p> <p>Fire Inspection Works at schools which are the responsibility of the Local Authority and have been identified during statutory fire risk assessments. £0.200m per annum.</p> <p>No changes are proposed for 2022/23 to 2024/25.</p>
1.15	<p><u>Corporate property works</u></p> <p>An annual allocation to fund the most urgent property works required at non-school premises split across the regulatory / statutory and retained</p>

	<p>assets sections of the Capital Programme, including managing risks from legionella, fire safety, asbestos, accessibility and health and safety.</p> <p>No changes are proposed for 2022/23 to 2024/25.</p>
1.16	<p><u>Upgrade of kitchen equipment in schools</u></p> <p>The equipment in many of the school kitchens is currently very old and inefficient. Investment in new equipment will produce efficiency savings and will also better ensure the health and safety of NEWydd catering staff.</p> <p>No changes are proposed for 2022/23 to 2023/24.</p>
1.17	<p><u>School safeguarding works</u></p> <p>There is a requirement for a three year funding allocation to carry out works/adaptations at schools, to address safeguarding concerns raised about access at main entrances. These works are required to ensure both children and adults can attend schools in a safe and secure environment.</p> <p>New scheme included in 2022/23 – 2024/25</p>
1.18	<p><u>Target Hardening</u></p> <p>The Target Hardening budget requires replenishment over the next three year period to prevent unauthorised use of land or buildings within the County.</p> <p>New scheme included in 2022/23 – 2024/25</p>
1.19	<p><u>Highways Asset Management Plan (HAMP)</u></p> <p>An annual allocation of £1m to fund the HAMP which includes resurfacing of the classified Highway Network, replacement programme for street lighting columns and structural maintenance, with £0.100m to be top sliced for 'streetscape' improvements.</p> <p>Whilst the Council has a statutory duty to maintain the Highways Network in a safe condition for travel, how the Council does this is not defined. WG set targets for road condition indices, and at present Flintshire is performing better than the target set as a result of significant additional investment from WG in recent years (£0.954m in 2019/20, £0.950m in 2020/21 and £0.949m in 2021/22).</p> <p>See paragraph 1.55 for more detail in regard to the position on the potential development of the HAMP.</p> <p>It is proposed to increase the annual allocation by £0.400m, to £1m, for 2022/23 to 2024/25.</p>
1.20	<p><u>Play areas</u></p> <p>An annual allocation of £0.200m to fund the most urgent requirements to replace play equipment that has reached the end of its useful life at play</p>

	<p>areas, as well as upgrades to play areas. This will be delivered by Aura as the Council's management partner.</p> <p>No changes are proposed for 2022/23 to 2024/25.</p>
1.21	<p><u>IT Infrastructure</u></p> <p>Various schemes required to maintain service and business continuity;</p> <ul style="list-style-type: none"> <li>• ICT Equipment at Datacentres - £0.170m had previously been approved in the programme for the replacement of equipment such as High Volume Air Conditioning units and batteries to ensure the power supply to data centres is not interrupted.</li> </ul> <p>£0.390m is proposed in 2024/25, to replace outdated systems with the technologies required to deliver effective datacentres and improve connection to end users devices. Without these technologies the Council will be unable to run either of the datacentres resulting in the requirement to switch off IT systems hosted within these facilities. As there is a high reliance on IT Business Systems and services across the whole of the authority, the impact on Council wide service delivery would be significant.</p> <ul style="list-style-type: none"> <li>• ICT Server Technologies (Business Systems and SQL Servers) - £0.210m had previously been approved in the programme for the provision of replacement server technologies, to ensure adequate resources to provide the capacity required for the delivery of existing IT Business systems and services used across the whole of the Council.</li> </ul> <p>It is proposed that the servers used to support Business systems that utilise SQL as a database technology are replaced in 2024/25, at a cost of £0.070m.</p> <p>The operating lives of server technology was extended from 3 to 5 years to maximise the length from investments. Reliable IT server hardware is key to enabling IT infrastructure that supports the delivery of IT business systems that can cope with the demands of an organisation highly reliant on IT systems to deliver effective and efficient services.</p> <ul style="list-style-type: none"> <li>• ICT - Laptop / PC Replacements - The project will deliver a programme of device replacement based on the "just in time" principle of replacement to ensure the Council maximises the useable life of its laptop estate. It will ensure that the devices used by members of staff are fit for purpose and can deliver the required level of service, and can support the latest operating systems and security software.</li> </ul> <p>The absence of a replacement budget for replacement devices will result in devices that perform poorly and will not be able to accommodate the operating system and security software require to ensure the required level of performance. The inability to operate up to date security software poses a significant cyber security risk.</p> <p>Capital funding is required over a three year programme.</p>

1.22	<p><u>Works to the Greenfield Valley Reservoirs</u></p> <p>The Reservoirs Act 1975 allocates responsibility for reservoir safety and maintenance to Flintshire County Council as ‘undertaker’ to the series reservoirs located within Greenfield Valley Park.</p> <p>In recent years the annual inspections have identified works required across all six of the reservoirs within the park. There is increased public safety risk from failure to manage impounding raised reservoirs of water. The condition of the reservoirs infrastructure is likely to deteriorate further and the associated costs to remedy increase.</p> <p>Unlike Flood Alleviation schemes, Welsh Government Flood Defence Grant in Aid (FDGiA) is not available to fund works on reservoirs as this is considered to be a duty on the Council as a statutory ‘undertaker’.</p> <p>No changes are proposed for 2022/23.</p>
1.23	<p><u>Base Provision for Leisure and Libraries Estate</u></p> <p>An annual allocation to fund the most urgent property works required across the Leisure and Libraries estate. The Council recognises its landlord responsibilities, it has retained ownership of all buildings from which Aura, its strategic Leisure and Libraries partner, delivers its business plan and operates these facilities in accordance with the service contract.</p> <p>No changes are proposed for 2022/24 to 2024/25.</p>
1.24	<p><u>All Weather Pitches</u></p> <p>Replace the playing surface of all weather sport pitches which are in poor condition and have reached the end of their useful lives.</p> <p>A forward work plan has been put together of pitches the Council are responsible for maintaining, to ensure that their life cycle costs are captured.</p> <p>Pitches at Holywell High School and Deeside Leisure Centre will require resurfacing in 2022/23 and 2023/24 respectively, based on the outcome of condition surveys that will be completed.</p> <p>No changes are proposed for 2022/24 to 2023/24.</p>
1.25	<p><u>Public Space CCTV Upgrades</u></p> <p>The upgrade of the public space CCTV cameras and associated control equipment has come through necessity, due to its age and a strong desire to reduce the increasing annual operational costs. Most of the existing analogue cameras have been declared obsolete “end of life”, meaning they are no longer supported by manufacturer(s) which makes it increasingly difficult to carry out repairs as faults arise. The provision of a public space CCTV scheme forms part of the Councils commitment to the Community Safety Partnership initiative.</p>

	<p>This project will provide the opportunity to upgrade the existing CCTV cameras to state of the art and “future proofed” technologies.</p> <p>Investment in the upgrade of an outdated CCTV system, the infrastructure and camera stock will reduce annual operational costs through projected savings on annual transmission costs and maintenance charges.</p> <p>No changes are proposed for 2022/24 to 2023/24.</p>
1.26	<p><u>New Street Car Park - Retaining Wall / Attenuation</u></p> <p>Urgent flood prevention works relating to the creation of a retaining wall/barrier from New Street Car Park will be carried out in 2021/22 and will require funding from ‘headroom’ in the current programme.</p> <p>The second phase relates to the potential creation of a large attenuation tank underneath the car park to slow flows into the main drainage system and reduce impact of flooding in this area of Mold, which will take place in 2022/23.</p> <p>New scheme included in 2022/23.</p>
1.27	<p><u>Shredder replacement at Greenfield Household Recycling Centre</u></p> <p>Funding required to replace the existing shredder at the Greenfield composting site. The machine has become increasingly expensive to repair annually, and the purchase of a new machine would improve site efficiencies and reduce maintenance costs. Ongoing breakdowns are impacting on the operational management of the service in line with legal requirements.</p> <p>New scheme included in 2022/23.</p>
1.28	<p><u>Funding ‘Headroom’</u></p> <p>‘Headroom’ has been built in to the Capital Programme to enable the programme to be more flexible so that funding can be allocated to small schemes as they present in year either as a result of opportunities or unforeseen circumstances (£0.350m per annum). An example would be the need to complete further highways works as a result of an exceptionally severe winter over and above any planned works funded from the annual allocation.</p> <p>No changes are proposed for 2022/23 to 2024/25.</p>
1.29	<p><b>Investment Section of the Capital Programme 2022/23 – 2024/25</b></p> <p>Table 4 below shows the proposed schemes for the period 2022/23 - 2024/25 for the Investment section of the Capital Programme. Details are provided in paragraphs 1.30 to 1.37.</p>

**Table 4**

<b>PROPOSED INVESTMENT SCHEMES 2022/23 - 2024/25</b>				
	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Investment Section</b>				
<u>Previously Approved</u>				
Historic Building Conservation	0.050	0.000	0.000	0.050
Foster carers home adaptations	0.060	0.000	0.000	0.060
Joint Archive Facility, FCC and DCC	0.000	1.419	1.364	2.783
	<b>0.110</b>	<b>1.419</b>	<b>1.364</b>	<b>2.893</b>
<u>New Schemes for Approval</u>				
Improvements to Standard Yard Waste Transfer Station	1.475	0.000	0.000	1.475
Penyffordd CP School Extension	0.257	0.000	0.000	0.257
Decarbonisation of the Vehicle Fleet	0.500	0.000	0.000	0.500
Croes Atti Residential Care Home	0.650	0.000	0.000	0.650
Relocation of Tri-ffordd Day Service Provision	0.270	2.430	0.000	2.700
	<b>3.152</b>	<b>2.430</b>	<b>0.000</b>	<b>5.582</b>
<b>Total Investment Section</b>	<b>3.262</b>	<b>3.849</b>	<b>1.364</b>	<b>8.475</b>

1.30

**Historic Building Conservation**

This allocation grants funding to the owners of historical buildings on a match funding basis to preserve buildings in need of capital works across the County for future generations.

**Direct Cost:**

- £0.050m per annum is utilised from the Council's capital programme budget

**Direct Benefits:**

- Encourages listed building owners to seek advice and guidance in relation to the repair of their listed buildings
- Provides a simple incentive for the owners to seek advice on the right process for repair as well as providing the means to prompt them to invest in essential repairs to their buildings, hence improving and enhancing the long term conservation status of the buildings
- Supports the policy intentions within the Local Built Heritage Strategy and allow the team to work more on a proactive basis, rather than, as is more the case at present, a reactive service
- Potential to attract funding from other sources (e.g. Cadw) which would further enhance the remit of the service and the ability to reach as many listed buildings as possible that are in need of repair. It would also facilitate the opportunity to carry out repairs at an earlier stage, which may be less of an impact on the original fabric of the listed building, thereby reducing scope for more complex and costly repairs if left to a later stage of deterioration

	<ul style="list-style-type: none"> <li>• Provides the opportunity for the service to step in in exceptional circumstances to secure the structure of a building to prevent imminent damage or collapse, and place a charge on the building that is recoverable on resale</li> <li>• There has been no funding available in the Built Conservation Budget for 10 years or more, and the number of listed buildings at risk on the Council's register is as high as ever. The funding will help reduce the number of buildings on the risk register</li> </ul> <p>Indirect Benefits:</p> <ul style="list-style-type: none"> <li>• Lessens the need to take negative enforcement action where unauthorised works are found, or neglect of a building has taken place. This allows a more proactive dialogue to take place between the Council and owners</li> <li>• Reduction in officer time spent on enforcement matters relating to historic buildings</li> </ul> <p>No changes are proposed for 2022/23.</p>
1.31	<p><u>Adaptations to Foster Carers' Homes</u></p> <p>This will enable foster carers to carry out adaptations or improvements to their homes to provide a suitable environment to support a child. This will help the increase placements across the County and reduce the annual burden on the Out of County revenue budget.</p> <p>Payments made to foster carers will subject to 'clawback' should they cease being a foster carer within a set period of time.</p> <p>Direct Costs:</p> <ul style="list-style-type: none"> <li>• £0.060m per annum is utilised from the Council's capital programme budget. Capital funding will be used for individual projects costing over £0.020m. Funding for projects below £0.020m will be sought from other funding streams including the Integrated Care Fund (ICF), and other grant opportunities. Funding for projects under £0.020m would be the responsibility of Social Services</li> <li>• No direct revenue or human resource implications for the approved revenue budget/workforce structures or roles for this service for the current financial year. Any grant applied for will have its own business case considering the individual circumstance and context and may have an impact on future revenue budgets</li> </ul> <p>Direct Benefits:</p> <ul style="list-style-type: none"> <li>• Increase the range and choice of available placements for children who require a home outside of their birth family, locally</li> <li>• Enable skilled and able foster carers to extend the number of places they are able to offer, or to maintain existing placements as circumstances or needs change</li> <li>• Seek best value for money from the range of placements available by using them in the most efficient and effective way</li> <li>• Any placements made are first and foremost in the best interests of the children</li> <li>• Secure stability or permanence for a children</li> </ul>

	<p>Indirect Benefits:</p> <ul style="list-style-type: none"> <li>• Enables the Council to seek better value for money in comparison to alternative Out of County or high cost placement options</li> <li>• Offers the Councils more cost effective options for placements for children in its care as well as having a robust and transparent process for doing so</li> </ul> <p>No changes are proposed for 2022/23.</p>
1.32	<p><u>Joint Archive Facility, Flintshire and Denbighshire Councils</u></p> <p>This scheme recognises and responds to the need and demand of the two Councils' archive services. Both services occupy old buildings, unfit for purpose. They lack suitable public spaces and appropriate storage, are too full to accept new collections and are listed buildings lacking scope for adaptation, requiring expensive maintenance. The proposal is to construct a new building adjacent to Theatr Clwyd, Mold, to house both the physical archives and the new service operations.</p> <p>The funding application for Heritage Horizon Award was unsuccessful, with the project board now seeking alternative grant funding from the National Lottery Fund Wales, however this will be at a significantly reduced funding level. Further work will continue to deliver a scaled back scheme, within the funding envelope, which still delivers against the business case for both authorities.</p> <p>Expressions of interest for funding are due to be submitted by the end of November 2021, and a decision on the outcome of this expected in March 2022.</p> <p>Direct Costs:</p> <ul style="list-style-type: none"> <li>• Estimated funding available for the project is £10.363m, with £5.3m from grant funding, £3.028m from Flintshire County Council and £2.035m from Denbighshire County Council</li> <li>• It has been assumed that borrowing will be required to fund this project. The estimated revenue costs associated with borrowing £3.028m over 50 years totals £8.327m. In year 1 revenue debt costs are estimated to be £0.142m, rising to £0.200m in year 50, with an average of £0.167m over 50 years.</li> </ul> <p>Direct Benefits:</p> <ul style="list-style-type: none"> <li>• Sustainable and improved archive service for Denbighshire and Flintshire via the creation of a single shared service.</li> <li>• The construction of a new purpose built Passivhaus building adjacent to Theatr Clwyd, Mold, to house both the physical archives and the new service operations. Provide a sustainable archive repository for the region for the foreseeable future from the perspective of storage space and building maintenance and management.</li> <li>• The overall revenue impact is an estimated saving of £11,647 per annum once the new building is open, with a potential further revenue saving once the joint service is running.</li> </ul>



	<p>Indirect Benefits:</p> <ul style="list-style-type: none"> <li>• Share knowledge and skills between the workforce of both Councils</li> <li>• Sphere of health, education and wellbeing (connectivity, involvement, identity) can be achieved.</li> <li>• The transferrable skills of our volunteers will develop will contribute to increasing their employability.</li> <li>• Deliver the long-term development of a resilient, relevant service: inspiring communities in North East Wales and enacting the Wellbeing of Future Generations Act; securing historic collections, diversifying audiences, volunteers and depositors.</li> <li>• Cost avoidance of £10,000 per annum additional revenue storage costs, and in excess of £0.718m to address the need for environmental management equipment, compliant storage areas and upgrading public facilities and access.</li> </ul>
1.33	<p><u>Improvements to Standard Yard Waste Transfer Station</u></p> <p>Infrastructure improvements, renewal and upgrade of large plant, equipment and welfare facilities at Standard Yard Waste Transfer Station (WTS) in Buckley, to accommodate growth in recycling rates and an increase in resilience and processing capacity for future waste streams.</p> <p>Funding of £3.325m has already been secured for the scheme based on costs that were estimated in 2019/20. Over the last 12-18 months, significant work has been undertaken to progress the scheme through the necessary planning consents and environmental permitting processes.</p> <p>However, due to the delays incurred owing to COVID-19, increased costs for design work and planning consultation, along with the complexities around ground investigation work, gas mitigation measures and drainage, additional funding of £1.475m is being requested to ensure that the scheme can be completed.</p> <p>The total cost of the scheme is estimated to be £4.8m.</p> <p>Direct Benefits:</p> <ul style="list-style-type: none"> <li>• Development of the site will ensure that we achieve the 70% target set by WG for recycling, and accommodate increased recyclable materials in the future</li> <li>• Proposals are part of the Council's Plan under the theme 'Green Council' for sustainable development and environmental management, which has a sub-priority of affordable and sustainable collection and treatment services for recyclable, compostable and residual waste</li> <li>• The new facility will increase recycling rates further, reduce material contamination and increase the quality of the recyclable materials, thereby maximising potential income for recyclable materials for the Council</li> <li>• Renewing the baling machine, plant and equipment, and introducing increased automated processing on site, with less manual processing. This will increase the efficiency of the site operations</li> </ul>

	<ul style="list-style-type: none"> <li>• Reduced revenue costs for repairs and maintenance at the site, will increase capacity and resilience, resulting in increased productivity and reduced downtime</li> </ul> <p>Indirect Benefits:</p> <ul style="list-style-type: none"> <li>• Improved welfare facilities for operatives – resulting in increased job satisfaction and contributes to their well-being</li> <li>• Construction of a new access road to adoptable highway standards will enable improved access for businesses on the industrial estate and allow the WTS to operate over one single site rather than the current operation of both sides of the access road, which has its limitations</li> <li>• Improved hauliers access for processing operations, which in turn would reduce downtime when haulage companies collect baled materials and increase productivity for processing operators</li> </ul>
1.34	<p><u>Penyffordd CP School Extension</u></p> <p>A new replacement school for Penyffordd C.P. was constructed and opened in September 2019. At the time, planning permission was approved to future proof the school for an additional 60 pupil place extension, as a consequence of housing developments in the area. Forecasts indicate that by 2025 the school will be full without any flexibility to accommodate additional pupils from local housing developments. The extension will provide a sufficient number of school places to meet the demands of the local area, with a level of accommodation that meets both School Modernisation and 21st Century schools standards.</p> <p>Direct Costs:</p> <ul style="list-style-type: none"> <li>• Capital investment required is £0.600m, with £0.343m being funded from Section 106 contributions</li> </ul> <p>Direct Benefits:</p> <ul style="list-style-type: none"> <li>• Enabling 57% of external investment in the school</li> <li>• Remove the requirement for the provision of two mobile classrooms, along with the associated revenue implications</li> <li>• Provide a sufficient number of school places to meet the demands of the local area, with a level of accommodation that meets both School Modernisation and 21st Century schools standards.</li> </ul> <p>Indirect Benefits:</p> <ul style="list-style-type: none"> <li>• Will respond to the needs of the Authority’s Local Development Plan for additional school places in the Flintshire area as a result of approved housing developments</li> <li>• Improving learner outcomes by ensuring that school buildings are effective in creating the conditions for learners to succeed</li> </ul>
1.35	<p><u>Decarbonisation of the Vehicle Fleet</u></p> <p>Investment will be directed to develop Electric Vehicle (EV) Infrastructure at viable County Offices and Depots. Initial investigations are underway to identify capacity and usage at existing sites, and this is being compared against options for operating models of electric vehicles. This work is</p>

	<p>required to aid the transition to Ultra Low Emission Vehicle (ULEV) fleet to support the County's Carbon Reduction ambitions.</p> <p>Direct Costs:</p> <ul style="list-style-type: none"> <li>• Capital investment required is £0.500m</li> </ul> <p>Direct Benefits:</p> <ul style="list-style-type: none"> <li>• Pump-prime the transition to EVs</li> <li>• Proposals are part of the Council's Plan under the theme 'Green Council' for sustainable development and environmental management</li> <li>• Reduction in fuel usage and costs</li> <li>• Reduction in Greenhouse Gas emissions</li> </ul> <p>Indirect Benefits:</p> <ul style="list-style-type: none"> <li>• Promote the wider use of Electric Vehicles</li> <li>• Promote Flintshire as a Green Council</li> </ul>
1.36	<p><u>Croes Atti Residential Care Home</u></p> <p>The care sector in Flintshire is working within an increasingly challenging environment as a result of a range of factors, including the complexity of need, an ageing population, rising costs, increasing expectations and regulation and difficulties with recruitment and retention of high quality staff. As a result of these pressures there is limited resilience and Flintshire is particularly challenged, with only a small number of independent providers who are part of a reducing and fragile market. As a Council, we are taking a positive approach to rebalancing the care home provision, taking a lead as a local authority to develop care homes that value older people and provide good quality support that would place the Council in a good position for the future.</p> <p>Croes Atti is a single storey 31 bed care home purpose built for older people, which was refurbished in 2005. The 31 bedrooms are small and less than 12 square metres which makes it increasingly difficult to support people with complex physical care needs and there are only 3 bedrooms with an en-suite facility. The living and day time spaces are well used and whilst we have a number of assisted bathing / shower rooms, they are not all DDA compliant. The existing accommodation does not meet new RISA regulations in relation to bedrooms and living space and any capital investing into refurbishment or new build must take into account of the new regulatory requirements. The care home is popular locally, is always at capacity and often with a waiting list for support. The home is regulated by the Care Inspectorate Wales (CIW) and achieves good inspection reports.</p> <p>The Council has recently been awarded ICF grant, to fund feasibility works for a potential new build which will increase capacity for a further 25 placements. The new facility is being developed with Betsi Cadwaladr University Health Board (BCUHB) and it is anticipated that support for the scheme will be received from WG, however the value of funding, at this stage, is yet to be confirmed.</p>

	<p>Detailed design and development works needs to take place following the feasibility study, which is expected to cost £0.650m. These works will result in detailed costings being completed, which will be used to support a formal application for funding to be submitted to WG for the scheme.</p> <p>Following clarity on funding obligations, all partners will need to make a decision on the next steps. There may be a need to consider low and sustainable levels of long term borrowing to ensure the scheme is delivered. Should the project not go ahead then the Council’s design and development of £0.650m cannot be capitalised and would be a charge to the Council’s revenue account.</p> <p>Direct Costs:</p> <ul style="list-style-type: none"> <li>• £0.650m required for the design and development stage</li> <li>• Estimated total costs of the scheme is assessed at £15m</li> <li>• Following the design and development stage of the project, construction would begin in 2023/24 over a two year period. Funding will be sought from a mix of WG grants, FCC capital receipts and prudential borrowing</li> </ul> <p>Direct Benefits:</p> <ul style="list-style-type: none"> <li>• Additional provision of residential care placements and through release of placements in other locations across Flintshire currently using step-up/step-down beds</li> <li>• Additional provision of short term beds in a community setting to allow for more appropriate assessment of need for individual and as a viable alternative to a hospital admission/delayed discharge</li> <li>• Purpose built accommodation and bespoke service provision to maximise independence and support reablement</li> <li>• Increase in placements for citizens living in the west of Flintshire to link to acute service provision, supporting greater choice and ability to be in a location of their choosing</li> </ul> <p>Indirect Benefits:</p> <ul style="list-style-type: none"> <li>• Integrated provision of multi-professional support needed to reduce organisational boundaries and improve outcomes for individuals</li> <li>• Discharge to Reable and Assess ethos and environment to support improved longer term planning within an enabling environment</li> <li>• Free up bed space within independent sector care homes, where existing fragilities and lack of capacity are a significant factor and ongoing risk</li> <li>• At a population level, the equivalent number of beds are available within the care sector to promote choice when long term care is the most appropriate option</li> <li>• Reduction in risks associated with long term hospital stay</li> <li>• Potential avoidance of people entering into long term care where this may be unnecessary</li> </ul>
1.37	<p><u>Relocation of Tri-ffordd Day Service Provision</u></p> <p>Tri-ffordd is a day service provision in a horticultural environment set on 1.09 acres in Broughton for adults who have a learning disability, providing an opportunity for meaningful work orientated activity. The individuals who</p>

attend have a range of abilities and require varying levels of support and encouragement throughout the day to engage in activities and assist them with their daily needs.

The current building at Tri-ffordd are farm houses, knocked through in to one, with restricted internal space for service users. The site is located on a busy road, and offers no opportunity for further development. Social Services need to relocate the provision to provide a high quality service, taking in to account the needs of the individuals and of the service, in to the future.

Through an options appraisal, a 10 acre site on the outskirts of Mold has been identified as a potential new location for Tri-ffordd's activities, alongside further service developments.

#### Direct Costs:

- Capital investment required is £2.7m, for the development of new workshop buildings, alongside an office and other necessary facilities, toilets, boot room, garage for equipment
- It has been assumed that borrowing will be required to fund this project. The estimated revenue costs associated with borrowing £2.7m over 50 years totals £7.4m. In year 1 revenue debt costs are estimated to be £0.126m, rising to £0.179m in year 50, with an average of £0.149m over 50 years

#### Direct Benefits:

- Improved offer for people with Learning Disabilities in a purpose built facility to meet the needs of people with learning disabilities, including those with mobility issues
- The development of workshops for people supported to undertake their activities safely
- The development of a 'staff' area, with office, meeting space and breakout spaces for those attending. Here those attending undertake other activities. This also includes a reception where the service can sell the items produced at the site, such as plants and hanging baskets, alongside other products made across learning disability services, including crafts and refurbished bikes
- Provision of a 'changing places' facility in the Mold area

#### Indirect Benefits:

- The new site presents an opportunity for service development. There is potential for services to be offered 7 days a week, providing additional support to individuals and families in Flintshire. Primarily, an additional development on the site could include local day services for autistic individuals. Many autistic individuals current access day provision on Wirral, as provision is not available locally
- There is scope for the wider site to develop in to a community asset, not only for the people supported, but for other members of the local community
- Location of a service in Mold would provide a balance of the learning disability day/work opportunities offer across the county, complimenting sites in Queensferry (Hwb Cyfle), Flint (Abbey

- Upcycling, charity shop and Project SEARCH), Shotton (Rowleys Cafe) and Greenfield (Hwb Dyffryn and Freshfields Café)
- The Tri-ffordd site will be freed up for other uses

**1.38 Summary (Generally funded) Capital Programme 2022/23 – 2024/25**

Table 5 below summarises the generally funded Capital Programme and available funding.

**Table 5**

<b>SUMMARY (GENERALLY FUNDED) CAPITAL PROGRAMME 2022/23 - 2024/25</b>				
	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
Statutory / Regulatory Section	3.180	3.180	3.130	9.490
Retained Assets Section	4.340	3.382	3.722	11.444
Investment Section	3.262	3.849	1.364	8.475
<b>Total (All Sections)</b>	<b>10.782</b>	<b>10.411</b>	<b>8.216</b>	<b>29.409</b>
Estimated available general funding <sup>1</sup>	9.995	6.532	6.532	23.059
<b>Total</b>	<b>9.995</b>	<b>6.532</b>	<b>6.532</b>	<b>23.059</b>
<b>Surplus / (Shortfall) - no borrowing</b>	<b>(0.787)</b>	<b>(3.879)</b>	<b>(1.684)</b>	<b>(6.350)</b>
<b>Schemes requiring funding by borrowing:</b>				
Joint Archive Facility, FCC and DCC	0.000	1.419	1.364	2.783
Relocation of Tri-ffordd Day Service Provision	0.270	2.430	0.000	2.700
<b>Total</b>	<b>0.270</b>	<b>3.849</b>	<b>1.364</b>	<b>5.483</b>
<b>Surplus / (Shortfall) - with borrowing</b>	<b>(0.517)</b>	<b>(0.030)</b>	<b>(0.320)</b>	<b>(0.867)</b>
<small>1 As per 21/22 Final Settlement</small>				

1.39 Table 5 shows that before any prudential borrowing is considered there is an overall shortfall in projected funding of £6.350m over the 3 year period, with an estimated shortfall of £0.787m in 2022/23.

Given the size of the shortfall, in particular in 2023/24 and 2024/25, it is recommended that the new large investment schemes being proposed are funded from borrowing with the associated costs of borrowing included as revenue pressures within the Medium Term Financial Strategy (MTFS).

Table 5 above shows which schemes would be funded from borrowing.

1.40 Table 5 shows that after prudential borrowing is considered, there is an overall shortfall in projected funding of £0.867m over the 3 year period, with an estimated shortfall of £0.517m in 2022/23.

	<p>The Council's contribution towards the construction works at Croes Atti Residential Care Home, will need to be built into next year's programme following confirmation of WG grant funding for the scheme.</p> <p>The Council has developed a prudent policy of allocating its own capital receipts to fund capital projects only when receipts are actually received rather than when it is anticipated the receipt will be received, and this position continues to be the case.</p> <p>In recent years, much of the Council's programme has been funded from capital receipts. However, the Council's ability to generate significant capital receipts is getting harder and is almost exhausted. Although the Council will, wherever possible, seek to identify assets for sale (as appropriate) to fund the Capital Programme.</p> <p>The current projection for capital receipts is expected to cover the shortfall of the three year programme. There is risk relating to these due to their size and complexity. The timing of these receipts are also subject to market forces outside of the Council's control. In line with current policy no allowance can be made for these receipts in funding the deficit above.</p> <p>Options to fund the shortfall include a combination of future capital receipts, alternative grants, and scheme phasing as the expenditure profile of large complex projects such as those included in the investment section of the programme could change. Every effort will be made to ensure that other sources of funding are utilised to fund the programme.</p> <p>Ultimately, should other sources of funding not materialise the Council will need to use prudential borrowing to finance the shortfall. This could be short term during the three years, or if necessary, long term to fund the overall shortfall.</p>
1.41	<p><b>Specific Grants and Borrowing</b></p> <p><b>21<sup>st</sup> Century Schools Band B</b></p> <p>WG has approved the Council's in principle submission for 21<sup>st</sup> Century Schools Band B. The programme is to be funded from specific grant from WG at an agreed intervention rate, with the Council's contribution to be funded by prudential borrowing. The WG intervention rate for funding the 21<sup>st</sup> Century Band B programme has increased from 50% to 65% for schools, 75% for Pupil Referral Units (PRUs) and 81% for Mutual Investment Models (MIM).</p> <p>The current revised financial forecast for the Band B programme is projecting a total cost of £104m against the approved funding envelope from WG of £85m. Discussions have taken place with WG and the national picture is that other Councils are in the same position. WG's position is that they cannot commit to individual requests for funding currently, but wish to remain flexible with Councils as they work through their programmes.</p>

Each of the projects is subject to individual approval to ensure that each meets the Council's continuing priorities and is affordable in the context of the Council's MTFS.

Over the last number of years, the following 21st Century Schools Band B schemes have been included within the Council capital programme, those being at Connah's Quay High School, Queensferry CP/Plas Derwen PRU, Ysgol Croes Atti, Shotton, Ysgol Croes Atti, Flint, Saltney / Broughton Area and Mynydd Isa Area (MIM project).

In recent months the Council have been reviewing the final individual projects for inclusion in the Band B tranche of funding. These are schemes at Drury Primary School and Elfed High School, Buckley.

The respective estimated costs of these schemes are outlined in the table below:

Band B	Total Cost	WG funded	Council funded
	£m	£m	£m
Connah's Quay HS	4.300	2.795	1.505
Queensferry CP / Plas Derwen PRU	8.000	5.700	2.300
Ysgol Croes Atti, Shotton	0.750	0.488	0.262
Ysgol Croes Atti, Flint	5.500	3.575	1.925
Saltney / Broughton Area	25.000	16.250	8.750
Mynydd Isa Area*	2.718	1.767	0.951
Drury CP	3.650	2.372	1.278
Elfed HS	4.488	2.917	1.571
Total	54.406	35.864	18.542

\* ICT & Fixtures, Fittings & Equipment funded through traditional capital.

WG have confirmed that proposed 3-16 campus project at Mynydd Isa is a national Pathfinder project. This provides the benefit of a WG funded technical team to support officers with Flintshire through the MIM process. Councils who have nominated MIM within their strategic programme projects have signed the Strategic Partnering Agreements. The WEPco (Welsh Education Partnership Company), which is the vehicle being used by WG to deliver MIM projects, was available to LA's and FEI's on the 1st October 2020.

MIM enables WG to deliver infrastructure projects beyond that set by present UK Government borrowing limits. If WG do not use MIM, £500 million pounds of investment in the education estate will not be available to Councils within Wales and this would have implications on the Council's proposed programme locally.

A private sector contractor is appointed via a new WG framework and the contractor finances, constructs and provides a 25 year life-cycled building product. Responsibility for funding and constructing the building, and then repairing and maintaining the building for 25 years once built, remains with



the contractor. This results in buildings funded by MIM being maintained at a consistently high level for 25 years.

The Council pays an annual charge which is funded from revenue, similar to a rental payment, called the 'service payment'. Through this programme Councils will receive intervention rate funding at 81% from WG for a period of 25 years, thereafter the building is handed over to the Council. The funding from WG will be received in the form of a specific grant.

The capital works in MIM are managed and funded by the contractor so the Council won't borrow to fund the capital works and the associated risks are transferred to the contractor. Revenue payments will not start until the facilities have been built and become available for use, and will be paid for via a monthly revenue charge over a period of 25-years (the Service Payment).

The required accounting is that the asset remains on the LA's balance sheet matched with the total liability to pay the unitary charge over 25 years. Revenue pressures relating to this scheme will need to be considered at the time of approval.

The benefits and costs of the school improvement programme scheme are:

**Direct Benefits:**

- Enabling 65%-81% external investment in schools
- Continuing to raise educational standards
- Reduction in backlog maintenance costs
- Reduction in fixed costs associated with buildings and leadership focuses investment on learners
- At Drury CP, the removal of mobile classrooms and increase in permanent capacity to meet local demand
- Ysgol Croes Atti, Flint, will be Flintshire's first new build Welsh Medium primary school and is strategically linked to the Council's Welsh Education Strategic Plan (WESP).
- For Elfed High, the removal of suitability and condition issues through investment
- Energy efficiency improvements

**Direct Costs:**

- Part of bigger development programme in Band B, £85.4m.
- Estimated revenue borrowing costs associated (interest and minimum revenue provision) with each scheme are as follows:

Band B	Year 1	Year 50	Average over 50 years
	£m	£m	£m
Connah's Quay HS	0.063	0.092	0.075
Queensferry CP / Plas Derwen PRU	0.096	0.141	0.115
Ysgol Croes Atti, Shotton	0.011	0.016	0.013
Ysgol Croes Atti, Flint	0.093	0.130	0.109
Saltney / Broughton Area	0.423	0.592	0.494
Mynydd Isa Area	0.046	0.065	0.054
Drury CP	0.060	0.085	0.070
Buckley Elfed HS	0.074	0.104	0.086
Total	0.866	1.225	1.016

Indirect Benefits:

- Improving learner outcomes by ensuring that school buildings are effective in creating the conditions for learners to succeed
- Alignment with the Council's School Modernisation Strategy to ensure schools are fit for purpose
- A more secure school estate
- A school estate with reduced vandalism
- Upgrading ICT provision and enabling new methods of curriculum delivery
- Provision of appropriate capacity of school network
- Economic benefits of local contractor and sub-contractor spend

1.42

Theatr Clwyd Redevelopment

The Theatr Clwyd building is nearing the end of its life and needs updating to ensure it is safe for public and employment use. The scope of the project has been reduced in line with agreed key business plan objectives, with estimated construction costs of £38m.

The Council will receive significant levels of external funding for the construction stage of the scheme, with £22m expected to be awarded from WG, £5m from the Arts Council of Wales (ACW) and £4m from Theatr Clwyd. The Council will contribute £7m towards the scheme through low and sustainable levels of long term borrowing. Flintshire's contribution equates to 20% of the scheme costs which indicates the low level of debt to equity on the project.

The planned construction start date for the project is April 2022.

Current financial commitments from Council will be carried forward. Should the project not go ahead then the Council's share of the design development costs cannot be capitalised and would be a charge to the Council's revenue account.

	<p><b>Direct Costs:</b></p> <ul style="list-style-type: none"> <li>• Capital investment of £38m required with funding commitments shared between WG (£22m), ACW (£5m), Theatr Clwyd (£4m) and the Council (£7m), as detailed above.</li> <li>• The estimated revenue costs associated with borrowing £7m over 50 years totals £19.2m. In year 1 revenue debt costs are estimated to be £0.328m, rising to £0.463m in year 50, with an average of £0.385m over 50 years</li> </ul> <p><b>Direct Benefits:</b></p> <ul style="list-style-type: none"> <li>• Enabling 80% external investment in Theatr Clwyd</li> <li>• Development to improve and increase the biggest and a highly regarded Welsh theatre</li> <li>• A better facility for Flintshire communities, a base for increased community engagement, and multi-use spaces to be used for community needs</li> <li>• Improved facilities to increase secondary revenue generation restaurant, bars, event spaces, etc</li> <li>• Reduced revenue and capital maintenance costs</li> </ul> <p><b>Indirect Benefits:</b></p> <ul style="list-style-type: none"> <li>• A base for young people to gather, learn and develop (currently 30,000 young people per year engaged with)</li> <li>• Specific spaces for Health and Wellbeing user groups</li> <li>• More facilities for work placed training in building (woodwork, carpentry) and other transferable theatre making crafts as well as hospitality, marketing, IT, arts management</li> <li>• Increase local footfall and marketing of Flintshire across the UK (In 2016 over 200,000 people visited work at Theatr Clwyd and another 220,000 people saw a Theatr Clwyd production elsewhere in the UK)</li> <li>• Improvement of working conditions for employees and protection, and growth, of work for local people (In 2016 nearly 200 local people were directly employed by TC, not including impact of trade with other local suppliers)</li> <li>• Development of economic contribution (currently 46% of Theatr Clwyd's audiences visit Flintshire from elsewhere in the UK)</li> </ul> <p>The Council will retain ownership of the theatre and is responsible for all of its infrastructure, external envelope and grounds. These assets are specialised and expensive to replace, which is one of the reasons why such major investment is required. However, on the lead up to the major refurbishment scheme and post refurbishment, there will be a need to fund landlord retained service and equipment proportionally, and in line with agreed responsibilities that may be set out in any future management agreement. This is no different than those that exist for the libraries and leisure centres.</p>
1.43	<p><b>Mockingbird Family Model</b></p> <p>The aim of the project is to transform the Fostering Service to meet the placement needs of looked after children and avoid the escalating costs of external care provision.</p>

	<p>The Mockingbird Family Model (MFM) replicates an extended family and groups foster carers of 6-10 fostering households supported by a central foster carer (Hub Home Carer).</p> <p>The number of looked after children has been increasing year on year with greater demand for suitable placements for our children and young people. Overall demand is not being met from in-house provision and reliance is being placed on the use of independent fostering agencies and residential placements which are costly.</p> <p>Children and young people who are provided consistent and stable placements have better outcomes than those who move from placement to placement. Each change of placement, often further away from a child's home, brings a greater sense of detachment and loss and it is common for children's emotional investment in subsequent placements to reduce, perpetuating the cycle of placement breakdown and disconnection. The MFM creates an 'extended family' around our children and young people, promoting their sense of belonging.</p> <p>A detailed business plan has been submitted to WG for an 'Innovate to Save' interest free loan. The intention is to set up the new service gradually over 3 years funded from the interest free loan totalling £1.150m. The loan will be repaid from savings made in years 4 to 7 which are estimated to be £0.530 per annum, which after repaying the loan will be reduced to £0.243m. The project costs are revenue costs, and therefore ordinarily cannot be funded by loans or borrowing. The Welsh Government's 'Innovate to Save' programme requires the revenue costs to be treated as capital, and the only way to achieve this is to gain a Capitalisation Direction from WG Ministers as each year of the project passes. An indication will be given by WG officials if the Capitalisation Direction will be granted when the business plan is approved. This is the final year of the three year funding.</p>
1.44	<p>Details of schemes specifically funded by specific grant and borrowing is shown in Table 6 below:</p>

**Table 6**

<b>SPECIFICALLY FUNDED SCHEMES 2022/23 - 2024/25</b>				
	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Specifically Funded Schemes</b>				
21st Century Schools - Band B	7.303	17.939	14.360	39.602
Theatr Clwyd Redevelopment	19.000	19.000	0.000	38.000
Mockingbird Family Model	0.384	0.000	0.000	0.384
<b>Total Schemes</b>	<b>26.687</b>	<b>36.939</b>	<b>14.360</b>	<b>77.986</b>
<b>Funding</b>				
Specific Capital Grants	23.747	19.853	9.141	52.741
Unsupported (Prudential) Borrowing	2.556	13.086	5.219	20.861
Theatr Clwyd Contribution	0.000	4.000	0.000	4.000
Innovate to Save Loan	0.384	0.000	0.000	0.384
<b>Total Schemes</b>	<b>26.687</b>	<b>36.939</b>	<b>14.360</b>	<b>77.986</b>

1.45 At the time of setting the budget, the details of many capital grants have not been released by WG, and so are not included in Table 6 above. As details become available they will be reported to Members via the quarterly 2022/23 Capital Programme monitoring reports.

1.46 All of the schemes proposed for inclusion within the Capital Programme invest in assets and / or reconfigure models of service provision. They are pivotal to support the delivery of the Council's strategic priorities outlined in portfolio business plans and the Council Plan.

1.47 **Summary Total Council Fund Capital Programme 2022/23 - 2024/25**  
Table 7 summarises the total proposals for the 2022/23 - 2024/25 Capital Programme.

**Table 7**

<b>SUMMARY CAPITAL PROGRAMME 2022/23 - 2024/25</b>				
	<b>2022/23</b>	<b>2023/24</b>	<b>2024/25</b>	<b>Total</b>
	<b>£m</b>	<b>£m</b>	<b>£m</b>	<b>£m</b>
<b>Expenditure</b>				
Statutory / Regulatory Section	3.180	3.180	3.130	9.490
Retained Assets Section	4.340	3.382	3.722	11.444
Investment Section	3.262	3.849	1.364	8.475
Specific Section	26.687	36.939	14.360	77.986
<b>Total Programme (All Sections)</b>	<b>37.469</b>	<b>47.350</b>	<b>22.576</b>	<b>107.395</b>
<b>Funding</b>				
General Funding <sup>1</sup>	9.995	6.532	6.532	23.059
Grant Funding	23.747	19.853	9.141	52.741
Unsupported (Prudential) Borrowing	2.826	16.935	6.583	26.344
Theatr Clwyd Contribution	0.000	4.000	0.000	4.000
Innovate to Save Loan	0.384	0.000	0.000	0.384
<b>Total Projected Funding</b>	<b>36.952</b>	<b>47.320</b>	<b>22.256</b>	<b>106.528</b>
<b>Surplus / (Shortfall)</b>	<b>(0.517)</b>	<b>(0.030)</b>	<b>(0.320)</b>	<b>(0.867)</b>
<b>1 As per 21/22 Provisional Settlement</b>				

**Potential future schemes**

1.48 All capital schemes need to be considered in the context of the position of the Council's MTFs. All schemes which require prudential borrowing to fund them add revenue pressures in the form of interest charges and charges to the Minimum Revenue Provision (MRP).

**1.49 21<sup>st</sup> Century Schools & Colleges Investment Programme - Band C**

The WG schools investment programme is expected to continue into Band C, with the expectation is that this will run from 2025 to 2030.

Unknown's at this stage are the WG intervention rates and also whether WG will be using MIM funding in Band C, although the Strategic Partnering Agreement set up to deliver MIM projects in Wales has a ten year duration.

WG are also likely to introduce additional criteria for Net Zero Carbon (NZC) in construction and, or operation for new build schools with the next phase of the programme. To this end, early industry indications are that this is likely to increase construction costs by 10% in construction and 20% in operation.

Whilst there are a lot of unknowns currently, early modelling work is already being undertaken in forming the Councils potential Band C programme. This work will be presented at a later date.

1.50	<p><b>Llys Gwenffrwd, Holywell Care Home Review</b></p> <p>Llys Gwenffrwd is a 31 bed, three storey care home built in the 1970s which was refurbished in early 2000. There are challenges associated with the current building as it is built on a sloping site, as a result there are a number of levels requiring the need for ramps to access many areas both inside and outside. It includes the provision of a single undersized lift to reach the three stories which does not meet DDA requirements and there are a number of living and day spaces which are some distance from the bedroom areas. Outside space is difficult to access because of the site levels and parking can be difficult. The Holywell locality has the fewest number of care home placements available and would benefit from a new build facility on a different more accessible site which requires further consideration.</p>
1.51	<p><b>Children's in-house Residential Care Home</b></p> <p>Three properties have been acquired by the Council using a capital grant from WG. Further grant in 2021/22 has been approved to cover the costs of the refurbishment of the properties. Where possible, the Council will continue to look at other potential in-house residential care opportunities going forward.</p>
1.52	<p><b>Additional Learning Needs Reform</b></p> <p>In previous Cabinet reports, the need for specialist Autism and Moderate Learning Difficulties facilities had been highlight as short/medium term ambition. In reviewing the impact of Additional Learning Needs (ALN) transformation, extending existing ALN provision would also be a requirement along with consideration for a Secondary Phase Behaviour, Emotional &amp; Social Difficulties (BESD) Resourced Unit, the County only has primary provision currently. A technical feasibility is currently being undertaken to provide a range of options with high level cost estimates around effective building solutions. As an alternative option to a Council funded solution, it would be prudent to consider whether ALN transformation could be included as a project (or series of projects) from 2024. For larger value cost options it would be prudent to consider the next phase of the WG 21st Century schools (Band C) investment programme, given that the current intervention rate in this programme for ALN provision is 75% WG funded, with the Councils contribution being 25%.</p>
1.53	<p><b>County Hall Campus</b></p> <p>The redevelopment of the County Hall campus site needs to be progressed through the formulation of a comprehensive and visionary masterplan, which addresses the future needs to the Council and other public sector partners; linking this with an integrated approach around the Courts and theatre, together with a wider site development. This work has started with the demolition of phase 3 and 4 of County Hall, which was completed in November 2020. The site has huge potential being framed within a mature semi-rural landscape; with work on a comprehensive plan currently ongoing.</p>

1.54	<p><b>Review of Industrial Estates</b></p> <p>The Council's industrial estates are widely dispersed throughout the County and provide much needed commercial accommodation to many local businesses, preventing them from leaving the County and maintaining local sources of employment. They also bring into the Council significant revenue through rental income but are of an age where they are now likely to require investment.</p> <p>The Council is currently undertaking a detailed review of two of our industrial estates. This will be a detailed study of various options which will then be explored in more detail. Various factors will be considered such as regeneration, employment opportunities, sustainability and economic viability. This will then form a template approach for the review of the remainder of our industrial portfolio.</p>
1.55	<p><b>Highways Asset Management Plan</b></p> <p>The core Capital Programme includes £1m per annum for the HAMP. In 2021/22, as in previous years, this has been supplemented by additional WG grant. It has been estimated that the investment required to maintain current network performance is £3.2m per annum, an increase of £2.2m per annum. The Council are awaiting an announcement from WG on the level of funding from the Public Highways Refurbishment Grant for the 2022/23 financial year.</p>
1.56	<p><b>Digital Strategy</b></p> <p>A planned programme of projects required to increase the number and range of services available digitally are under consideration. The projects have an impact across a range of services, rather than in a single specific service e.g. web payment portal that will be used for all payments to the council. These will be used to enhance the ability of customers to interact with the Council on line.</p> <p>The capital costs of purchasing new software will be calculated on a project by project basis at the time each project is ready to proceed in order to accurately capture not only the technical requirements for the software but also the costs prevailing at the time.</p> <p>The range of cross cutting projects under consideration include:</p> <ul style="list-style-type: none"> <li>• Software that can automate answering simple telephone calls or email enquiries (so called "chat bots")</li> <li>• A generic web booking system to allow customers to make appointments for services on line</li> <li>• Integration of webchat and email into the Customer Relationship Manager application</li> <li>• A generic facility for customers to upload and store commonly needed documents e.g. proof of entitlement to benefits</li> <li>• Software to link information held in separate databases so that we can update them all at once in a single contact with the customer</li> </ul>



1.57	<p><b>Deeside Leisure Centre</b></p> <p>Deeside Leisure Centre (DLC) is 50 years old and reaching the end of its economic useful life. It is the largest sports facility in the County at 15,000m<sup>2</sup> and is of strategic importance regionally and locally in terms of sports participation and health and wellbeing. It is an ageing building occupying too large a footprint with inefficient energy systems. The building is not sustainable beyond the medium term.</p> <p>DLC is partially occupied by the Health Board at present with the ice rink arena currently being used as a COVID-19 vaccination centre until March 2022. Once the need for additional health care services in North Wales is over, the leisure centre will be returned to full use. The Council is in ongoing discussions with WG regarding 1) financial support to reinstate the facilities at DLC following its initial use as a field hospital, and 2) financial support during the period of phased recovery (loss of income).</p> <p>The Council, and its strategic partner Aura, has recently undertaken a feasibility study and business case of options for the leisure centre going forward, and will review the impact this may have on the Capital Programme and any future potential revenue savings.</p>
1.58	<p><b>Homelessness – Young Persons Hub</b></p> <p>Responding to the needs of young people and particularly those who may be at a risk of homelessness is a key focus for the Council. Consideration needs to be given to not only accommodation needs but also support to assist young people with the key life skills needed to live independently and reduce risks of homelessness. When looking at best practice in this area of work, there are a number of examples of positive practice which seek to not only provide accommodation, but also co-ordinate support and service delivery.</p> <p>Over the next 12 months the Housing &amp; Prevention Service is to consider opportunities for the development of a Young Persons Hub which will seek to provide a number of units of self-contained accommodation with support onsite. This could potentially extend to provision of housing and homelessness advice and support and offered local facilities for co-location of services within a “housing hub”. A feasibility study will be considered to inform this approach which may provide office and community space to ensure a joined up approach within a multi-disciplinary team model.</p> <p>Subject to the outcome of feasibility works, capital funding may be required to deliver on this agenda. External funding streams will also be considered in order to maximise opportunities to develop the Young Persons Hub.</p>
1.59	<p><b>Homelessness – Emergency Bed Provision</b></p> <p>In late 2019, the Council undertook work to develop an Emergency Bed provision for people who are homeless and may otherwise face the prospect of sleeping rough. Significant works were completed within the Glanrafon Resource Centre in Queensferry to transform the building into a Night Shelter offering up to 12 Emergency Beds. The Council, as the</p>

	<p>owner of the building, completed refurbishment works and then partnered with The Wallich, to deliver the support required to safely operate the Night Shelter.</p> <p>Following the COVID-19 pandemic, further guidance has been issued by WG regarding the future direction of homelessness service. In the guidance there is a particular focus on “night shelters” and “bed spaces” with a clear steer on moving away from shared housing models with communal spaces and offering self-contained accommodation for people experiencing homelessness.</p> <p>The Glanrafon Night Shelter was always a medium term solution for rough sleeping in Flintshire with other approaches to be developed in future years with a commitment to develop more support to prevent rough sleeping and ensuring a self-contained accommodation offer. Funding has been secured through WG (Phase 2 Homelessness Funding) which will assist with the immediate pressures on our homeless cohort, but additional capacity and revised models of emergency accommodation will need to be explored and may require capital funding in future years.</p>
1.60	<p><b>Net Zero Carbon Aims</b></p> <p>WG has set out its legal commitment to achieve net zero emissions by 2050 and work towards a net zero public sector in Wales by 2030. One of the Council’s key priorities within the Council Plan is to become a NZC Council by 2030 and to support wider decarbonisation actions across the County. The capital works programme plays a vital role in accelerating the shift towards achieving the NZC target. The Council has been investing in low carbon and renewable energy systems and energy efficiency for over 10 years which has led to a 51% reduction in scope 1 and 2 greenhouse gas emissions against a 2007/08 baseline year.</p> <p>Inclusion of this priority within the programme reinforces our commitment to tackling climate change and acknowledges that we have a significant role to play in further reducing our own greenhouse gas emissions. This commitment values energy efficiency, low carbon and smart technologies as a fundamental requirement of reaching net zero for across a multitude of Council services, acting as an important contributing factor towards decarbonisation.</p>
1.61	<p><b>Schools IT Networking Infrastructure (2025 – 2034)</b></p> <p>Flintshire, along with all other authorities in Wales were awarded by WG a significant amount of money to replace old and outdated networking infrastructures within all school. This has provided the schools with a sound digital platform to deliver the curriculum for a number of years. The school infrastructures formed part of the Hwb programme (WG programme) and subsequent funding has been directed towards end users devices.</p> <p>A condition of the grant was that Local Authorities put in place sustainability plans to fund replacement infrastructures when they need replacement.</p>

1.62	<p><b>Abbey Upcycling</b></p> <p>Abbey Upcycling is part of the services operated by Hft for people with Learning Disabilities on behalf of the Council.</p> <p>The service is split into three projects: bike upcycling, electronics and woodwork. This is working well as people are able to choose which activity they want to do the most and which they are enjoying the most. Abbey Upcycling now work in partnership with Sandycroft Household Recycling Centre, where operatives put aside discarded bikes, which are then collected.</p> <p>The site is located in Heinz Park, Flint with the building continuing to deteriorate. It will require structural repairs in the future to enable the service to continue to occupy the premises.</p>
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>																																
2.01	Financial consequences for capital resources are as set out within the report.																																
2.02	<p>As previously stated there are revenue consequences of borrowing in interest costs and revenue provision for debt repayment which will bear on the MTFS as new pressures.</p> <p>Assuming the shortfall is as estimated (£0.867m), and that the asset life of schemes is 50 years the pressures on the revenue budget are shown in the table below. The pressures for previously approved school building works and the Joint Archive Facility have been built into the current MTFS. Pressures for the shortfall in Council funding, along with new school schemes, Theatr Clwyd and Tri-ffordd will be built into future MTFS calculations as necessary.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">Pressure in Year 1</th> <th style="text-align: center;">Pressure in Year 50</th> <th style="text-align: center;">Average Annual Pressure</th> </tr> <tr> <th></th> <th style="text-align: center;">£m</th> <th style="text-align: center;">£m</th> <th style="text-align: center;">£m</th> </tr> </thead> <tbody> <tr> <td>Shortfall in Council Funding (£0.867m)</td> <td style="text-align: center;">0.041</td> <td style="text-align: center;">0.057</td> <td style="text-align: center;">0.048</td> </tr> <tr> <td>Drury CP</td> <td style="text-align: center;">0.060</td> <td style="text-align: center;">0.085</td> <td style="text-align: center;">0.070</td> </tr> <tr> <td>Buckley Elfed HS</td> <td style="text-align: center;">0.074</td> <td style="text-align: center;">0.104</td> <td style="text-align: center;">0.086</td> </tr> <tr> <td>Theatr Clwyd</td> <td style="text-align: center;">0.328</td> <td style="text-align: center;">0.463</td> <td style="text-align: center;">0.385</td> </tr> <tr> <td>Tri-Ffordd</td> <td style="text-align: center;">0.126</td> <td style="text-align: center;">0.179</td> <td style="text-align: center;">0.149</td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: center;"><b>0.629</b></td> <td style="text-align: center;"><b>0.888</b></td> <td style="text-align: center;"><b>0.738</b></td> </tr> </tbody> </table> <p>The table does not include the Mockingbird Family Model as the loan will be repaid from revenue savings generated as a result.</p>		Pressure in Year 1	Pressure in Year 50	Average Annual Pressure		£m	£m	£m	Shortfall in Council Funding (£0.867m)	0.041	0.057	0.048	Drury CP	0.060	0.085	0.070	Buckley Elfed HS	0.074	0.104	0.086	Theatr Clwyd	0.328	0.463	0.385	Tri-Ffordd	0.126	0.179	0.149	<b>Total</b>	<b>0.629</b>	<b>0.888</b>	<b>0.738</b>
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<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The proposed Capital Programme was reviewed by Corporate Resources Overview and Scrutiny Committee for comment at its meeting on 11 <sup>th</sup> November 2021, with their comments being fed back to Cabinet at its meeting on 16 <sup>th</sup> November 2021.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Any decisions made which involve the Council's assets and its Capital Programme often have very large and long term financial implications. As it seeks approval for its Capital Programme, the Council is required to produce indicators assessing the affordability, prudence and sustainability of the capital plans. These are called the Prudential Indicators and are included in the Capital Strategy report also included on this agenda.

<b>5.00</b>	<b>APPENDICES</b>
5.01	None.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Business Case forms completed by Portfolios.  <b>Contact Officer:</b> Chris Taylor, Strategic Finance Manager <b>Telephone:</b> 01352 703309 <b>E-mail:</b> <a href="mailto:christopher.taylor@flintshire.gov.uk">christopher.taylor@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Asset Management Plan</b> - A plan maintained by an authority of the condition and suitability of its assets, updated regularly and utilised to assess future capital needs</p> <p><b>Capital Expenditure</b> - Expenditure on the acquisition of <b>Non-current Assets</b> or expenditure that extends the life or value of an existing asset</p> <p><b>Capital Programme</b> - The Council's financial plan covering capital schemes and expenditure proposals for the current year and a number of future years. It also includes estimates of the capital resources available to finance the programme</p> <p><b>Capital Receipt</b> - Receipts (in excess of £10,000) from the disposal of an asset</p>

**Capital Scheme** - An individual capital project which is monitored and managed in isolation. The aggregate of all schemes comprises the **Capital Programme**

**Capital Strategy** - A corporate document providing clear strategic guidance about an authority's objectives, priorities and spending plans, demonstrating the link to key corporate and service objectives. May be combined with the **Asset Management Plan (AMP)** to form a single document

**Council Fund** - The fund to which all the Council's revenue and capital expenditure is charged

**Disposal** - The decommissioning or transfer of an asset to another party

**Non-current Asset** - A resource controlled (but not necessarily owned) by the Council, from which economic benefits or service potential are expected to flow to the Council for more than 12 months.

**Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA)** - The act builds on the success of regulation in Wales and reflects the changing world of social care. It places service quality and improvement at the heart of the regulatory regime and strengthens protection for those who need it. Regulation will move beyond compliance with minimum standards, and focus more on the quality of services and the impact which they have on people receiving them

**Prudential Code** - The Code of Practice drawn up by the Chartered Institute of Public Finance and Accountancy (CIPFA) to underpin the requirements of the Local Government Act 2003 in respect of an authority's duty to determine the affordability, prudence and sustainability of its capital investment needs

**Prudential Indicators** - Required by the **Prudential Code**, these take the form of limits, estimates or actual figures used to support the local decision making process for capital investment

**Unsupported Prudential Borrowing** - Borrowing administered under the **Prudential Code**, whereby authorities can set their own policies on acceptable levels and types of borrowing. The Prudential Framework allows authorities to take out loans in response to overall cash flow forecasts and other factors provided they can show that the borrowing is to meet planned capital expenditure in the current year or the next three years.

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## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Tuesday, 7 December 2021
<b>Report Subject</b>	Licensing Act 2003 Draft Statement of Licensing Policy December 2021 – December 2026
<b>Report Author</b>	Chief Officer (Planning, Environment & Economy)

### EXECUTIVE SUMMARY

To request that Members consider and adopt the Statement of Licensing Policy required by the Licensing Act 2003.

### RECOMMENDATIONS

1	That Members consider and adopt the Draft Statement of Licensing Policy, which will span a five year period up until December 2026.
2	That any decision to make changes to the policy during the five year term is delegated to the Licensing Committee.

## REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE POLICY REVIEW</b>		
1.01	Local Authorities are required, under the Licensing Act 2003, to review their statement of Licensing Policy every 5 years. Although the requirements of the current policy remain in place until the new version is adopted, the delay in producing the document sooner has been due to the global pandemic. Since March 2020 the Licensing Section have been an integral part of the Council's frontline approach to COVID-19 enforcement activities.		
1.02	This is the fifth Statement of Licensing Policy to be issued, and outlines the expectation of the Licensing Authority in relation to applicants, and details what applicants and service users may expect from the Licensing Authority.		
1.03	Officers have undertaken a review of the current policy, taking into account any relevant changes in legislation, guidance and good practice.		
1.04	The review was undertaken in partnership with other North Wales Local Authorities, as part of an ongoing effort to achieve consistency, where possible, across the region.		
1.05	The proposed Draft Statement of Licensing Policy for the period December 2021 – December 2026 is shown at Appendix A in both Welsh and English. The final draft shows the changes made by Officers prior to consultation in red, and the changes made following consultation in blue.		
1.06	Summary of changes made to the policy prior to consultation:		
	Section	Paragraph	Detail
	3.0	Introduction	Changes to the introduction wording
	3.0	3.4	New section relating to the control of drugs
	3.0	3.8	Note in relation to industry partnership schemes
	3.0	3.43	Note on engagement with Public Health
	16.0	16.1	Note on the Wellbeing of Future Generations Act
	Appendix D	Immigration Act	Note the responsibilities under the immigration Act
1.07	The consultation process is detailed in section 3.0 below.		
1.08	Two responses were received in respect of the consultation, from a representative of Public Health Wales, and a representative for Premises Licence Holders. The details of the consultation responses and the Licensing Authority's consideration of those responses is shown at Appendix B.		



1.09	The Licensing Committee have undertaken a thorough review of the changes to the Licensing Policy and the consultation responses, which took place at a meeting of the Committee on 6 <sup>th</sup> October 2021. Members accepted all of the changes, and approved the Draft Statement of Licensing Policy in preparation for final approval by Flintshire County Council.
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The policy will replace the existing policy, and as preparation of the document and consultation have already been carried out, it is not thought that there would be further resource implications.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	<p>Before determining the policy, the Licensing Authority is required to consult with the following:</p> <ul style="list-style-type: none"> <li>• The Chief Officer of Police for the Licensing Authority's area;</li> <li>• The Fire and Rescue Authority for that area</li> <li>• Such persons as the Licensing Authority considers to be representative of holders of:- <ul style="list-style-type: none"> <li>❖ Premises Licenses</li> <li>❖ Club Premises Certificates;</li> <li>❖ Personal Licenses issued by that Authority;</li> </ul> </li> <li>• Such other persons as the Licensing Authority considers to be representative of business and residents in the area.</li> </ul>
3.02	The consultation opened on 18th August 2021 until 30th September 2021.
3.03	<p>The Licensing Authority consulted with:</p> <ul style="list-style-type: none"> <li>• All responsible authorities (including Police and Fire Service)</li> <li>• Representatives of holders of premises licenses, club premises certificates and personal licence holders</li> <li>• All County Councillors</li> <li>• All Community Councils</li> </ul>
3.04	Details of the consultation were published on Flintshire County Council's website, and a notice was placed in reception at County Hall, Mold.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None in respect of this report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix A – Draft Statement of Licensing Policy 2021 – 2026 English Draft Statement of Licensing Policy 2021 – 2026 Cymraeg Appendix B – Summary of consultation responses

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<b>Contact Officer:</b> Gemma Potter. Team Manager: Licensing & Pest Control <b>Telephone:</b> 01352 703371 <b>E-mail:</b> <a href="mailto:gemma.potter@flintshire.gov.uk">gemma.potter@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Statement of Licensing Policy:</b> a document the Licensing Authority are required to produce every five years to outline the Council's expectations in relation to Licensing.</p> <p><b>Licensing Authority:</b> Flintshire County Council's Licensing Team, responsible for key decisions in relation to Licensing.</p> <p><b>Personal Licence:</b> Allows a person to sell or authorise the sale of alcohol under the authority of a Premises Licence.</p> <p><b>Premises Licence:</b> a licence to allow for regulated licensable activity to take place on premises such as public houses.</p> <p><b>Club Premises Certificate:</b> a licence for regulated licensable activity in a Club i.e. Private Members Club.</p> <p><b>Responsible Authorities:</b> Bodies to whom the Licensing Act 2003 delegates a licensing role.</p>



**DRAFT**

**Flintshire County Council**  
**Statement of Licensing Policy**

**December 2021 - December 2026**

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## Foreword by the chair of Flintshire County Council's Licensing Committee

This is the fifth of Flintshire's Statements of Licensing Policy.

The Licensing Act 2003 has now been in force for more than fifteen years, and has seen many changes and amendments during that time.

The experience built up through the years has contributed to ensuring that customers have a wide choice of premises to visit, that licensees have been supported through difficult economic times and that residents living near licensed premises have remedies if they suffer disturbance of any kind.

Licensing in Flintshire is located within the **Community and Business Protection Section of the Planning, Environment and Economy Portfolio** with Trading Standards and the Community Safety function.

This means that many of the issues surrounding alcohol, for example under age sales, anti-social behaviour and breach of licence conditions can be dealt with by the same Section thus providing a more effective and consistent approach.

The remit of the Licensing Committee itself covers Private Hire and Hackney Carriage (Taxi) Licensing and the Gambling Act in addition to alcohol and entertainment licensing. These areas again have a natural synergy which provides for a well co-ordinated approach.



*Councillor Tony Sharps  
Chair of the Licensing  
Committee*

## 1.0 | Background

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- 1.1** This Licensing Policy Statement is issued as required by the Licensing Act 2003 ('the Act') and is in line with the Home Office and Department of Culture, Media, and Sport (DCMS) guidance to local authorities. This document sets out the policies that the Council as Licensing Authority will follow when making decisions upon applications for:
- ▶ The sale by retail of alcohol
  - ▶ The supply of alcohol by or on behalf of a club to, or to the order of a member of the club
  - ▶ The provision of late night refreshment (supply of hot food or drink from a premises between 23:00 and 05:00 hours)
  - ▶ The provision of regulated entertainment to the public or club members or with a view to making profit including raising money for charity where the entertainment involves:
    - a) a performance of a play;
    - b) an exhibition of a film;
    - c) an indoor sporting event;
    - d) a boxing or wrestling entertainment;
    - e) a performance of live music;
    - f) any playing of recorded music;
    - g) a performance of dance;
    - h) entertainment of a similar description to that falling within paragraph e, f or g.

\* Live Music Act – See Appendix D

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

- 1.2** Incidental live and incidental recorded music will not be regarded as regulated entertainment. The Licensing Authority will give the word "incidental" its ordinary and natural meaning when making judgements about whether activities are licensable.
- 1.3** Spontaneous music, singing and dancing is not included in the definition of regulated entertainment and any occurrences of it will be assessed in accordance with the Act.
- 1.4** Guidance on the procedures to be followed by applicants and objectors is included in Appendix A of this document.

## 2.0 | Scope and Extent of the Licensing Act

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- 2.1** 2.1 It is the duty of the Licensing Authority to carry out its functions under the Act with a view to promoting the licensing objectives which are:
- ▶ the prevention of crime and disorder
  - ▶ public safety
  - ▶ the prevention of public nuisance
  - ▶ the protection of children from harm

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

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

- 2.2** In undertaking its licensing function, any licensing authority is also bound by other legislation, examples of which are set out below:
- ▶ Section 17 of the Crime and Disorder Act 1998 requires a local authority to do all that it reasonably can to prevent crime and disorder in its locality
  - ▶ The European Convention on Human Rights, which is given effect by the Human Rights Act 1998 places a duty on public authorities to protect the rights of individuals in a variety of circumstances
  - ▶ Health and Safety at Work Act 1974
  - ▶ Environmental Protection Act 1990
  - ▶ Disability Discrimination Act 1995
  - ▶ The Anti-social Behaviour Act 2003
  - ▶ The Local Authorities (Alcohol Consumption in designated Public Places Regulations) 2007
  - ▶ The Health Act 2006 and the Smoke-free Premises etc. (Wales) Regulations 2007
  - ▶ The Violent Crime Reduction Act 2006
  - ▶ The Equalities Act 2010
  - ▶ Police Reform and Social Responsibility Act 2011
  - ▶ The Live Music Act 2012
  - ▶ Anti-Social Behaviour, Crime and Policing Act 2014

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

The Licensing Authority will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the Licensing Act. Examples of these strategies are set out below:

- ▶ Action Plan for Tackling Alcohol-related Crime, Disorder and Nuisance
- ▶ LGR / TSI Code of Best Practice on Test Purchasing
- ▶ Crime and Disorder Reduction Strategy
- ▶ Tackling Anti-social Behaviour
- ▶ Enforcement Policy
- ▶ Transport Plan

**2.3** The Licensing Authority would also draw attention to, and is supportive of, existing initiatives that are relevant to licensing, for example:

- ▶ Night-safe schemes
- ▶ Proof of age schemes
- ▶ CCTV coverage of town centres
- ▶ Exclusion Orders from town centres
- ▶ Pubwatch schemes
- ▶ Off-watch Schemes
- ▶ Flintshire Local Development Plan
- ▶ Betsi Cadwaladr University Health Board 'Calling Time for Change' strategy

**2.4** The objective of the licensing process is to allow the carrying on of retail sales of alcohol and the provision of licensable activities in a way which ensures public safety and which is neither to the detriment of residents, nor gives rise to loss of amenity. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

**2.5** The Licensing Authority recognises that the entertainment industry in Flintshire is a significant contributor to the local economy. It attracts tourists and visitors, makes for vibrant towns and communities and is a major employer. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses. But there must be a balance with the needs of the residential population, whose amenity the Licensing Authority has a duty to protect.

**2.6** The Licensing Authority will also have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise, street crime and the capacity of the County's infrastructure, resources and police resources to cope with the influx of visitors, particularly at night.

**2.7** The Licensing Authority has adopted this policy, which sets out the general approach it will take when it acts as Licensing Authority in considering applications for premises licences. In adopting this policy, the Licensing Authority recognises that each application will be considered on its merits.



- 2.8** The Licensing Authority recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities, and in particular, children. In determining conditions to be attached to licences and certificates the Licensing Authority will avoid measures which deter opportunities for cultural activities by imposing indirect costs.
- 2.9** The Council may seek premises licences in its own name for public spaces such as market squares, pedestrianised streets, etc. in order that community activities can take place easily. In such defined places, performers and entertainers would not need to obtain a licence themselves or issue any temporary event notices. They would simply seek permission from the Council as the premises licence holder.(The Council would not be seeking authority to permit the sale or supply of alcohol for these areas).
- 2.10** The purpose of the Statement of Licensing Policy is to assist Officers and Members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the Policy document seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the County with some measure of certainty.
- 2.11** The Licensing Act 2003 makes provision for this policy to be consulted on and reviewed at least every five years. Accordingly, this Policy will be reviewed no later than December 2026. Interim revisions may be made to it, for example, following feedback from the local community on whether the licensing objectives are being met.
- 2.12** The Council will also monitor the impact of licensing on regulated entertainment to ensure that cultural events are not being deterred by unnecessary, disproportionate or unreasonable licensing conditions. The Council's Arts Development Officers will be included in consultation on this.
- 2.13** The policy will normally apply to any licence application determined after the date that the Council resolves to make the policy operational, irrespective of the date on which the application was made. The Licensing Authority will only depart from the policy, if individual circumstances of the case merit it, in the interest of the licensing objectives. Full reasons for such a departure will be given.
- This policy applies to the following categories:
- ▶ Premises Licenses
  - ▶ Club Premises Certificates
  - ▶ Personal Licences
  - ▶ Permitted Temporary Activities (Temporary Event Notices)
- 2.14** In the case of premises requiring a Premises Licence or Club Premises Certificate the Licensing Authority may select appropriate and necessary conditions from the DCMS or Institute of Licensing pool of conditions. These conditions will be appropriate to the nature of the activities specified in the operating schedule, and

reflect the four licensing objectives set out at paragraph 1.5 above.

## 3.0 | Licensing Objectives

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### Introduction

Within the context of promoting the four licensing objectives, the Licensing Authority expects applicants to propose licensing conditions to mitigate the impact their premise may have on the health and well-being of their customers, the neighbourhood and the wider community.

### Crime and Disorder

*The Statement of Licensing Policy and the procedures and conditions that form part of the process should promote the Licensing Objectives*

- 3.1** The Licensing Authority will have regard to the Crime and Disorder Act 1998 under which it has a duty to prevent / reduce crime and disorder in the area. Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention strategies, e.g. the provision of CCTV cameras in certain premises.
- 3.2** One of the key priorities of the Flintshire Crime and Disorder Reduction Partnership is to reduce the level of crime in specified areas. The policy will have regard, therefore, to the likely impact of licensing on related crime and disorder in the Council's area, particularly when considering the location and impact and the operation and management of all proposed licence applications, renewals and variations of conditions.
- 3.3** The Licensing Authority will have due regard to the representations of North Wales Police which is one of the Responsible Authorities that will be consulted regarding premises licence and club premises certificate applications, and Temporary Event Notices.

### Drugs

#### 3.4

Within the context of promoting the licensing objectives for preventing crime and disorder and ensuring public safety, the Licensing Authority expects applicants and licensees to:

- Take all reasonable steps to prevent the entry of drugs into licensed premises
- Take all reasonable steps to prevent drugs changing hands within the premises

- Train staff to recognise understand the signs of drug misuse in people so that practical steps can be taken to deal with instances that occur
- Have appropriately trained staff to deal with drug related incidents
- Display appropriate drug safety awareness information to customers
- Provide first aid equipment in all venues, and a first aid room in larger venues. Consideration should be given to providing a defibrillator in larger venues
- Deploy staff trained to assist with medical incidents
- Implement an appropriate banning policy

## Door Supervisors

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

## Late Night Refreshment

- 3.7** Premises selling hot food or drink between 11.00 pm and 5.00 am will need to be licensed. The key licensing objectives in connection with this activity are the prevention of crime and disorder and public nuisance. Where provision of hot food and drink is a secondary activity in licensed premises open for other activities, then the primary licence conditions will adequately cover the activity. The requirements will not normally be applied to convenience stores / garage shops and similar premises unless crime and disorder or public nuisance becomes an issue.

## Industry Partnership Schemes

- 3.8** The Licensing Authority would encourage active participation in schemes such as Pubwatch, Off-Watch, Best Bar None (if available in the area) as contributing to the prevention of crime and disorder licensing objective.

## PSPO's

- 3.9** Flintshire is a 'designated public place' under the relevant legislation. This means that if a police officer reasonably believes that a person is or has been consuming,

or intends to consume, alcohol in a designated public place he/she has the power to require that person not to drink alcohol in that place and to surrender any alcohol or alcohol containers (including sealed containers) in his/her possession.

- 3.10** It is not an offence to drink alcohol in a designated public place but failure to comply with an officer's requirements without reasonable excuse is an arrestable offence.

### Irresponsible Promotions

- 3.11** Banning the irresponsible promotion of alcohol in on-licensed premises was one of five measures brought in by Government in 2010. The others were banning the dispensing of alcohol directly into the mouths of customers; making free tap water available; ensuring age verification policies are in place and offering smaller servings of beer, wine and spirits.
- 3.12** In Flintshire the decision on what is and is not an irresponsible promotion will be made on a case by case basis taking all the circumstances into account and with reference to other Responsible Authorities when necessary.

### Late Night Levy

- 3.13** Changes in primary legislation through the Police Reform & Social Responsibility Act 2011 provided the potential for the Authority to adopt an additional local power to assist in the control of the effect of the Late Night Economy on the local community. Flintshire County Council do not currently charge a Late Night Levy.

### Early Morning Restriction Orders

- 3.14** Early Morning Restriction Orders (EMRO) are seen as a tool for potential use by the Authority to readjust the focus of the night time economy away from problem drinking, if such measures would promote the Licensing Objectives.

### Public Safety

- 3.13** The Licensing Authority wishes to promote high standards of public safety in relation to premises and activities within the scope of the Licensing Act 2003.
- 3.14** The Department of the Council which enforces health and safety in relevant premises may be consulted as a Responsible Authority and may also act as Authorised Persons for enforcement purposes under the Licensing Act 2003.

- 3.15** The Licensing Authority recognises that general health and safety duties will not always adequately cover specific issues that arise in premises in connection with certain entertainments and therefore conditions may need to be attached to a licence/certificate.
- 3.16** Where activities are organised by volunteers or a committee of a club or society, the Licensing Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 3.17** The Licensing Authority will encourage licence holders to provide facilities enabling the admission of people with disabilities. No conditions will be applied which could be used to justify exclusion on the grounds of public safety. Any licence condition imposed to prohibit pets for public safety reasons will not apply to guide or assistance dogs.

## Fire Safety

- 3.18** The Licensing Authority will have due regard to the representations of North Wales Fire and Rescue Service which is one of the Responsible Authorities that will be consulted regarding premises licence/ club premises certificate applications, renewals and variations.
- 3.19** North Wales Fire & Rescue Service may select appropriate and necessary conditions in relation to fire safety matters in consultation with North Wales Fire and Rescue Service.
- 3.20** The Licensing Authority, upon receipt of relevant representations will include in a premises licence / club premises certificate an occupant capacity where necessary for public safety. This figure will be arrived at in consultation with North Wales Fire and Rescue Service.
- 3.21** Where applicants wish to avail themselves of the special provisions in Section 177 of the Act (dancing, amplified and un-amplified music in premises with a permitted capacity of not more than 200) North Wales Fire and Rescue Service may be asked to make a confirmation of the capacity of the premises.
- 3.22** Flintshire County Council is a signatory to the protocol between North Wales Fire & Rescue Service and the six North Wales local authorities.

## Prevention of Public Nuisance

- 3.23** When considering public nuisance the Licensing Authority will take account of:-
- ▶ Noise from premises - including that caused by patrons smoking outside

- ▶ Waste
- ▶ Litter - including smoking related litter
- ▶ Car Parking
- ▶ Light pollution
- ▶ Noxious smells

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

- 3.24** In considering the potential impact of licensed premises on the surrounding locality the Licensing Authority will take into account the type of entertainment activity, proposed hours of operation, the capacity of the premises and the character of the area and proximity to local residents.
- 3.25** The Licensing Authority will use the recognised pool of licence conditions to control noise from existing premises and to advise developers on the required noise attenuation for new premises. Stricter conditions with regard to noise control may be imposed in areas where the premises are near residential property.
- 3.26** The Pollution Control Section of the Council's Public Protection Division will act as a Responsible Authority and will be consulted with regard to the prevention of public nuisance and reference may be made to the Institute of Acoustics 'Good Practice Guide on the Control of Noise from Pubs and Clubs' (current edition). Reference may also be made to the Department of Environment, Food and Rural Affairs (DEFRA) report entitled "Implications for Noise Disturbance Arising from the Liberalisation of Licensing Laws".
- 3.27** The Licensing Authority will balance the potential for limited disturbance in neighbourhoods with the need to encourage and promote live music, dancing and theatre.
- 3.28** The Licensing Authority acknowledges the powers that the Police hold to issue a Closure Order on individual licensed premises that are causing a nuisance as a result of noise emitted and would encourage the Police to use such powers wherever appropriate and inform the Licensing Authority in the event of such action.
- 3.29** The above powers are also available to Pollution Control Officers by the Anti-Social Behaviour Act 2003. Such powers will be used when deemed necessary and in accordance with the legislation.
- 3.30** The Licensing Authority will not impose conditions on licensed premises that the licensee cannot directly control, or on matters not related to the immediate vicinity of the premises.
- 3.31** When considering applications for licences or reviews of licences, the Licensing Authority will take a common sense view on whether the individual or business

making representations is located “in the vicinity” of the premises concerned and therefore likely to be directly affected by disorder and disturbance.

- 3.32** Noise and disturbance arising from the behaviour of patrons that have left the premises are matters for personal responsibility and are subject to Police enforcement of the normal law concerning disorder and anti-social behaviour.
- 3.33** Notwithstanding the previous paragraph, it is the view of the Licensing Authority that the Designated Premises Supervisor holds the responsibility for ensuring that patrons who may be outside their premises for smoking related purposes do not create public nuisance.

### **Protection of Children from Harm**

- 3.34** The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include, for example, theatres, cinemas, restaurants, pubs, night-clubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be restricted in any way apart from as specified in the Licensing Act 2003, unless it is considered necessary to do so in order to protect them from harm in some way (i.e, physical, moral or psychological harm).
- 3.35** When considering applications for premises licences or club premises certificates, the Licensing Authority will take into account the history of a particular premises and the nature of the activities proposed to be provided when considering any options appropriate to prevent harm to children, for example:
- ▶ Where there have been convictions of members of the current staff for serving alcohol to minors or with a reputation for underage drinking
  - ▶ With a known association with drug taking or dealing
  - ▶ Where there is a strong element of gambling on the premises (but not the simple presence of a small number of cash prize gaming machines)
  - ▶ Where entertainment or services of an adult or sexual nature are commonly provided, e.g. topless bar staff, striptease, lap-dancing, table-dancing or pole-dancing, strong and offensive language or imagery. (see also paragraph 20)
  - ▶ Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided.

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

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

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



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

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

- 3.37** Where the exhibition of films is permitted the authority will expect age restrictions to be complied with in accordance with the British Board of Film Classification recommendations. This is a mandatory condition in the Licensing Act 2003 for premises admitting children to the exhibition of any film.
- 3.38** The Licensing Authority recognises the requirement in the Act for children under the age of 16 to be accompanied by an adult. In circumstances where large numbers of unaccompanied children are likely to be present on certain licensed premises, for example at a children's show or pantomime, then to ensure public safety and the protection of children from harm, the ratio of adults required to supervise children will be in accordance with Annex H, Section 182 Guidance to the Licensing Act 2003 or such other ratio that a responsible authority may recommend.
- 3.39** No films shall be exhibited at licensed premises which are likely to:
- ▶ Lead to disorder
  - ▶ Stir up hatred or incite violence towards any section of the public on grounds of colour, race or ethnic or national origin, language, disability, religious beliefs, sexual orientation or gender.
- 3.40** With general reference to the protection of children from harm, the Licensing Authority will regard the Social Services for Children Department of the Community Services Directorate as the Responsible Authority competent to respond on matters relating to children and harm.
- 3.41** It is expected by the Licensing Authority that operating schedules submitted as part of applications shall contain enough detailed information so that a proper view as to what measures may be necessary to protect children from harm can be determined.
- 3.42** Please see paragraph 15 below for more detailed information on control of Sexual Entertainment Venues

## Public Health

**3.43** The Local Health Board is responsible for making representations and observations on licence applications. ~~The Health Board will also use information provided by Public Health Wales in order to inform their decision-making.~~ Public health is not yet a licensing objective but the licensing authority believes that public health has much to add to licensing in relation to the local populations' alcohol related health needs. Health bodies such as Public Health have unique access to data not available to other responsible authorities which may inform licensing decisions. Public Health is useful in providing evidence of alcohol related health harms particularly in relation to cumulative impact policies.

Public health data reveals that -

- 21 percent of adults in Flintshire drink above the recommended average weekly consumption of alcohol (National Survey for Wales, 2019).
- In 2019 - 2020, there were 353.4 alcohol-specific hospital admissions and 1857.3 alcohol-attributable hospital admissions (European Age Standardised Rate per 100,000 population) for individuals resident in Flintshire (Public Health Wales, 2020).

## 4.0 | Cumulative Impact

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- 4.1** This relates to the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area.
- 4.2** The Licensing Authority does not consider that at the time of publication of this Statement of Licensing Policy there are areas in Flintshire where cumulative impact poses a significant problem.
- 4.3** However, the Licensing Authority wishes to remain alive to the possibility of such impact occurring.
- 4.4** Through liaison with local residents and Responsible Authorities the Licensing Authority may therefore conclude in the future, that a particular part of its area is considered to be causing a cumulative impact on one or more of the licensing objectives.
- 4.5** A special policy of refusing new licences will therefore be adopted when there is an evidential basis for it from Responsible Authorities, interested parties or other bodies such as Crime and Disorder Reduction Partnerships.
- 4.6** The Licensing Authority will follow the steps detailed in the revised Home Office Guidance when adopting a special policy.
- 4.7** This will create a rebuttable presumption that applications for new premises licences, club premises certificates or material variations will normally be refused, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.
- 4.8** The special policy will not, however, be absolute. Each application will be considered on its merits and licences or certificates that are unlikely to add to the cumulative impact on the licensing objectives may be granted. The different styles and characteristics of premises will be taken into account.
- 4.9** Special policies will not be used as a ground for revoking an existing licence or certificate, nor for rejecting applications to vary an existing licence except where those modifications are directly relevant to the policy and strictly necessary for the promotion of the licensing objectives.
- 4.10** A special policy will not be used to impose fixed closing times in a particular area, or to impose quotas – based on either the number of premises or the capacity of those premises.

- 4.11** Other mechanisms will also be used for controlling cumulative effect, for example:
- ▶ provision of CCTV
  - ▶ prohibitions on consuming alcohol in designated public areas
  - ▶ police enforcement of the general law concerning disorder and anti social behaviour
  - ▶ enforcement of legislation on selling alcohol to people who are drunk
  - ▶ confiscation of alcohol from adults and children in designated areas
  - ▶ use of the police temporary closure powers
  - ▶ ability for the Police, Responsible Authorities, residents and businesses to seek review of premises licences or club premises certificates.

## 5.0 | Planning and Building Control

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- 5.1** The Planning, Building Control and Licensing regimes in Flintshire will be properly separated to avoid duplication and inefficiency.
- 5.2** Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property in question. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
- 5.3** The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers wider amenity issues. As such licence applications should not be a re-run of the planning application and should not necessarily be influenced by decisions taken by the local authority planning committee or by the Planning Inspectorate on appeal, and vice versa.
- 5.4** The granting by the licensing authority of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission (Listed Building Consent where applicable), or Building Control approval.
- 5.5** There are also circumstances when as a condition of planning permission a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 5.6** The Planning Authority is a responsible authority under the Licensing Act and as such may make representations on licence applications as long as they relate to the licensing objectives.
- 5.7** Reference is made to The Agent of Change principle, which places the responsibility for mitigating impacts from existing noise-generating activities or uses on the proposed new noise sensitive development.

## 6.0 | Application for First-time Grant of Licence / Certificate and Variation of existing Terms and Conditions

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In considering all new or variation of condition applications, the Licensing Authority will assess them in light of the licensing objectives, the operating schedule and in particular will consider the following, to the extent that they are under the control of the applicant :

- 6.1** The steps the applicant has taken or proposes to take to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- 6.2** The steps the applicant has taken or proposes to taken to prevent disturbance by patrons arriving at or leaving the premises.
- 6.3** The steps the applicant has taken or proposes to take to prevent queuing, or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction.
- 6.4** The steps the applicant has taken or proposes to take to ensure patrons leave the premises quietly.
- 6.5** The arrangements made or proposed for parking by patrons, and the effect of parking on local residents.
- 6.6** Whether there is sufficient provision for public transport for patrons.
- 6.7** Whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- 6.8** Whether routes to and from the premises on foot or by car or service / delivery vehicles pass residential premises.
- 6.9** Whether other measures to reduce nuisance have been considered, such as the use of CCTV or the employment of Licensed Door Supervisors.
- 6.10** The measures proposed to prevent the consumption or supply of illegal drugs, including any search procedures.
- 6.11** The likelihood of any violence, public disorder or policing problem arising if a licence was to be granted.
- 6.12** If the applicant has previously held a licence within the County, the details of any enforcement action arising from the premises.

- 6.13** Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- 6.14** Representations from Responsible Authorities.
- 6.15** Representations from interested parties.
- 6.16** In respect of applications for variation of a premises licence or club premises certificate the Licensing Authority will take into account the previous history of the premises and its management. The views of all Responsible Authorities may be taken into account.

### Minor Variations

- 6.17 A premises licence / club premises certificate holder may apply under the 'minor variation' procedure for small variations which may not impact adversely on the licensing objectives. There is no right to a hearing, however if the application is rejected, a full application can be made.
- 6.18 The Licensing Authority must consider the impact of the minor variation, and decide whether to consult with any of the Responsible Authorities.

### Annual Fee

- 6.19 Although premises licenses and club premises certificates are granted indefinitely, licence holders are required to pay an annual fee to the Licensing Authority.

During 2012, the Police Reform and Social Responsibility Act amended the Licensing Act 2003 to impose a requirement on the Licensing Authorities to suspend premises licenses where the annual fees are not paid.

## 7.0 | Temporary Events

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- 7.1** The Licensing Authority will produce clear and understandable local publicity about its approach to temporary permitted activities. In brief, these are events that last for less than 168 hours and have less than 500 people attending.
- 7.2** Both the Police and Environmental Health can object to a Temporary Event Notice within a three day window of submission
- 7.3** Many local events will be organised by volunteers or a committee of a club or society. The Licensing Authority considers it good practice that the same level of health and safety protection is provided as if an employer / employee relationship existed, irrespective of whether there are strict legal duties applicable under the health and safety legislation.
- 7.4** The Licensing Authority will encourage organisers of temporary events to seek advice / information from their local Safety Advisory Groups.
- 7.5** Though the Licensing Authority is unable to attach any limitations or restrictions in respect of Temporary Events it expects organisers to have proper respect for local residents and those attending events, for example, in the areas of:
- ▶ health and safety
  - ▶ noise pollution
  - ▶ use of temporary structures
  - ▶ road closures
  - ▶ use of pyrotechnics / fireworks
  - ▶ controlling anti-social behaviour
  - ▶ sale of alcohol

### Standard TENs

- 7.6** A minimum of ten working days' notice must be given to the Licensing Authority of temporary events, however the earliest possible notice would be preferred. "Ten working days' notice" means ten working days exclusive of the date the notification is received, and the day the event starts. "Working day" excludes Saturday, Sunday, Christmas Day, Good Friday or Bank Holidays.
- 7.7** Where the Police or Environmental Health object to the TEN, the applicant can agree to modify the TEN. If no agreement is reached, a hearing of the Licensing Sub Committee will be arranged. The panel may decide to impose conditions or issue a Counter Notice to prevent the event from going ahead.



## Late TENS

- 7.8** A late TEN may be given up to five working days but no earlier than nine working days before the event is due to take place.
- 7.9** Where the Police or Environmental Health apply for a Late TEN, there is no provision for a hearing and the Authority must serve a Counter Notice to prevent the event from going ahead.

## 8.0 | Personal Licences

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- 8.1** The Licensing Authority will closely follow the Home Office guidance in respect of applications for and granting of Personal Licences.
- 8.2** Applicants will be required to produce a recent basic criminal record disclosure document. Applicants from foreign jurisdictions must make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or an equivalent offence.
- 8.3** The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act.
- 8.4** The Licensing Authority will append details of the relevant offences to the application forms for the information of applicants.

## 9.0 | Club Premises Certificates

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- 9.1** Section 62 of the Licensing Act sets out the general conditions which an organisation with at least 25 members who have joined together for particular social, sporting or political purposes must meet to be a qualifying club. Only qualifying clubs may apply for a Club Premises Certificate.
- 9.2** A Club Premises Certificate provides authorisation for the supply of alcohol and provision of regulated entertainment for the benefit of members and their bona-fide guests only. If a premises wishes to provide licensable activities for non-members or the public in general, they will need to do so by means of a Temporary Event Notice or a Premise Licence. The Licensing Authority will liaise closely with the Police when an applicant is found to have an unspent conviction for a relevant offence defined in the Act.
- 9.3** The grant of a Club Premises Certificate affords the qualifying club certain benefits:
- ▶ Supply of alcohol to members without the requirement for a Designated Premises Supervisor
  - ▶ Provision of Late Night Refreshment to members without the need for additional authorisation
  - ▶ Limited rights of entry to the police and authorised persons as the premises will generally be considered to be private and not open to the general public
  - ▶ Exemption from police powers of instant closure on grounds of disorder and noise because they operate under their codes of discipline and rules
  - ▶ Exemption from orders of the magistrates' court for the closure of all licensed premises in an area when disorder is happening or expected

## 10.0 | Operating Schedule

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

## 11.0 | Hours of Operation

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

## 12.0 | Enforcement, Reviews and Powers

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- 12.1** A protocol on the implementation of a shared enforcement role between the Licensing Authority and North Wales Police has been established.
- 12.2** In general terms, action will only be taken in accordance with agreed enforcement principles and in line with the Public Protection Enforcement Policy which is dated July 2009 and available at [www.flintshire.gov.uk](http://www.flintshire.gov.uk)
- 12.3** The ability to require reviews of premises licences or club premises certificates allows licensing authorities to apply a 'light touch' bureaucracy to the grant and variation of premises licences / club premises certificates.
- 12.4** A review may be initiated by the Responsible Authorities, e.g. North Wales Police, North Wales Fire and Rescue Service, Flintshire County Council's Environmental Health Department or by a resident or business in the vicinity of premises.
- 12.5** In every case sufficient evidence to support the allegations made will need to be presented to the Licensing Authority.
- 12.6** Authorised Persons and Responsible Authorities will be expected to give licence / certificate holders early warning of their concerns about problems identified at the premises concerned and the need for improvement. A failure to respond to such warnings is likely to lead to a decision to request a review.
- 12.7** The Licensing Authority will refer to Home Office guidance when considering whether complaints from interested parties are irrelevant, vexatious, frivolous or repetitious.
- 12.8** Amendments to the Licensing Act by the Police Reform and Social Responsibility Act 2010 afford Councils the power to suspend premises licences and club premises certificates where the required annual fee has not been paid.
- 12.9** When an annual fee has not been paid by the due date, usually the anniversary on which the licence was first granted, the Licensing Authority will notify the licence or certificate holder in writing that:
- ▶ The licence or certificate will be suspended in 7 days from the date of the notice
  - ▶ The suspension will not become effective should the fee be paid prior to the suspension date

## 13.0 | The Licensing Process

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### Conditions of License

- 13.1** The Licensing Authority will avoid imposing disproportionate and over burdensome conditions on premises licences / club premises certificates.
- 13.2** The Licensing Authority will have regard to model pools of conditions and will attach conditions as appropriate given the circumstances of each individual case. The model conditions will deal with issues surrounding –
- ▶ Crime and disorder
  - ▶ Public safety
  - ▶ Public nuisance
  - ▶ Protection of children from harm
- 13.3** The Licensing Authority will also consider reference documents listed in the Annexes to the Home Office Guidance, though they will not be used as standard conditions.
- 13.4** When attaching conditions the Licensing Authority will also be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature.
- 13.5** When determining applications the Licensing Authority will have regard to guidance issued by the Home Office. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

### Administration – Application Process

- 13.6** The Licensing Authority accepts that it must not interfere in the decision of who is the most appropriate person to apply for or hold a premises licence / club premises certificate. It will, however, only accept applications made in the prescribed form.
- 13.7** The Licensing Authority will expect individual applicants to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.
- 13.8** Applicants will be encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies and local crime

prevention initiatives and to have taken these into account where appropriate when formulating their operating schedule.

- 13.9** The Licensing Authority acknowledges the advice received from the Home Office that the views of vocal minorities should not be allowed to predominate over the general interests of the community.
- 13.10** The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub Committee, or by one or more officers acting under delegated authority. Delegation of functions will be in line with Home Office recommendations.
- 13.11** In the context of applications, inspection, enforcement and reviews of premises licences / certificates the following groups are identified in Flintshire

**Authorised Persons and Officers (inspection and enforcement roles):**

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

**Responsible Authorities (to be notified of applications and entitled to make representations):-**

- ▶ North Wales Police
  - ▶ North Wales Fire and Rescue Service
  - ▶ Flintshire County Council – Public Protection Division
  - ▶ Health and Safety Executive (where applicable)
  - ▶ Flintshire County Council - Planning
  - ▶ Flintshire County Council – Children’s Services
  - ▶ The Licensing Authority
  - ▶ Local Health Board
- 13.12** Any person can make representations or comments to the Council about applications for new licenses, variations or reviews.

Comments may be positive or negative but will only be considered relevant by the Council if they relate clearly to the licensing objectives.



- 13.13** Where premises are being constructed or extended or substantially changed structurally, an application for a Premises Licence or Club Premises Certificate will be accepted provided clear plans exist, an operating schedule is submitted together with the name of the designated premises supervisor. If information of sufficient detail is not available then application should be made for a “Provisional Statement” instead.
- 13.14** Flintshire is linked to the Government’s Gov.uk system, which means that we are able to receive applications (including payment) electronically.

## 14.0 | The Licensing Committee

### Recommended Delegation of Functions

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

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

## 15.0 | Special Considerations

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### Adult Entertainment

- 15.1** Flintshire County Council has formally adopted controls on Sexual Entertainment Venues.
- 15.2** The effect of this resolution is that sexual entertainment venues will be included in the existing licensing regime which controls other sex establishments, namely sex shops and sex cinemas.
- 15.3** It will be an offence to operate such premises without the necessary Sex Establishment Licence being in force, or to fail to operate in accordance with the terms and conditions subject to which such a licence has been issued.
- 15.4** A sexual entertainment venue is defined as 'any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer' and includes such activities as lap dancing; pole dancing; table dancing; strip shows; peep shows and live sex shows.
- 15.5** If a Licensing Act 2003 Premises Licence is in force that permits regulated entertainment in the form of music or dancing or entertainment of a like kind it will be possible for entertainment of the type outlined in the above paragraph to be held on no more than 11 occasions within a 12 month period. There must be at least a month between each occasion and no such occasion can last more than 24 hours.
- 15.6** The Licensing Authority takes the view that 'stripograms' and similar activities fall within the definition of sexual entertainment if the licensee organises or provides them and in these circumstances therefore they should not take place unless a Sex Establishment Licence is in force. Premises may however avail themselves of the occasional use provision detailed in the above paragraph.
- 15.7** Licensees are requested to provide notification to the Licensing Authority when they provide or allow sexual entertainment under the occasional use provision detailed in paragraph 20.5 above, or when 'stripograms' have performed in their premises. Please make contact via [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk) or on 01352 703 030

## 16.0 | Well-being of Future Generations Act 2015

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- 16.1** This Act requires Local Authorities in Wales to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems, such as poverty, health inequalities and climate change. The Act clearly supports and actively promotes the licensing objectives. This Act links specifically to the prevention of crime and disorder and public nuisance. It recognises that there is a need to create appropriate soundscapes – the right acoustic environment in the right time and place. The Local Authority will consider the management of noise and soundscapes and in particular the five ways of working contained under this Act namely, i) Long term – the importance of balancing short-term needs with the needs to safeguard the ability to also meet long-term needs, ii) Integration, iii) Involvement, iv) Collaboration and v) Prevention. Welsh Government has produced a 'Noise and Soundscape Action Plan for 2018-2023' <https://gov.wales/sites/default/files/publications/2019-04/noise-and-soundscape-action-plan.pdf>

The Licensing Authority will also have cognisance to the following legislation when it decides to discharge its responsibilities under the Licensing Act. This list is not exhaustive:-

- Environmental Protection Act 1990 which deals with noise and nuisance
- Regulatory Reform Order 2005 which deals with fire safety
- Highways Act 1980 which deals with pavement café licences.

## 17.0 | The Licensing Register

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- 17.1** The Licensing Authority maintains an on-line licensing register which can be viewed at [www.flintshire.gov.uk](http://www.flintshire.gov.uk).
- 17.2** Charges made for copies of applications will not exceed the cost of preparing such copies.

## Contact

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

Telephone: 01352 703030

Fax: 01352 703341

E-mail: [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk)

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



At any level it can be decided depending on the merits of the case to apply for a review of a premises licence. Progression to each level is an optional process and this flowchart is designed as a template for progress and monitoring of troublesome Licenced Premises culmination of the licence.

## Appendix B

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### ALCOHOL AND HEALTH IN WALES

Alcohol use and its consequences remain a major public health challenge in Wales, the UK and elsewhere. The harmful use of alcohol ranks among the top five risk factors for disease, disability and death throughout the world.

- The proportion of adults drinking alcohol above the weekly guidelines (average weekly consumption above 14 units) has remained at a similar level since 2016. Data published by Public Health Wales Observatory in 2019 reveals that 19 percent of adults (aged 16 years and over) drink above the weekly guidelines compared to 20 percent in 2016.
- Rates of alcohol consumption by gender show that 25.8 percent of men drink above weekly guidelines compared to 12.7 percent of women and people aged 45 to 65 drink more frequently than any other age group (Public Health Observatory, 2019).
- Since 2009-10, the percentage alcohol specific hospital admissions involving individuals over the age of 50 has risen by almost 23 percent (Public Health Wales, 2020).
- Alcohol hospital admissions are strongly linked to deprivation. The proportion of all patients admitted for alcohol-specific conditions living in the most deprived areas was 2.7 times higher than those from the least deprived areas (Public Health Wales, 2020).
- Mortality from alcohol specific conditions has steadily increased since 2013. However, the number of admissions fell by 7 percent in 2019 compared to the year before (Public Health Wales, 2020).

Alcohol plays an important and positive role in social and family life and contributes to employment and economic development locally. However, social traditions and economic benefits should not mask the fact that alcohol is a toxic substance that can have a detrimental effect on physical and mental health and wellbeing.

### DRINKING LEVELS AND PATTERNS

There's no guaranteed safe level of drinking, but drinking below the recommended daily limits, means the risks of harm to health are low. Even drinking less than lower risk levels is not advisable in some circumstances. It is not only the amount of alcohol consumed that increases the risk of harm.

Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. Most common in younger age groups, binge drinking is often associated with 'pre-loading'. Preloading is a term that relates to people, particularly young people, drinking alcohol at home or in streets before going on to pubs and clubs. It has been associated with higher overall alcohol consumption and a greater likelihood of being involved in a violent incident. People pre-load on alcohol because it's much cheaper to buy in the supermarket or other off licence than in a pub or bar.



The Licensing Authority can consider representations from health bodies acting as responsible authorities. The health bodies can provide information that is relevant to the promotion of the licensing objective of public safety, which includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. For example, drunkenness can lead to accidents and injuries from violence resulting in attendances at emergency departments and the use of ambulance services. In some cases, these will also involve breaches of the crime and disorder licensing objective. In respect of the protection of children from harm there is a duty to protect them from moral, physical and psychological harm and therefore there is lots of potential for health bodies to add value. Under 18 alcohol-related A&E attendances may relate to the objective to protect children from harm and underage or proxy sales of alcohol will have implications for both the crime and disorder and protecting children from harm objectives. Health teams can provide supporting evidence, for example in relation to the effects that drinking alcohol has on the adolescent body. In some areas, the main barrier to health bodies acting effectively as a responsible authority is that the evidence that they need to support a representation is not routinely collected or available in their area.

Wrexham Council and its partners, Wrexham Maelor Hospital, North Wales Police, Welsh Ambulance Service and Betsi Cadwaladr University Health Board are currently working on a pilot project to improve data collection and sharing. It is intended to implement this across the whole of North Wales. The data collected should assist greatly in targeting enforcement where it is needed, informing licensing policy and contributing to the licensing decision making process.

## Appendix C

### Mandatory Conditions

#### 1. Door supervisors

Only individuals licensed by the Security Industry Authority shall be used at the premises to undertake security activities, which include guarding against:

- a) Unauthorised access or occupation (eg. through door supervision)
- b) Outbreaks of disorder
- c) Damage

#### 2. Community premises alternative mandatory condition

Every supply of alcohol under the Premises Licence must be made or authorised by the management committee.

#### 3. Exhibition of films

The admission of children under the age of 18 to film exhibitions permitted under the terms of this certificate shall be restricted in accordance with any recommendations made :

- a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b) By the licensing authority where no classification certificate has been granted by the BBFC, or
- c) where the licensing authority has notified the club which holds the certificate that section 20(3) (b) (74(3) (b) for clubs) of the Licensing Act 2003 applies to the film.

#### 4. Supply of alcohol

1 No supply of alcohol may be made under this Premises Licence:

- At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
- At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.

2 Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a Personal Licence.

3 The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner that carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:

- Games or other activities that require or encourage, or are designed to require or encourage, individuals to:

- Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol); or
  - Drink as much alcohol as possible (whether within a time limit or otherwise)
  - Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the act)
  - Provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less
  - Provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:
    - The outcome of a race, competition or other event or process; or
    - The likelihood of anything occurring or not occurring
  - Selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise antisocial behaviour or to refer to the effects of drunkenness in any favourable manner.
- 4 The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
- 5 The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- 6 (1) The Premises Licence holder or Club Premises Certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
- 7 The responsible person shall ensure that:
- Where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
    - beer or cider: ½ pint
    - gin, rum, vodka or whisky: 25ml or 35ml; and
    - still wine in a glass: 125ml;
  - customers are made aware of the availability of these measures

## Appendix D

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### Legislative Amendments

#### Live Music Act

The Live Music Act 2012 and Licensing Act 2003 (Description of Entertainment) (Amendment) Order 2013 removes the requirement for the following:

- Film exhibitions for the purposes of advertisement, information, education etc
- Film exhibitions that form part of an exhibit put on show for any purposes of a museum or art gallery
- Music whether live or recorded, which is incidental to other activities that do not require a licence
- Live music as follows:
  - Amplified live music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
  - Amplified live music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
  - Unamplified music between 8am and 11pm in all venues
- Use of television or radio receivers for the simultaneous reception and playing of a programme
- Any entertainment or entertainment facilities at a place of public religious worship
- Entertainment at garden fetes or similar functions unless there is an element of private gain.
- Morris dancing or dancing of a similar nature or a performance of unamplified live music as part of such a performance
- Entertainment on road vehicles in motion
- Performance or play in front of an audience of 500 persons or less between 8am and 11pm
- Performance of dance in front of an audience of 500 persons or less (unless it is relevant entertainment within the meaning of Schedule 3 para 2a Local Government (Miscellaneous Provisions) Act 1982 i.e certain forms of sexual entertainment) between 8am and 11pm
- Indoor sporting events in front of an audience of 1000 persons or less between 8am and 11pm.

As of the 6th April 2015, all recorded music in alcohol “on-licensed” premises played between 8am and 11pm, to an audience of up to 500 people, will no longer require a licence or conditions in respect of regulated entertainment be enforceable.

## Immigration Act

The Immigration Act places additional responsibilities on licensing authorities to take action where licence holders are found to not be entitled to work in the United Kingdom.

## Deregulation Act

### Late Night Refreshment Exemptions

Paragraph 2A of Schedule 2 to the 2003 Act (as inserted by the Deregulation Act 2015) gives licensing authorities powers to exempt premises, in certain circumstances, from the requirement to have a licence to provide late night refreshment. Decisions to exempt supplies of late night refreshment are best made with local knowledge. The powers therefore allow licensing authorities to choose to apply an exemption specifically where they think it will be helpful to businesses and where there are no problems with antisocial behaviour or disorder associated with the night time economy. As well as freeing up the businesses in question from unnecessary costs, this can also provide greater flexibility for licensing authorities to target their resources more effectively.

The powers allow a relevant licensing authority to exempt the supply of late night refreshment if it takes place:

- on or from premises which are wholly situated in a designated area;
- on or from premises which are of a designated description; or
- during a designated period (beginning no earlier than 11.00 p.m. and ending no later than 5.00 a.m.).

When choosing to designate a particular area as exempt, the relevant licensing authority must define the location, which can be of any size.

When choosing to designate particular categories of premises as exempt, a licensing authority can only exempt types of premises set out in the regulations. These are:

- motorway service areas;
- petrol stations;
- local authority premises (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- schools (except domestic premises) unless there is an event taking place at which more than 500 people are present;
- hospitals (except domestic premises);
- community premises (church, chapel, village, parish or community hall or other similar building) unless there is an event taking place at which more than 500 people are present;
- licensed premises authorised to sell by retail alcohol for consumption on the premises between the hours of 11pm and 5am.

*Licensing authorities do not have to use the exemptions at all and can continue to require all late night refreshment providers to be licensed. However, licensing authorities should consider deregulation where appropriate.*

## Community and Ancillary Sellers Notice

Draft and/or secondary legislation has not yet been finalised for CAN's (Community and Ancillary Sellers Notice) but it is envisaged that there will be an ability for community groups and small business accommodation providers to provide/sell limited amounts of alcohol to apply for a CAN. The CAN would last for a three year term with the possibility that Environmental Protection service and the Police could object from the outset.

Options possibly contained in the legislation may include the following

- Alcohol may be sold between 7am and 11pm
- Notice will be given to the licensing authority
- The prescribed fee will be paid
- Police, Environmental Health Authority and licensing authority can object if a CAN will undermine the licensing objectives. Where problems arise, the police and environmental health authority can object, with the result that the CAN may be revoked.
- Police and licensing authority officers will have rights of entry to investigate where users are in breach of the CAN conditions.
- No right to a hearing or appeal if a CAN is revoked
- Sale of alcohol must be ancillary to provision of goods or services by the business.
- Sale of alcohol from single named premises.
- Alcohol for consumption on the named premises
- Sale of alcohol must be made by or on behalf of a community group that does not trade for profit.
- Sale of alcohol must be ancillary to an organised community event.
- Sales of alcohol may be made from up to three named premises.
- Sales of alcohol for consumption at organised events of up to 300 people

## Appendix E

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### Glossary of Terms

**Authorised Persons** – Authorised persons are bodies empowered to carry out inspection and enforcement roles under the Licensing Act 2003.

**Club premises certificate** – Authorising a **qualifying club** to carry out ‘qualifying club activities’ under the Licensing Act 2003. This includes time-limited certificates.

**Conditions** – there are three types of conditions

1. **Proposed Conditions** – are conditions proposed by the applicant in the operating schedule.
2. **Imposed Conditions** – are conditions imposed by the licensing authority after its discretion has been engaged following the receipt of relevant representations.
3. **Mandatory Conditions** – are conditions prescribed by the Act and are included in every premises licence or club premises certificate when specified licensable activities take place.

**Cumulative impact area** – Area that the **licensing authority** has identified in their licensing policy statement as having a saturation of licensed premises and the ‘cumulative impact’ of any additional licensed premises could adversely impact on the statutory licensing objectives.

**Designated Premises Supervisor (DPS)** – This will normally be the person who has been given day-to-day responsibility for running the premises by the **premises licence** holder. Every premises licence that authorises the sale of alcohol is required under the 2003 Act to specify a DPS. The DPS must be a **personal licence** holder. The only exception is for community premises which have made a successful application to the LA to be exempt from the requirement.

**Early morning alcohol restriction order** – A power under section 119 of the **Police Reform and Social Responsibility Act 2011** to prohibit sales of alcohol for a specific time period between the hours of 12am and 6am, if it is deemed appropriate for the promotion of the licensing objectives.

**Expedited/summary review** – A chief officer of police can apply for an expedited/summary review of a **premises licence** because of serious crime and/or serious disorder under s.53A of the **Licensing Act 2003**.

**Fee bands** – In determining the amount of the licence fee for applications for new **premises licences** and **club premises certificates**, and full variations to licences or certificates, each premises falls into a band based on its non-domestic rateable value. Since the introduction of the 2003 Act until 2012/13, the application fees associated with each band for a new licence or certificate have been as follows: Band A (£100); Band B

(£190); Band C (£315); Band D [no **multiplier**] (£450); Band D premises licence with **multiplier** (£900); Band E [no multiplier] (£635); Band E premises licence with multiplier (£1,905). The subsequent annual fees associated with each licence or certificate are as follows: Band A (£70); Band B (£180); Band C (£295); Band D [no multiplier] (£320); Band D premises licence with multiplier (£640); Band E [no multiplier] (£350); Band E premises licence with multiplier (£1,050).

**Forfeited (personal licence)** – Suspension following a court order under s.129 of the **Licensing Act 2003** specified (and where that order has not been suspended, pending an appeal under s.129 (4) or 130 of the Act).

**Hearing** – Used in the context of applications for a **premises licence** or **club premises certificate** that go to a hearing for determining applications for a premises licence, for provisional statements, to vary a premises licence, for club premises certificates, and to vary club premises certificates.

**Judicial review** – Includes only those where the High Court notified parties of its decision in the time period specified.

**Lapsed (club certificate)** – Where a **club premises certificate** has lapsed because it had effect for a limited period, but that period has since expired.

**Lapsed (premises licence)** – Where a **premises licence** has lapsed due to the death, incapacity, insolvency etc. of the licence holder, as set out under s.27 of the **Licensing Act 2003**. Excludes instances where a premises licence was in effect for a limited period, but the period has since expired (e.g. one-off events).

**Late night levy order** – A discretionary power for **licensing authorities** under section 125 of the **Police Reform and Social Responsibility Act 2011**. The late night levy is paid by those premises licensed to sell alcohol late at night to raise a contribution to the costs of policing the late night economy.

**Late night refreshment** – The provision of hot food or drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

**Licensing authority** – The licensing authority is responsible for the licensing of alcohol, regulated entertainment and late night refreshment.

**Minor variation (to licence or certificate)** – Applications made under s.41A or s.86A of the **Licensing Act 2003** to make low-risk changes to the terms of a **premises licence** or **club premises certificate**. The fee for a minor variation is prescribed in the Act.

**Multiplier** – Multipliers are applied to premises used exclusively or primarily for the supply of alcohol for consumption on the premises under the authorisation of a **premises licence** (**fee bands** D and E only).

**Off-sales** – The sale by retail of alcohol for consumption off the premises.

**On-sales** – The sale by retail of alcohol and the supply of alcohol (by clubs) for consumption on the premises.



**Other persons** – Any individual, body or business that is likely to be affected by the granting of **premises licence** or **club premises certificate** applications. Other persons may submit relevant representations to the relevant licensing authority and may seek a review of premises licence or club premises certificate.

**Personal licence** – Authorising an individual to supply or authorise the supply of alcohol in accordance with a **premises licence** under the **Licensing Act 2003**. The application fee for a personal licence is prescribed in the Act.

**Premises licence** – Authorising premises to be used for the sale or supply of alcohol, the provision of regulated entertainment or the provision of **late night refreshment**, under the **Licensing Act 2003**. This includes time-limited premises licences. A premises licence fee is based on its non-domestic rateable value. Application fees vary from £100 (Band A) to £1,905 (Band E with multiplier); annual fees vary from £70 to £1,050.

**Qualifying club** – A number of criteria must be met to be considered a qualifying club for a **club premises certificate**. They are:

- that under the rules of the club, persons may not be admitted to membership or be admitted as candidates for membership, or to any of the privileges of membership without an interval of at least two days between their nomination for membership and their admission;
- that the club is established and conducted in good faith as a club;
- that the club has at least 25 members; and
- that alcohol is not supplied to members on the premises otherwise than by or on behalf of the club.

**Relevant representations** – Representations which are about the likely effect of the grant of the **premises licence** or **club premises certificate** applications on the promotion of the licensing objectives, that are made by a responsible authority or other person within the period prescribed under section 17(5)(c) of the Act, that have not been withdrawn, and in the case of representations made by a other persons, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.

**Responsible authority** – Public bodies that must be notified of certain **premises licence** or **club premises certificate** applications and are entitled to make representations to the licensing authority. They include

- the licensing authority and any other licensing authority in whose area part of the premises is situated,
- the chief officer of police for any police area in which the premises are situated,
- the fire and rescue authority for any area in which the premises are situated,
- the Local Health Board for any area in which the premises are situated,
- the enforcing authority for Health and Safety at Work etc. Act 1974 for any area in which the premises are situated,
- the local planning authority for any area in which the premises are situated,
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health in any area in which the premises are situated in relation to,
- a body which represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and are competent to advise such matters,

- in relation to a vessel, a navigation authority having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities,
- the local authority responsible for weights and measures in any area in which the premises are situated.

**Review** – Following the grant of a **premises licence** or **club premises certificate** a **responsible authority** or **other person** may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.

**Revoked (personal licence)** – If the holder of a **personal licence** is convicted of an offence during the application period for the licence, the licence may be revoked under s.124 of the **Licensing Act 2003**.

**Surrender (of licence)** – If the holder of a licence wishes to surrender it, it is done according to the provisions under section 28 (for a **premises licence**), section 81 (for a **club certificate**) and section 116 (for a **personal licence**).

**Temporary event notice (TEN)** – A notice under s.100 of the **Licensing Act 2003**, used to authorise relatively small-scale licensable activities, subject to certain criteria and limits. Includes only notices that have been correctly and properly given in the time period specified i.e. excludes notices that were sent back because of mistakes on the form. This also includes notices that were subsequently withdrawn. The fee for a TEN is prescribed in the Act.

**Variation (to premises licence)** – Applications made under s.34 of the **Licensing Act 2003** to change the terms of a **premises licence**, for example the opening hours, the licensable activities or the conditions. The fee for a variation of **DPS** is prescribed in the Act.

**Variation (to club premises certificate)** – Applications made under s.84 of the **Licensing Act 2003** to change the terms of a **club premises certificate**, for example the qualifying club activities or the conditions.



**DRAFFT**

**Cyngor Sir y Fflint**

**Ddatganiad Polisi Trwyddedu**

**Rhagfyr 2021 – Rhagfyr 2026**

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## Rhagair gan gadeirydd Pwyllgor Trwyddedu Cyngor Sir y Fflint

Dyma'r pumed Datganiad o Bolisi Trwyddedu Sir y Fflint.

Mae Deddf Trwyddedu 2003 wedi bod mewn grym am fwy na pymtheg mlynedd, ac wedi gweld llawer o newidiadau a diwygiadau yn ystod y cyfnod hwnnw.

Mae'r profiad a fagwyd yn ystod y blynyddoedd diwethaf wedi cyfrannu at sicrhau bod gan gwsmeriaid ddewis eang o eiddo i ymweld â nhw, bod deiliaid trwyddedau wedi cael eu cefnogi drwy gyfnodau economaidd anodd, a bod trigolion sy'n byw ger eiddo trwyddedig yn cael datrysiadau os ydynt yn dioddef aflonyddu o unrhyw fath.

Mae Trwyddedu yn Sir y Fflint wedi'i leoli yn Adain Gwarchod y Gymuned a Busnesau ym Mhortffolio Cynllunio, yr Amgylchedd a'r Economi gyda Safonau Masnach a Diogelwch Cymunedol.

Mae hyn yn golygu y gall llawer o'r materion sy'n ymwneud ag alcohol, er enghraifft gwerthu i rai dan oed, ymddygiad gwrthgymdeithasol a thorri amodau'r drwydded gael eu trin gan yr un Adran a thrwy hynny'n darparu dull mwy effeithiol a chyson.

Mae cylch gwaith y Pwyllgor Trwyddedu ei hun yn cynnwys Trwyddedu Cerbydau Hacni a Hurio Preifat (Taksi) a'r Ddeddf Gamblo yn ogystal â thrwyddedu alcohol ac adloniant. Mae gan y meysydd hyn unwaith eto synergedd naturiol sy'n darparu ar gyfer dull wedi'i gydlynu'n dda.



*Y Cyngorydd Tony Sharps*

*Cadeirydd y Pwyllgor  
Trwyddedu*

## 1.0 | Cefndir

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- 1.1** Cafodd y Datganiad Polisi Trwyddedu ei gyhoeddi fel sy'n ofynnol gan Ddeddf Trwyddedu 2003 ('y Ddeddf') ac mae'n unol â'r Swyddfa Gartref a'r Adran Ddiwylliant, y Cyfryngau, a Chwaraeon (DCMS) canllawiau i awdurdodau lleol. Mae'r ddogfen hon yn nodi'r polisiau y bydd y Cyngor, fel Awdurdod Trwyddedu yn eu dilyn wrth wneud penderfyniadau ar geisiadau am:.
- ▶ Gwerthu alcohol
  - ▶ cyflenwi alcohol gan neu ar ran clwb, neu i orchymyn, i aelod o'r clwb.
  - ▶ Darparu lluniaeth hwyr y nos (cyflenwi bwyd neu ddiod boeth o adeilad rhwng 23:00 a 05:00 o'r gloch)
  - ▶ Darparu adloniant rheoleiddiedig ar gyfer y cyhoedd neu aelodau clwb neu gyda golwg ar wneud elw gan gynnwys codi arian ar gyfer elusen lle mae'r adloniant yn cynnwys:
    - a) perfformio drama;
    - b) arddangos ffilm;
    - c) digwyddiad chwaraeon dan do;
    - d) adloniant bocsi neu ymaflyd codwm;
    - e) perfformiad cerddorol byw;
    - f) chwarae unrhyw gerddoriaeth sydd wedi'i recordio;
    - g) perfformiad dawn;
    - h) adloniant tebyg i'r rhai a ddisgrifir ym mharagraff e, f neu g.
- \* Deddf Cerddoriaeth Fyw - Gweler Atodiad D

Mae'r adloniant yn dod o fewn y gofynion pan fydd yn cael ei gynnal ym mhresenoldeb cynulleidfa ac yn cael ei ddarparu ar gyfer y pwrpas neu gynnwys y diben o ddifyrru'r gynulleidfa honno.

- 1.2** Ni fydd cerddoriaeth fyw achlysurol a cherddoriaeth achlysurol wedi'i recordio yn cael ei ystyried yn adloniant rheoledig. Bydd yr Awdurdod Trwyddedu yn rhoi y gair "achlysurol" ei ystyr cyffredin a naturiol wrth wneud dyfarniadau ynghylch a yw gweithgareddau yn drwyddedadwy.
- 1.3** Nid yw cerddoriaeth ddigymell, canu a dawnio yn cael ei gynnwys yn y diffiniad o adloniant rheoledig a bydd unrhyw achos ohono yn cael ei asesu yn unol â'r Ddeddf.
- 1.4** Mae canllawiau ar y gweithdrefnau sydd i'w dilyn gan ymgeiswyr a gwrthwynebwyr yn Atodiad A y ddogfen hon.

## 2.0 | Cwmpas ac Ystent y Ddeddf Trwyddedu

**2.1** Mae'n ddyletswydd ar yr Awdurdod Trwyddedu i gyflawni ei swyddogaethau o dan y Ddeddf gyda'r bwriad o hyrwyddo'r amcanion trwyddedu, sef:

- ▶ Atal Trosedd ac Anhrefn
- ▶ Diogelwch y cyhoedd
- ▶ Atal Niwsans Cyhoeddus
- ▶ Amddiffyn plant rhag niwed

Mae'r Awdurdod Trwyddedu yn cydnabod bod pob amcan yr un mor bwysig ac nad oes unrhyw rai eraill.

Cydnabyddir na all y swyddogaeth drwyddedu weithredu ar wahân yn y gwaith o gyflawni'r amcanion uchod. Bydd yr Awdurdod Trwyddedu felly'n parhau i weithio mewn partneriaeth gyda'i chymunedau lleol, yr heddlu, busnesau lleol, y Bartneriaeth Diogelwch Cymunedol a'r holl randdeiliaid perthnasol eraill. Mae'r Awdurdod Trwyddedu yn cydnabod bod y sector preifat a thrigolion lleol a grwpiau cymunedol â rôl yr un mor hanfodol fel cyrff cyhoeddus.

**2.2** Wrth ymgymryd â'i swyddogaeth drwyddedu, mae unrhyw awdurdod trwyddedu hefyd yn cael ei rwymo gan ddeddfwriaeth arall, ac mae enghreifftiau o'r rhain wedi'u nodi isod:

- ▶ Mae Adran 17 o Ddeddf Trosedd ac Anhrefn 1998 angen i awdurdod lleol wneud popeth a all yn rhesymol i atal trosedd ac anhrefn yn ei ardal
- ▶ Mae'r Confensiwn Ewropeaidd ar Hawliau Dynol, a weithredir gan Ddeddf Hawliau Dynol 1998 yn gosod dyletswydd ar awdurdodau cyhoeddus i ddiogelu hawliau unigolion mewn amrywiaeth o amgylchiadau
- ▶ Deddf Iechyd a Diogelwch yn y Gwaith 1974
- ▶ Deddf Diogelu'r Amgylchedd 1990
- ▶ Deddf Gwahaniaethu ar Sail Anabledd 1995
- ▶ Deddf Ymddygiad Gwrthgymdeithasol 2003
- ▶ Rheoliadau Awdurdodau Lleol (Yfed Alcohol mewn Mannau Cyhoeddus dynodedig) 2007
- ▶ Deddf Iechyd 2006 a Rheoliadau Mangreoedd Di-fwg etc (Cymru) 2007
- ▶ Deddf Gostwng Troseddau Treisgar 2006
- ▶ Deddf Cydraddoldeb 2010
- ▶ Deddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011
- ▶ Deddf Cerddoriaeth Fyw 2012
- ▶ Deddf Ymddygiad Gwrthgymdeithasol, Trosedd a Phlisma 2014

Pan fydd y gyfraith eisoes yn gosod rhwymedigaethau statudol ar ymgeiswyr, ni fydd y Cyngor yn gosod yr un dyletswyddau neu ddyletswyddau tebyg, drwy amodau trwydded.

Bydd yr Awdurdod Trwyddedu hefyd yn ceisio cyflawni ei gyfrifoldebau a nodwyd yn Strategaethau eraill y Llywodraeth, i'r graddau y maent yn effeithio ar amcanion y Ddeddf Drwyddedu. Mae enghreifftiau o'r strategaethau hyn wedi'u nodi isod:

- ▶ Cynllun Gweithredu ar gyfer Mynd i'r Afael â Throseddau sy'n gysylltiedig ag alcohol, Anhrefn a Niwsans
- ▶ LGR / TSI Cod Arfer Gorau ar Brawf Prynu
- ▶ Strategaeth Lleihau Troseddau ac Anhrefn
- ▶ Taclo Ymddygiad Gwrthgymdeithasol Gyda'n Gilydd
- ▶ Polisi Gorfodaeth
- ▶ Cynllun Cludiant

**2.3** Byddai'r Awdurdod Trwyddedu hefyd yn tynnu sylw at, ac yn gefnogol o, fentrau presennol sy'n berthnasol i drwyddedu, er enghraifft:

- ▶ Cynlluniau Noswaith Ddiogel
- ▶ Cynlluniau profi oedran
- ▶ Teledu cylch cyfyng mewn canol trefi
- ▶ Gorchmynion Gwahardd o ganol trefi
- ▶ Cynlluniau 'Pubwatch'
- ▶ Cynlluniau 'Off-watch'
- ▶ Cynllun Datblygu Lleol Sir y Fflint
- ▶ Strategaeth 'Galw Amser Newid' Bwrdd Iechyd Prifysgol Betsi Cadwaladr

**2.4** Amcan y broses drwyddedu yw caniatáu cario ymlaen i adwerthu alcohol a darparu gweithgareddau trwyddedig mewn ffordd sy'n sicrhau diogelwch y cyhoedd ac sydd ddim ar draul trigolion, nac yn arwain at golli amwynder. Dymuniad yr Awdurdod Trwyddedu yw i hwyluso eiddo wedi'u rhedeg a'u rheoli'n dda gyda deiliaid trwyddedau'n dangos sensitifrwydd i effaith yr eiddo ar drigolion lleol.

**2.5** Mae'r Awdurdod Trwyddedu yn cydnabod bod y diwydiant adloniant yn Sir y Fflint yn cyfrannu'n sylweddol at yr economi leol. Mae'n denu twristiaid ac ymwelwyr, yn creu trefi a phentrefi bywiog ac yn gyflogwr mawr. Mae gan ddeiliaid masnachol eiddo ddisgwyliad dilys o amgylchedd sy'n ddeniadol a chynaliadwy ar gyfer eu busnesau. Ond rhaid cael cydbwysedd ag anghenion y boblogaeth breswyl, y mae'n ddyletswydd i'r Awdurdod Trwyddedu amddiffyn ei amwynder.

**2.6** Bydd yr Awdurdod Trwyddedu hefyd yn ystyried ystyriaethau ehangach sy'n effeithio ar amwynder unrhyw ardal. Mae'r rhain yn cynnwys taflu sbwriel a baeddu, sŵn, troseddu ar y strydoedd a chapasiti isadeiledd ac adnoddau'r Sir ac adnoddau'r heddlu i ymdopi gyda mewnlif o ymwelwyr, yn enwedig yn y nos.

**2.7** Mae'r Awdurdod Trwyddedu wedi mabwysiadu'r polisi hwn, sy'n nodi'r dull cyffredinol y bydd yn cymryd pan fydd yn gweithredu fel Awdurdod Trwyddedu o ran ystyried ceisiadau am drwyddedau eiddo. Wrth fabwysiadu'r polisi hwn, mae'r



Awdurdod Trwyddedu yn cydnabod y bydd pob cais yn cael ei ystyried yn ôl ei rinweddau.

- 2.8** Mae'r Awdurdod Trwyddedu yn cydnabod yr angen i annog a hyrwyddo cerddoriaeth fyw, dawnsio a theatr er lles diwylliannol ehangach cymunedau, ac yn arbennig, plant. Wrth benderfynu ar amodau i'w gosod ar drwyddedau a thystysgrifau bydd yr Awdurdod Trwyddedu yn osgoi mesurau sy'n atal cyfleoedd ar gyfer gweithgareddau diwylliannol trwy osod costau anuniongyrchol.
- 2.9** Efallai y bydd y Cyngor yn ceisio trwyddedau eiddo yn ei enw ei hun ar gyfer manau cyhoeddus fel sgwariau marchnad, strydoedd i gerddwyr yn unig, ac yn y blaen fel y gall gweithgareddau cymunedol gael eu cynnal yn rhwydd. Yn y fath leoedd diffiniedig, ni fyddai angen i berfformwyr a diddanwyr gael trwydded eu hunain na chyhoeddi unrhyw hysbysiadau digwyddiad dros dro. Y cyfan fyddai angen iddynt wneud fyddai gofyn am ganiatâd gan y Cyngor fel deiliad y drwydded eiddo. (Ni fyddai'r Cyngor yn gofyn am awdurdod i ganiatáu gwerthu neu gyflenwi alcohol ar gyfer yr ardaloedd hyn).
- 2.10** Diben y Datganiad Polisi Trwyddedu yw cynorthwyo Swyddogion ac Aelodau wrth ddod i benderfyniad ar gais penodol gan fanylu ar y materion hynny a fydd fel arfer yn cael eu hystyried. Yn ogystal, mae'r ddogfen Bolisi yn ceisio darparu eglurder i ymgeiswyr, trigolion a deiliaid eraill o eiddo a buddsoddwyr, gan eu galluogi i wneud cynlluniau i symud, aros neu fuddsoddi yn y Sir gyda rhywfaint o sicrwydd.
- 2.11** Mae Deddf Trwyddedu 2003 yn darparu ar gyfer y polisi hwn gael ei ymgynghori a'i adolygu o leiaf bob pum mlynedd. Yn unol â hynny, bydd y Polisi hwn yn cael ei adolygu ddim hwyrach na Rhagfyr 2026. Gellir gwneud newidiadau dros dro iddo, er enghraifft, yn dilyn adborth gan y gymuned leol ynglŷn ag a yw'r amcanion trwyddedu yn cael eu bodloni.
- 2.12** Bydd y Cyngor hefyd yn monitro effaith trwyddedu ar adloniant wedi'i reoleiddio i sicrhau nad yw digwyddiadau diwylliannol yn cael eu rhwystro gan amodau trwyddedu diangen, anghymesur neu afresymol. Bydd Swyddogion Datblygu Celfyddydau'r Cyngor yn cael eu cynnwys yn yr ymgynghoriad ar hyn.
- 2.13** Fel rheol bydd y polisi yn berthnasol i unrhyw gais am drwydded a benderfynir ar ôl y dyddiad y bydd y Cyngor yn penderfynu gwneud y polisi yn weithredol, heb ystyried y dyddiad y cafodd y cais ei wneud. Bydd yr Awdurdod Trwyddedu ond yn gwyro oddi wrth y polisi, os bydd amgylchiadau unigol yr achos yn teilyngu hynny, er budd amcanion trwyddedu. Bydd rhesymau llawn dros wriad o'r fath yn cael ei roi.

Mae'r polisi hwn yn berthnasol i'r categorïau canlynol:

- ▶ Trwyddedau eiddo
- ▶ Tystysgrif Eiddo Clwb
- ▶ Trwyddedau Personol
- ▶ Gweithgareddau Dros Dro a Ganiateir (Hysbysiadau Digwyddiadau Dros Dro)

- 2.14** Yn achos eiddo sydd angen Trwydded Eiddo neu Dystysgrif Eiddo Clwb gall yr Awdurdod Trwyddedu ddewis amodau priodol ac angenrheidiol o gronfa amodau'r DCMS neu Sefydliad Trwyddedu. Bydd yr amodau hyn yn briodol i natur y gweithgareddau a nodir yn yr atodlen weithredu, ac adlewyrchu'r pedwar amcan trwyddedu a nodwyd ym mharagraff 1.5 uchod.

## 3.0 | Amcanion Trwyddedu

### Cyflwyniad

O fewn cyd-destun hyrwyddo'r pedwar amcan trwyddedu, mae'r Awdurdod Trwyddedu yn disgwyl i'r ymgeiswyr gynnig amodau trwyddedu i leihau effaith y gall eu safle gael ar iechyd a lles eu cwsmeriaid, y gymdogaeth a'r gymuned ehangach.

### Trosedd ac Anhrefn

*Dylai'r Datganiad o Bolisi Trwyddedu a'r gweithdrefnau a'r amodau sy'n ffurfio rhan o'r broses hyrwyddo'r Amcanion Trwyddedu*

- 3.1** Bydd yr Awdurdod Trwyddedu yn ystyried Deddf Trosedd ac Anhrefn 1998 sy'n rhoi dyletswydd arno i atal/lleihau trosedd ac anhrefn yn yr ardal. Bydd amodau ynghlwm wrth drwyddedau eiddo a thystysgrifau eiddo clwb, cyn belled ag y bo modd, yn adlewyrchu strategaethau atal trosedd lleol, e.e. darparu camerâu teledu cylch cyfyng mewn rhai eiddo.
- 3.2** Un o flaenoriaethau allweddol Partneriaeth Lleihau Trosedd ac Anhrefn Sir y Fflint yw lleihau lefel y troseddu mewn ardaloedd penodol. Bydd y polisi yn rhoi sylw, felly, i effaith debygol trwyddedu ar drosedd ac anhrefn cysylltiedig yn ardal y Cyngor, yn enwedig wrth ystyried y lleoliad a'r effaith a gweithrediad a rheolaeth bob cais arfaethedig am drwydded, adnewyddu ac amrywio amodau.
- 3.3** Bydd yr Awdurdod Trwyddedu yn talu sylw dyledus i sylwadau Heddlu Gogledd Cymru sy'n un o'r Awdurdodau Cyfrifol yr ymgynghorir â nhw ynghylch trwydded eiddo a cheisiadau am tystysgrif eiddo clwb, a Hysbysiadau Digwyddiad Dros Dro.

### Cyffuriau

- 3.4** O fewn cyd-destun hyrwyddo amcanion trwyddedu ar gyfer atal trosedd ac anhrefn a sicrhau diogelwch cyhoeddus, mae'r Awdurdod Trwyddedu yn disgwyl i ymgeiswyr a dalwyr trwydded i:
  - Gymryd holl gamau rhesymol i atal cyffuriau rhag dod mewn i'r eiddo trwyddedig
  - Cymryd holl gamau rhesymol i atal cyffuriau rhag newid dwylo o fewn yr eiddo
  - Hyfforddi staff i gydnabod a deall arwyddion o gamddefnyddio cyffuriau mewn pobl fel y gellir cymryd camau ymarferol i ddelio â digwyddiadau
  - Cael staff sydd wedi'u hyfforddi'n briodol i ddelio â digwyddiadau sy'n ymwneud â chyffuriau

- Arddangos gwybodaeth priodol o ran ymwybyddiaeth o ddiogelwch cyffuriau i gwsmeriaid
- Darparu cyfarpar cymorth cyntaf ymhob lleoliad, ac ystafell cymorth cyntaf mewn lleoliadau mwy. Dylid rhoi ystyriaeth i ddarparu diffibriliwr mewn lleoliadau mwy
- Cyflogi staff sydd wedi'u hyfforddi i gynorthwyo gyda digwyddiadau meddygol
- Gweithredu polisi gwahardd priodol

## Goruchwylwyr Drysau

- 3.5** Gall yr Awdurdod Trwyddedu, ar ôl derbyn sylwadau perthnasol, ystyried bod rhai eiddo angen goruchwyliaeth er mwyn hyrwyddo gostyngiad mewn trosedd ac anhrefn, ac i gyfrannu'n gyffredinol at weithrediad diogel yr eiddo. Mewn achosion o'r fath, gall yr Awdurdod Trwyddedu roi amod bod yn rhaid cyflogi goruchwylwyr drysau trwyddedig (Awdurdod Diwydiant Diogelwch) yn yr eiddo naill ai bob amser neu ar yr adegau hynny pan fo gweithgareddau trwyddedadwy penodol yn cael eu cynnal, ac mewn nifer a'r gymhareb a bennir gan yr Awdurdod Trwyddedu.
- 3.6** Nid yw stiwardiaid a phersonau eraill â'u rôl yw darparu cyngor ynghylch diogelwch a sicrhau diogelwch y rheiny sy'n ymweld â'r eiddo yn cael eu hystyried i fod yn cyflawni gweithgaredd diogelwch ac nid oes angen iddynt fod wedi'u cofrestru gyda'r Awdurdod Diwydiant Diogelwch.

## Lluniaeth Hwyr y Nos

- 3.7** Bydd angen trwydded ar eiddo sy'n gwerthu bwyd neu ddiod poeth rhwng 11:00pm a 05:00am. Yr amcan trwyddedu allweddol mewn cysylltiad â'r gweithgaredd hwn yw atal trosedd ac anhrefn a niwsans cyhoeddus. Lle mae darparu bwyd a diod poeth yn weithgaredd eilaidd mewn eiddo trwyddedig sydd ar agor ar gyfer gweithgareddau eraill, yna bydd amodau'r drwydded sylfaenol yn cynnwys y gweithgaredd yn ddigonol. Ni fydd y gofynion fel arfer yn cael eu cymhwyso i siopau cyfleus / siopau garej ac eiddo tebyg, oni bai bo trosedd ac anhrefn neu niwsans cyhoeddus yn dod yn broblem.

## Cynlluniau Partneriaeth Diwydiant

- 3.8** Bydd yr Awdurdod Trwyddedu yn annog cyfranogiad actif mewn cynlluniau megis Pubwatch, Off-Watch, Braf Bob Nos (os yw ar gael yn yr ardal) i gyfrannu at atal amcanion trwyddedu trosedd ac anhrefn.

## Alcohol mewn Mannau Cyhoeddus

- 3.9** Mae Sir y Fflint yn 'fan cyhoeddus dynodedig' o dan y ddeddfwriaeth berthnasol. Mae hyn yn golygu os yw swyddog yr heddlu yn credu'n rhesymol bod person yn neu wedi bod yn yfed, neu'n bwriadu yfed, alcohol mewn man cyhoeddus dynodedig, mae ganddo/ ganddi'r pŵer i ofyn i'r person hwnnw beidio ag yfed

alcohol yn y lle hwnnw ac i ildio unrhyw alcohol neu gynwysyddion alcohol (gan gynnwys cynwysyddion wedi'u selio) yn eu meddiant.

- 3.10** Nid yw'n drosedd i yfed alcohol mewn man cyhoeddus dynodedig, ond mae methu â chydymffurfio â gofynion swyddog heb esgus rhesymol yn drosedd arestiol.

### Hyrwyddiadau Anghyfrifol

- 3.11** Roedd gwahardd hyrwyddo alcohol yn anghyfrifol mewn eiddo didrwydded yn un o bump mesur a gyflwynwyd gan y Llywodraeth yn 2010. Y lleill oedd gwahardd tywallt alcohol yn uniongyrchol i gegau cwsmeriaid; gwneud dŵr tap ar gael am ddim; sicrhau bod polisïau gwirio oedran yn eu lle a chynnig dogni llai o gwrw, gwin a gwirodydd.
- 3.12** Yn Sir y Fflint bydd y penderfyniad ar yr hyn sydd a'r hyn na fydd yn hyrwyddo anghyfrifol yn cael ei wneud ar sail achosion unigol trwy gymryd yr holl amgylchiadau i ystyriaeth a chan gyfeirio at Awdurdodau Cyfrifol eraill pan fo angen.

### Ardoll Hwyr y Nos

- 3.13** Darparodd newidiadau mewn deddfwriaeth sylfaenol drwy Ddeddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011 y potensial i'r Awdurdod fabwysiadu pŵer lleol ychwanegol i gynorthwyo gyda rheoli effaith Economi Hwyr y Nos ar y gymuned leol. Nid yw Cyngor Sir y Fflint ar hyn o bryd yn codi Ardoll Hwyr y Nos.

### Gorchmynion Cyfyngu Ben Bore

- 3.14** Gwelir Gorchmynion Cyfyngu Ben Bore (EMRO) fel arf y gall yr Awdurdod o bosibl ei ddefnyddio i ail-addasu ffocws yr economi gyda'r nos i ffwrdd o yfed problemus, os byddai mesurau o'r fath yn hyrwyddo'r Amcanion Trwyddedu.

### Diogelwch y Cyhoedd

- 3.13** Mae'r Awdurdod Trwyddedu yn dymuno hyrwyddo safonau uchel o ddiogelwch y cyhoedd mewn cysylltiad ag adeiladau a gweithgareddau o fewn cwmpas Deddf Trwyddedu 2003.
- 3.14** Gellir ymgynghori ag Adran y Cyngor sy'n gorfodi iechyd a diogelwch mewn eiddo perthnasol fel Awdurdod Cyfrifol, a gall hefyd weithredu fel Unigolion ag Awdurdod at ddibenion gorfodi dan Ddeddf Trwyddedu 2003.

- 3.15** Mae'r Awdurdod Trwyddedu yn cydnabod na fydd dyletswyddau iechyd a diogelwch cyffredinol bob amser yn ymdrin yn ddigonol â materion penodol sy'n codi mewn eiddo mewn cysylltiad â rhai mathau o adloniant ac felly efallai y bydd angen rhoi amodau ynghlwm wrth drwydded/ tystysgrif.
- 3.16** Lle mae gweithgareddau yn cael eu trefnu gan wirfoddolwyr neu bwyllgor clwb neu gymdeithas, mae'r Awdurdod Trwyddedu yn ystyried ei bod yn arfer da bod yr un lefel o amddiffyniad iechyd a diogelwch yn cael ei ddarparu fel pe bai perthynas cyflogwr/gweithiwr yn bodoli, heb ystyried a oes dyletswyddau cyfreithiol llym yn berthnasol o dan y ddeddfwriaeth iechyd a diogelwch.
- 3.17** Bydd yr Awdurdod Trwyddedu yn annog deiliaid trwyddedau i ddarparu cyfleusterau sy'n galluogi derbyn pobl ag anableddau. Ni fydd unrhyw amodau yn cael eu rhoi y gellid eu defnyddio i gyfiawnhau gwaharddiad ar sail diogelwch y cyhoedd. Ni fydd unrhyw amod trwyddedu a osodir i wahardd anifeiliaid anwes am resymau diogelwch y cyhoedd yn berthnasol i gŵn tywys neu gymorth.

## Diogelwch Tân

- 3.18** Bydd yr Awdurdod Trwyddedu yn talu sylw dyledus i sylwadau Gwasanaeth Tân ac Achub Gogledd Cymru sy'n un o'r Awdurdodau Cyfrifol yr ymgynghorir â nhw ynghylch trwydded/ ceisiadau, adnewyddu ac amrywio tystysgrif eiddo clwb.
- 3.19** Gall Gwasanaeth Tân ac Achub Gogledd Cymru ddewis amodau priodol ac angenrheidiol mewn perthynas â materion diogelwch tân mewn ymgynghoriad â Gwasanaeth Tân ac Achub Gogledd Cymru.
- 3.20** Bydd yr Awdurdod Trwyddedu, ar ôl derbyn sylwadau perthnasol yn cynnwys mewn tystysgrif eiddo/ tystysgrif eiddo clwb nifer o bobl a ganiateir lle bo angen er mwyn diogelwch y cyhoedd. Bydd y ffigur hwn yn cael ei gyrraedd mewn ymgynghoriad â Gwasanaeth Tân ac Achub Gogledd Cymru.
- 3.21** Os bydd ymgeiswyr yn dymuno manteisio ar y darpariaethau arbennig yn Adran 177 o'r Ddeddf (dawnsio, cherddoriaeth wedi'i chwyddo a heb ei chwyddo mewn adeiladau gyda lle i ddim mwy na 200) efallai y gofynnir i Wasanaeth Tân ac Achub Gogledd Cymru roi cadarnhad o faint o le sydd yn yr adeilad.
- 3.22** Mae Cyngor Sir y Fflint yn un o lofnodwyr y protocol rhwng Gwasanaeth Tân ac Achub Gogledd Cymru a'r chwe awdurdod lleol yng Ngogledd Cymru.

## Iechyd y Cyhoedd

- 3.23** Mae'r Bwrdd Iechyd Lleol yn gyfrifol am wneud cynrychioliadau a sylwadau ar geisiadau am drwyddedau. Bydd y Bwrdd Iechyd hefyd yn defnyddio gwybodaeth a ddarperir gan Iechyd Cyhoeddus Cymru er mwyn llywio eu penderfyniadau. Nid yw iechyd y cyhoedd yn amcan trwyddedu eto, ond mae'r awdurdod trwyddedu yn credu bod gan iechyd y cyhoedd lawer i'w ychwanegu at drwyddedu mewn

perthynas ag anghenion iechyd sy'n gysylltiedig ag alcohol y poblogaethau lleol. Mae gan gyrff iechyd megis Iechyd y Cyhoedd fynediad unigryw at ddata nad yw ar gael i awdurdodau cyfrifol eraill a all lywio penderfyniadau trwyddedu. Mae Iechyd y Cyhoedd yn ddefnyddiol o ran darparu tystiolaeth o niwed i iechyd sy'n gysylltiedig ag alcohol yn arbennig mewn perthynas â pholisïau effaith gronnu.

## Atal Niwsans Cyhoeddus

- 3.23** Wrth ystyried niwsans cyhoeddus, bydd yr Awdurdod Trwyddedu yn ystyried: -
- ▶ Sŵn o eiddo - gan gynnwys sŵn a achosir gan gwsmeriaid yn ysmegu y tu allan
  - ▶ Gwastraff
  - ▶ Sbwriel - gan gynnwys sbwriel sy'n gysylltiedig ag ysmegu
  - ▶ Parcio Ceir
  - ▶ Llygredd golau
  - ▶ Arogleuon annifyr
- Bydd yr Awdurdod Trwyddedu yn cymryd ystyr eang cyfraith gwlad o niwsans cyhoeddus wrth wneud ei ddyfarniadau ar geisiadau ac adolygiadau o drwyddedau / tystysgrifau eiddo.
- 3.24** Wrth ystyried effaith bosibl eiddo trwyddedig ar yr ardal o'i amgylch bydd yr Awdurdod Trwyddedu yn cymryd i ystyriaeth y math o weithgaredd adloniant, yr oriau gweithredu arfaethedig, faint o le sydd yn yr eiddo a chymeriad yr ardal a pha mor agos ydyw at drigolion lleol.
- 3.25** Bydd yr Awdurdod Trwyddedu ddefnyddio'r gronfa gydnabyddedig o amodau trwyddedu i reoli sŵn o eiddo presennol ac i gynghori datblygwyr ar y mesurau gwanhau sŵn gofynnol ar gyfer adeiladau newydd. Gall amodau llymach o ran rheoli sŵn gael eu gosod mewn ardaloedd lle mae'r eiddo'n agos at eiddo preswyl.
- 3.26** Bydd Adain Rheoli Llygredd Is-adran Gwarchod y Cyhoedd y Cyngor yn gweithredu fel Awdurdod Cyfrifol ac ymgynghorir â nhw o ran atal niwsans cyhoeddus ac efallai y cyfeir at y 'Good Practice Guide on the Control of Noise from Pubs and Clubs' yr Institute of Acoustics (rhifyn cyfredol). Gellir cyfeirio hefyd at adroddiad Adran yr Amgylchedd, Bwyd a Materion Gwledig (DEFRA) o'r enw "Goblygiadau Aflonyddwch Sŵn yn Deillio o Ryddfrydoli Cyfreithiau Trwyddedu".
- 3.27** Bydd yr Awdurdod Trwyddedu yn cydbwysu'r posibilrwydd o aflonyddu ar gymunedau gyda'r angen i annog a hyrwyddo cerddoriaeth fyw, dawnsio a theatr.
- 3.28** Mae'r Awdurdod Trwyddedu yn cydnabod y pwerau sydd gan yr Heddlu i gyhoeddi Gorchymyn Cau ar eiddo trwyddedig unigol sy'n achosi niwsans o ganlyniad i sŵn, a byddem yn annog yr Heddlu i ddefnyddio pwerau o'r fath lle bynnag y bo'n briodol a rhoi gwybod i'r Awdurdod Trwyddedu mewn achos o gamau o'r fath.

- 3.29** Mae'r pwerau uchod ar gael i Swyddogion Rheoli Llygredd gan Ddeddf Ymddygiad Gwrthgymdeithasol 2003. Bydd pwerau o'r fath yn cael eu defnyddio hefyd pan ystyrir bod eu hangen ac yn unol â'r ddeddfwriaeth.
- 3.30** Ni fydd yr Awdurdod Trwyddedu yn gorfodi amodau ar eiddo trwyddedig na all deiliad y drwydded eu rheoli'n uniongyrchol, nac ar faterion nad ydynt yn gysylltiedig â chyffiniau'r eiddo.
- 3.31** Wrth ystyried ceisiadau am drwyddedau neu adolygiadau o drwyddedau, bydd yr Awdurdod Trwyddedu yn cymryd safbwynt synnwyr cyffredin ar p'un a yw'r unigolyn neu fusnes sy'n gwneud sylwadau wedi ei leoli "yng nghyffiniau" yr eiddo dan sylw ac felly yn debygol o gael ei effeithio'n uniongyrchol gan anhrefn ac aflonyddwch.
- 3.32** Mater o gyfrifoldeb personol yw sŵn ac aflonyddwch sy'n deillio o ymddygiad mynychwyr sydd wedi gadael yr eiddo ac maent yn destun gorfodaeth yr Heddlu o'r gyfraith arferol sy'n ymwneud ag anhrefn ac ymddygiad gwrth-gymdeithasol.
- 3.33** Er gwaethaf y paragraff blaenorol, barn yr Awdurdod Trwyddedu yw bod cyfrifoldeb ar Oruchwyliwr yr Eiddo Dynodedig am sicrhau nad yw pobl sydd tu allan i'w heiddo at ddibenion ysmegu yn creu niwsans cyhoeddus.

## Diogelu Plant rhag Niwed

- 3.34** Mae'r Awdurdod Trwyddedu yn cydnabod yr amrywiaeth mawr o eiddo y gellir gofyn am drwyddedau ar eu cyfer. Bydd y rhain yn cynnwys, er enghraifft, theatrau, sinemâu, bwytai, tafarndai, clybiau nos, caffis, siopau cludfwyd, neuaddau cymuned ac ysgolion. Ni fydd mynediad gan blant i bob math o eiddo yn cael ei gyfyngu mewn unrhyw ffordd ar wahân i fel y nodir yn Neddf Trwyddedu 2003, oni ystyrir ei bod yn angenrheidiol gwneud hynny er mwyn eu diogelu rhag niwed mewn rhyw ffordd (hy, niwed corfforol, moesol neu seicolegol).
- 3.35** Wrth ystyried ceisiadau am drwyddedau eiddo neu dystysgrifau eiddo clwb, bydd yr Awdurdod Trwyddedu yn ystyried hanes eiddo penodol a natur y gweithgareddau y bwriedir eu darparu wrth ystyried unrhyw opsiynau priodol i atal niwed i blant, er enghraifft:
- ▶ Lle mae aelodau o'r staff presennol wedi eu canfod yn euogfarnau o weini alcohol i blant dan oed neu gydag enw drwg am yfed dan oed
  - ▶ Yn gysylltiedig â chymryd neu ddelio cyffuriau
  - ▶ Lle mae elfen gref o gamblo yn yr eiddo (nid presenoldeb syml nifer fechan o beiriannau gamblo am wobrau ariannol)
  - ▶ Lle mae adloniant neu wasanaethau i oedolion neu o natur rywiol yn cael eu darparu'n gyffredinol, e.e. bar staff heb dop, strip-bryfocio, glin-ddawnsio, bwrdd-ddawnsio neu polyn-ddawnsio, iaith neu ddelweddu cryf a sarhaus. (Gweler paragraff 20).
  - ▶ Lle mae cyflenwi alcohol i'w yfed ar yr eiddo yr unig neu brif bwrpas y gwasanaethau a ddarperir.



Mae Deddf Trwyddedu 2003 yn ei gwneud yn drosedd i ganiatáu plant o dan 16 oed nad ydynt yng nghwmni oedolyn i fod yn bresennol mewn eiddo a ddefnyddir yn unig neu'n bennaf ar gyfer cyflenwi alcohol i'w yfed yn yr eiddo hwnnw.

Bydd yr Awdurdod Trwyddedu yn rhoi y term "yn unig neu'n bennaf" ei ystyr cyffredin a naturiol yng nghyd-destun yr amgylchiadau penodol. Bydd yr Awdurdod Trwyddedu yn ystyried rhinweddau unigol pob cais.

**3.36** Lle mae'r amgylchiadau a ddisgrifir yn 6.2 yn bodoli yna gellir rhoi amodau ynghlwm wrth y drwydded i amddiffyn plant rhag niwed. Gall amodau o'r fath gynnwys:

- ▶ Yr angen i ddangos cardiau profi oedran
- ▶ Cyfyngu ar yr oriau pryd y gall plant fod yn bresennol
- ▶ Cyfyngiadau oedran (dan 18 oed)
- ▶ Cyfyngiadau neu waharddiadau pan fydd gweithgareddau penodol yn digwydd
- ▶ Cyfyngiadau neu waharddiadau mewn perthynas â rhannau o eiddo
- ▶ Gwaharddiad llawn ar bobl o dan 18 oed o'r eiddo pan fo unrhyw weithgareddau trwyddedadwy yn cael eu cynnal
- ▶ Gofynion ar gyfer goruchwyliaeth gan oedolion

Fel egwyddor gyffredinol, ni fydd yr Awdurdod Trwyddedu yn rhoi amodau ar drwyddedau eiddo neu dystysgrifau sydd angen mynediad i blant. Bydd hyn yn cael ei adael i ddisgresiwn gweithredwr y lleoliad.

**3.37** Lle caniateir arddangos ffilmiau bydd yr awdurdod yn disgwyl y cydymffurfir â chyfyngiadau oedran yn unol ag argymhellion Bwrdd Categori Ffilmiau Prydeinig. Mae hyn yn amod gorfodol yn Neddf Trwyddedu 2003 ar gyfer eiddo sy'n gadael plant i mewn i weld unrhyw ffilm.

**3.38** Mae'r Awdurdod Trwyddedu yn cydnabod y gofyniad yn y Ddeddf ar gyfer plant o dan 16 oed i fod yng nghwmni oedolyn. Mewn amgylchiadau lle mae nifer fawr o blant yn debygol o fod yn bresennol heb oedolyn mewn eiddo trwyddedig penodol, er enghraifft mewn sioe i blant neu bantomeim, yna er mwyn sicrhau diogelwch y cyhoedd a diogelu plant rhag niwed, bydd y gymhareb oedolion sydd ei hangen i oruchwyllo plant yn unol ag Atodiad H, Canllawiau Adran 182 i Ddeddf Trwyddedu 2003 neu gymhareb arall y gall awdurdod cyfrifol ei argymhell.

**3.39** Ni chaniateir arddangos ffilmiau mewn eiddo trwyddedig sy'n debygol o:

- ▶ Arwain at anhrefn
- ▶ Ennyn casineb neu ysgogi trais tuag at unrhyw ran o'r cyhoedd ar sail lliw, hil neu darddiad ethnig neu genedlaethol, iaith, anabled, credoau crefyddol, tueddfryd rhywiol neu ryw.

**3.40** Gan gyfeirio'n gyffredinol at amddiffyn plant rhag niwed, bydd yr Awdurdod Trwyddedu yn ystyried yr Adran Gwasanaethau Cymdeithasol Plant o'r Gyfarwyddiaeth Gwasanaethau Cymunedol fel yr Awdurdod Cyfrifol cymwys i ymateb ar faterion yn ymwneud â phlant a niwed.

- 3.41** Disgwylir gan yr Awdurdod Trwyddedu y bydd atodlenni gweithredu a gyflwynir fel rhan o geisiadau yn cynnwys digon o wybodaeth fanwl fel y gellir penderfynu ar y farn briodol o ran pa fesurau a allai fod yn angenrheidiol i amddiffyn plant rhag niwed.
- 3.42** Gweler paragraff 15 isod i gael gwybodaeth fanylach am reoli Lleoliadau Adloniant Rhyw

## Iechyd y Cyhoedd

- 3.43** Mae'r Bwrdd Iechyd Lleol yn gyfrifol am wneud sylwadau ac arsylwadau ar geisiadau am drwydded. ~~Bydd y Bwrdd Iechyd yn defnyddio gwybodaeth a ddarperir gan Iechyd Cyhoeddus Cymru hefyd er mwyn nodi eu proses o dded i benderfyniad. Nid yw Iechyd y Cyhoedd yn amcan trwyddedu ar hyn o bryd, ond mae'r awdurdod trwyddedu yn credu bod gan Iechyd y Cyhoedd lawer i'w ychwanegu i drwyddedu, mewn perthynas ag anghenion Iechyd yn ymwneud ag alcohol y boblogaeth leol. Mae gan y cyrff Iechyd megis Iechyd y Cyhoedd fynediad unigryw i ddata nad yw ar gael i awdurdodau cyfrifol eraill, a all nodi penderfyniadau trwyddedu. Mae Iechyd y Cyhoedd yn ddefnyddiol wrth ddarparu tystiolaeth o niwed i Iechyd yn sgil alcohol, yn arbennig mewn perthynas â pholisïau effaith gronol.~~

Mae data Iechyd cyhoeddus yn dangos bod -

- 21% o oedolion yn Sir y Fflint yn yfed mwy na'r uchafswm cyfartalog wythnosol o alcohol sy'n cael ei argymhell (Arolwg Cenedlaethol Cymru, 2019).
- Yn 2019-2020, cafodd 353.4 o drigolion Sir y Fflint (Iechyd Cyhoeddus Cymru, 2020) eu derbyn i'r ysbyty gyda phroblemau o ganlyniad uniongyrchol i alcohol ac roedd 1857.3 wedi'u derbyn i'r ysbyty gyda phroblemau a allai fod yn gysylltiedig ag alcohol (cyfradd Ewropeaidd wedi'i safoni yn ôl oedran fesul 100,000 o bobl).

## 4.0 | Effaith gronnus

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- 4.1** Mae hyn yn ymwneud â'r effaith bosibl ar hyrwyddo amcanion trwyddedu nifer sylweddol o eiddo trwyddedig mewn un ardal.
- 4.2** Nid yw'r Awdurdod Trwyddedu yn ystyried ar adeg cyhoeddi'r Datganiad o Bolisi Trwyddedu hwn bod ardaloedd yn Sir y Fflint lle mae effaith gronnus yn broblem sylweddol.
- 4.3** Fodd bynnag, mae'r Awdurdod Trwyddedu yn dymuno aros yn effro i'r posibilrwydd o effaith o'r fath yn digwydd.
- 4.4** Drwy gysylltu gyda thrigolion lleol ac Awdurdodau Cyfrifol gall yr Awdurdod Trwyddedu, felly, ddod i'r casgliad yn y dyfodol, bod rhan benodol o'i ardal yn cael ei ystyried i fod yn achosi effaith gronnus ar un neu fwy o'r amcanion trwyddedu.
- 4.5** Felly, bydd polisi arbennig o wrthod trwyddedau newydd yn cael ei fabwysiadu pan fo sail dystiolaethol ar ei gyfer oddi wrth Awdurdodau Cyfrifol, partïon â diddordeb neu gyrrff eraill megis Partneriaethau Lleihau Trosedd ac Anhrefn.
- 4.6** Bydd yr Awdurdod Trwyddedu yn dilyn y camau a nodir yng Nghyfarwyddyd diwygiedig y Swyddfa Gartref wrth fabwysiadu polisi arbennig.
- 4.7** Bydd hyn yn creu tybiaeth amodol bod ceisiadau am drwyddedau eiddo newydd, tystysgrifau eiddo clwb neu amrywiadau deunydd fel arfer yn cael eu gwrthod, oni bai y gellir dangos na fydd gweithrediad yr eiddo dan sylw yn ychwanegu at yr effaith gronnus a brofir eisoes.
- 4.8** Ni fydd y polisi arbennig, fodd bynnag, yn absoliwt. Bydd pob cais yn cael ei ystyried yn ôl ei haeddiant a gellir caniatáu trwyddedau neu dystysgrifau sy'n annhebygol o ychwanegu at yr effaith gronnus ar yr amcanion trwyddedu. Bydd gwahanol arddulliau a nodweddion eiddo yn cael eu hystyried.
- 4.9** Ni fydd polisiâu arbennig yn cael eu defnyddio fel sail dros ddiddymu trwydded neu dystysgrif bresennol, nac dros wrthod ceisiadau i amrywio trwydded bresennol ac eithrio pan fydd yr addasiadau hynny yn uniongyrchol berthnasol i'r polisi ac yn gwbl angenrheidiol ar gyfer hyrwyddo'r amcanion trwyddedu.
- 4.10** Ni fydd polisi arbennig yn cael ei ddefnyddio i osod amseroedd cau sefydlog mewn ardal benodol, neu i osod cwotâu - yn seiliedig ar naill ai nifer yr eiddo neu faint o le sydd yn yr eiddo hynny.

- 4.11** Bydd mecanweithiau eraill hefyd yn cael eu defnyddio ar gyfer rheoli effaith gronnus, er enghraifft:
- ▶ Darparu TCC
  - ▶ gwaharddiadau ar yfed alcohol mewn mannau cyhoeddus dynodedig
  - ▶ Gorfodaeth yr heddlu o'r gyfraith gyffredinol ynghylch anhrefn ac ymddygiad gwrthgymdeithasol
  - ▶ Gorfodaeth y ddeddfwriaeth ar werthu alcohol i bobl sy'n feddw
  - ▶ cymryd alcohol oddi ar oedolion a phlant mewn ardaloedd dynodedig
  - ▶ defnydd o bwerau cau dros dro yr heddlu
  - ▶ Gallu i'r Heddlu, Awdurdodau Cyfrifol, trigolion a busnesau i geisio adolygiad o drwyddedau eiddo neu dystysgrifau eiddo clwb.

## 5.0 | Cynllunio a Rheoli Adeiladu

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- 5.1** Bydd y cyfundrefnau Cynllunio, Rheoli Adeiladu a Thrwyddedu yn Sir y Fflint wedi cael eu gwahanu yn briodol i osgoi dyblygu ac aneffeithlonrwydd.
- 5.2** Fel arfer, dylai ceisiadau am drwyddedau eiddo ar gyfer adeiladau masnachol parhaol ddod oddi wrth fusnesau sydd â chaniatâd cynllunio ar gyfer yr eiddo dan sylw. Fodd bynnag, gellir gwneud ceisiadau am drwyddedau cyn i unrhyw ganiatâd cynllunio perthnasol gael ei geisio neu ei roi gan yr awdurdod cynllunio.
- 5.3** Mae'r cyfundrefnau cynllunio a thrwyddedu yn cynnwys ystyried gwahanol faterion (er yn gysylltiedig). Er enghraifft, mae trwyddedu yn ystyried niwsans cyhoeddus tra bo cynllunio yn ystyried materion amwynder ehangach. Felly, ni ddylai ceisiadau am drwydded o'r fath fod yn ail-gyflwyniad o gais cynllunio ac na ddylid o reidrwydd eu dylanwadu gan benderfyniadau a wnaed gan bwyllgor cynllunio awdurdod lleol neu gan yr Arolygiaeth Gynllunio ar apêl, ac i'r gwrthwyneb.
- 5.4** Ni fyddai caniatáu unrhyw amrywiad i drwydded sy'n cynnwys newid materol i adeilad gan yr awdurdod trwyddedu yn rhyddhau'r ymgeisydd o'r angen i wneud cais am ganiatâd cynllunio (Caniatâd Adeilad Rhestredig pan fo hynny'n berthnasol), neu gymeradwyaeth Rheoli Adeiladu.
- 5.5** Mae amgylchiadau hefyd, fel amod o ganiatâd cynllunio, bod amser cau wedi cael ei bennu ar gyfer y defnydd o'r eiddo at ddibenion masnachol. Lle mae'r oriau hyn yn wahanol i'r oriau trwyddedig, rhaid i'r ymgeisydd gadw at yr amser cau cynharach. Byddai eiddo sy'n gweithredu yn groes i'w caniatâd cynllunio yn agored i gamau gorfodi o dan gyfraith cynllunio.
- 5.6** Yr Awdurdod Cynllunio yw'r awdurdod cyfrifol o dan y Ddeddf Trwyddedu ac o'r herwydd gall gyflwyno sylwadau ar geisiadau am drwydded cyn belled ag y bônt yn berthnasol i'r amcanion trwyddedu.
- 5.7** Mae cyfeiriad yn cael ei wneud i'r egwyddor Asiant Newid, sy'n rhoi'r cyfrifoldeb o liniaru effeithiau gweithgareddau sy'n cynhyrchu sŵn neu ddefnyddio datblygiad arfaethedig newydd sy'n sensitif i sŵn.

## 6.0 | Cais am Drwydded/ Tystysgrif Tro Cyntaf ac Amrywio Telerau ac Amodau presennol

Wrth ystyried yr holl geisiadau newydd neu amrywio amod, bydd yr Awdurdod Trwyddedu yn eu hasesu yng ngoleuni'r amcanion trwyddedu, yr atodlen weithredu ac yn benodol bydd yn ystyried y canlynol, i'r graddau eu bod o dan reolaeth yr ymgeisydd:

- 6.1** Y camau mae'r ymgeisydd wedi eu cymryd neu'n bwriadu eu cymryd er mwyn atal sŵn a dirgryniad rhag dianc o'r eiddo, gan gynnwys cerddoriaeth, sŵn o offer awyru, a lleisiau dynol. Gall mesurau o'r fath gynnwys gosod deunydd gwrthsain, cyflyru aer, cynteddau acwstig a dyfeisiadau cyfyngu sŵn.
- 6.2** Y camau mae'r ymgeisydd wedi eu cymryd neu'n bwriadu eu cymryd i atal aflonyddwch gan gwsmeriaid sy'n cyrraedd neu'n gadael yr eiddo.
- 6.3** Y camau mae'r ymgeisydd wedi eu cymryd neu'n bwriadu eu cymryd i osgoi ciwio, neu, os yw ciwio yn anochel, i symud ciwiau oddi wrth eiddo cyfagos, neu fel arall i reoli'r ciw i atal aflonyddwch neu rwystr.
- 6.4** Y camau mae'r ymgeisydd wedi eu cymryd neu'n bwriadu eu cymryd i sicrhau bod cwsmeriaid yn gadael yr adeilad yn ddistaw.
- 6.5** Y trefniadau a wnaed neu a fwriedir eu gwneud ar gyfer parcio gan ddefnyddwyr, ac effaith parcio ar drigolion lleol.
- 6.6** A oes darpariaeth ddigonol ar gyfer cludiant cyhoeddus i gwsmeriaid.
- 6.7** P'un a yw tacsis a cherbydau hurio preifat sy'n gwasanaethu'r eiddo yn debygol o aflonyddu ar drigolion lleol.
- 6.8** P'un a yw llwybrau i ac o'r eiddo ar droed neu mewn car neu gerbyd gwasanaeth / cerbydau danfon yn mynd heibio eiddo preswyl.
- 6.9** P'un a yw mesurau eraill i ostwng niwsans wedi eu hystyried, fel defnyddio TCC neu gyflogi Goruchwylwyr Drysau Trwyddedig.
- 6.10** Roedd y mesurau a gynigir i atal defnyddio neu gyflenwi cyffuriau anghyfreithlon, gan gynnwys unrhyw weithdrefnau chwilio.
- 6.11** Y tebygolrwydd o unrhyw drais, anrhefn cyhoeddus neu broblem blismona yn codi os bydd trwydded yn cael ei roi.
- 6.12** Os yw'r ymgeisydd wedi dal trwydded o fewn y Sir yn flaenorol, manylion unrhyw gamau gorfodaeth yn deillio o'r eiddo.

- 6.13** Os byddai'r eiddo yn arwain at storio mwy o wastraff neu broblemau gwaredu, neu ysbwriel ychwanegol yng nghyffiniau'r eiddo.
- 6.14** Sylwadau gan yr Awdurdodau Cyfrifol.
- 6.15** Sylwadau gan bartïon â diddordeb.
- 6.16** Mewn perthynas â cheisiadau am amrywio trwydded eiddo neu dystysgrif eiddo clwb, bydd yr Awdurdod Trwyddedu yn ystyried hanes blaenorol yr eiddo a'i reolaeth. Bydd barn yr holl Awdurdodau Cyfrifol yn cael eu hystyried.

### Mân Amrywiadau

- 6.17 Gall deiliad trwydded eiddo/ tystysgrif eiddo clwb wneud cais o dan y drefn 'mân amrywiad' ar gyfer amrywiadau bach nad fyddai'n effeithio er gwaeth ar yr amcanion trwyddedu. Nid oes unrhyw hawl i wrandawriad, fodd bynnag, os bydd y cais yn cael ei wrthod, gellir gwneud cais llawn.
- 6.18 Mae'n rhaid i'r Awdurdod Trwyddedu ystyried effaith y mân amrywiad, a phenderfynu a ddylid ymgynghori ag unrhyw un o'r Awdurdodau Cyfrifol.

### Ffi Blynyddol

- 6.19 Er bod trwyddedau eiddo a thystysgrifau eiddo clwb yn cael eu caniatáu am gyfnod amhenodol, mae'n ofynnol i ddeiliaid trwydded dalu ffi flynyddol i'r Awdurdod Trwyddedu.

Yn ystod 2012, newidiodd Deddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol Deddf Trwyddedu 2003 i roi gofyniad ar yr Awdurdodau Trwyddedu i atal trwyddedau eiddo lle nad yw'r ffioedd blynyddol wedi cael eu talu.

## 7.0 | Digwyddiadau Dros Dro

- 7.1** Bydd yr Awdurdod Trwyddedu yn rhoi cyhoeddusrwydd eglur a dealladwy ynghylch ei ymagwedd tuag at weithgareddau dros dro a ganiateir. Yn gryno, mae'r rhain yn ddigwyddiadau sy'n para am lai na 168 awr a gyda llai na 500 o bobl yn bresennol.
- 7.2** Gall yr Heddlu a lechyd yr Amgylchedd wrthwynebu Hysbysiad Digwyddiad Dros Dro o fewn tri diwrnod o'i gyflwyno
- 7.3** Bydd llawer o ddigwyddiadau lleol yn cael eu trefnu gan wirfoddolwyr neu bwyllgor clwb neu gymdeithas. Mae'r Awdurdod Trwyddedu yn ystyried ei bod yn arfer da bod yr un lefel o amddiffyniad iechyd a diogelwch yn cael ei ddarparu fel pe bai perthynas cyflogwr / gweithiwr yn bodoli, heb ystyried a oes dyletswyddau cyfreithiol dan ddeddfwriaeth iechyd a diogelwch.
- 7.4** Bydd yr Awdurdod Trwyddedu yn annog trefnwyr digwyddiadau dros dro i ofyn am gyngor / gwybodaeth gan eu Grwpiau Cynghori Diogelwch Lleol.
- 7.5** Er bod yr Awdurdod Trwyddedu yn gallu atodi unrhyw amodau neu gyfyngiadau mewn perthynas â Digwyddiadau Dros Dro mae'n disgwyl i drefnwyr roi parch priodol i drigolion lleol a'r rhai sy'n mynychu digwyddiadau, er enghraifft, ym meysydd:
- ▶ Iechyd a Diogelwch
  - ▶ Llygredd sŵn
  - ▶ defnydd o strwythurau dros dro
  - ▶ cau ffyrdd
  - ▶ defnydd o dân gwyllt
  - ▶ rheoli ymddygiad gwrthgymdeithasol
  - ▶ gwerthu alcohol

### TENs Safonol

- 7.6** Rhaid rhoi o leiaf deg diwrnod gwaith o rybudd i'r Awdurdod Trwyddedu o ddigwyddiadau dros dro, fodd bynnag, gorau oll fyddai cael y rhybudd cynharaf posibl. Mae "deg diwrnod gwaith o rybudd" yn golygu deg diwrnod gwaith heb gynnwys y dyddiad daw yr hysbysiad i law, a'r diwrnod mae'r digwyddiad yn dechrau. Nid yw 'diwrnod gwaith' yn cynnwys dydd Sadwrn, dydd Sul, dydd Nadolig, dydd Gwener y Groglith neu Wyliau Banc.
- 7.7** Lle mae'r Heddlu neu lechyd yr Amgylchedd yn gwrthwynebu'r TEN, gall yr ymgeisydd gytuno i addasu'r TEN. Os na cheir cytundeb, bydd gwrandawriad o'r Is-



bwyllgor Trwyddedu yn cael ei drefnu. Gall y panel benderfynu gosod amodau neu gyhoeddi Gwrth-Hysbysiad i atal y digwyddiad rhag mynd yn ei flaen.

## TENs hwyr

- 7.8** Gellir rhoi TEN hwyr hyd at bum diwrnod gwaith ond dim cynharach na naw diwrnod gwaith cyn y digwyddiad gael ei gynnal.
- 7.9** Os yw'r Heddlu neu lechyd yr Amgylchedd yn gwneud cais am TEN Hwyr, nid oes darpariaeth ar gyfer gwrandawriad ac mae'n rhaid i'r Awdurdod gyflwyno Gwrth-Hysbysiad i atal y digwyddiad rhag mynd yn ei flaen.

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## 8.0 | Trwyddedau Personol

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- 8.1** Bydd yr Awdurdod Trwyddedu yn dilyn canllaw y Swyddfa Gartref yn fanwl mewn perthynas â cheisiadau am a rhoi Trwyddedau Personol.
- 8.2** Bydd yn ofynnol i ymgeiswyr gynhyrchu dogfen ddatgeliad o gofnod troseddol sylfaenol diweddar. Mae'n rhaid i ymgeiswyr o awdurdodaethau tramor wneud datganiad clir ynghylch a ydynt wedi eu cael yn euog y tu allan i Gymru a Lloegr o drosedd berthnasol neu drosedd gyfatebol.
- 8.3** Bydd yr Awdurdod Trwyddedu yn cysylltu'n agos â'r Heddlu pan canfyddir bod gan ymgeisydd euogfarn heb ddarfod am drosedd berthnasol a ddiffinnir yn y Ddeddf.
- 8.4** Bydd yr Awdurdod Trwyddedu yn atodi manylion y troseddau perthnasol i'r ffurflenni cais er gwybodaeth i'r ymgeiswyr.

## 9.0 | Tystysgrif Adeilad Clwb

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- 9.1** Mae Adran 62 y Ddeddf Trwyddedu yn nodi'r amodau cyffredinol y mae'n rhaid i sefydliad gydag o leiaf 25 o aelodau sydd wedi dod ynghyd at ddibenion cymdeithasol, chwaraeon neu wleidyddol arbennig eu diwallu i fod yn glwb cymwys. Dim ond clybiau cymwys all wneud cais am Dystysgrif Eiddo Clwb.
- 9.2** Mae Tystysgrif Eiddo Clwb yn darparu awdurdodiad ar gyfer cyflenwi alcohol a darparu adloniant rheoledig er budd aelodau a'u gwesteion yn unig. Os yw eiddo yn dymuno darparu gweithgareddau trwyddedig ar gyfer pobl nad ydynt yn aelodau neu'r cyhoedd yn gyffredinol, bydd angen iddynt wneud hynny drwy gyfrwng Hysbysiad Digwyddiad Dros Dro neu Drwydded Eiddo. Bydd yr Awdurdod Trwyddedu yn trafod yn agos â'r Heddlu os canfyddir bod gan ymgeisydd euogfarn heb ddarfod am drosedd berthnasol a ddiffinnir yn y Ddeddf.
- 9.3** Mae rhoi Tystysgrif Eiddo Clwb yn golygu bod y clwb cymwys â rhai buddion:
- ▶ Cyflenwi alcohol i aelodau heb fod angen Goruchwyliwr Eiddo Dynodedig
  - ▶ Darparu Lluniaeth Hwyr y Nos i aelodau heb fod angen awdurdodiad ychwanegol
  - ▶ Hawliau cyfyngedig i gael mynediad i'r heddlu a phobl awdurdodedig gan bydd yr adeilad yn gyffredinol yn cael ei ystyried yn breifat ac nid ar agor i'r cyhoedd
  - ▶ Eithrio rhag pwerau'r heddlu i gau yn syth ar sail anhrefn a sŵn oherwydd eu bod yn gweithredu o dan eu codau a rheolau disgyblaeth
  - ▶ Eithrio rhag gorchmynion llys ynadon i gau pob eiddo trwyddedig mewn ardal pan fo anhrefn yn digwydd neu fe'i disgwylir

## 10.0 | Atodlen Weithredu

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- 10.1** Mae'r Awdurdod Trwyddedu'n credu dylai'r holl bartion – awdurdodau trwyddedu, deiliaid trwyddedau/ tystysgrifau, personau awdurdodedig, yr heddlu ac awdurdodau cyfrifol – fod yn gweithio gyda'i gilydd mewn partneriaeth i sicrhau bod amcanion trwyddedu yn cael eu hyrwyddo ar y cyd.
- 10.2** Er mwyn lleihau anghydfodau a'r angen am wrandawiadau, mae'r Awdurdod Trwyddedu yn credu y byddai'n gall i ymgeiswyr ymgynghori â'r holl awdurdodau cyfrifol pan fo atodlenni gweithredu yn cael eu paratoi.
- 10.3** Disgwylir i Atodlenni Gweithredu gynnwys gwybodaeth ddigonol i ganiatáu unrhyw Awdurdod Cyfrifol neu barti â diddordeb i asesu a yw'r camau i'w cymryd i hyrwyddo'r amcanion trwyddedu yn foddhaol.
- 10.4** Dylai disgrifiadau o weithgareddau a gynigir yn yr eiddo gynnwys y rheiny sydd hefyd yn cwmpo tu allan i'r diffiniad o adloniant rheoledig.
- 10.5** Dylid disgrifio'r math o ddawnsio, yn ogystal â'r math o gerddoriaeth a ddarperir. Mae'r math yma o wybodaeth yn hanfodol fel bod yr Awdurdod Cyfrifol a'r bartion â diddordeb yn gallu ffurfio barn iawn ynglŷn â pha fesurau allai fod eu hangen i sicrhau bod yr amcanion trwyddedu yn cael eu diwallu.
- 10.6** Bydd y mesurau a gynigir yn yr Atodlenni Gweithredu i hyrwyddo'r amcanion trwyddedu yn dod yn amodau trwydded sydd ynghlwm i drwydded eiddo neu dystysgrif eiddo clwb.

## 11.0 | Oriau Gweithredu

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- 11.1** Mae'r Awdurdod Trwyddedu yn cydnabod y gall amseroedd cau sefydlog ac artiffisial o gynnar mewn rhai ardaloedd arwain at anhrefn ac aflonyddwch ar y strydoedd pan fydd nifer fawr o bobl yn tueddu i adael adeiladau trwyddedig ar yr un pryd.
- 11.2** Bydd yr Awdurdod Trwyddedu yn ceisio, drwy ddarpariaethau'r amcanion trwyddedu, i gyflawni gwasgariad arafach o bobl yn gadael eiddo trwyddedig trwy oriau agor hirach. Ni fydd y Cyngor yn pennu amseroedd cau ymlaen llaw ar gyfer ardaloedd penodol, na cheisio creu 'amseroedd cau cyfnodol'.
- 11.3** Bydd siopau, storfeydd ac archfarchnadoedd yn cael eu caniatáu i werthu alcohol i'w yfed oddi ar yr eiddo ar yr adegau pan fyddant fel arfer ar agor yng nghwrs eu busnes. Gall oriau gael eu cyfyngu pan dderbynnir sylwadau oddi wrth yr Heddlu mewn perthynas â siopau unigol y gwyddys eu bod yn ganolbwynt anhrefn ac aflonyddwch.
- 11.4** Wrth ystyried ceisiadau am drwyddedau / tystysgrifau eiddo, bydd yr Awdurdod Trwyddedu yn cymryd i ystyriaeth geisiadau ymgeiswyr am amser cau yng ngoleuni:
- ▶ Yr effaith bosibl ar amwynder yr ardal
  - ▶ Cymeriad neu swyddogaeth ardal benodol
  - ▶ Natur y gweithgareddau y bwriedir eu darparu yn yr eiddo
- 11.5** Fel arfer, bydd yr oriau cau yn cael eu cymeradwyo os gall yr ymgeisydd ddangos na fyddai'r cynnig yn cael effaith andwyol ar yr uchod. Gall yr Awdurdod Trwyddedu osod amser cau cynharach os yw'n ystyried hyn yn briodol.
- 11.6** Lle mae'r adeiladau yn agos i ardal breswyl gellir gosod amodau mwy caeth efallai o ran rheoli sŵn, ond ni ddylai hyn gyfyngu ar yr oriau agor cyn belled y cydymffurfir â'r amodau gofynnol.
- 11.7** Nid yw'r adegau pan fydd eiddo ar agor i'r cyhoedd o reidrwydd yn union yr un fath â'r oriau y gall gweithgareddau trwyddedadwy gael eu cynnal. Bydd yn bosibl i eiddo ganiatáu yfed alcohol a brynwyd yn flaenorol y tu allan i'r oriau a awdurdodwyd ar gyfer gwerthu neu gyflenwi alcohol.
- 11.8** Ni fydd yr Awdurdod Trwyddedu yn gorfodi i ddeilydd trwydded eiddo neu dystysgrif eiddo clwb i aros ar agor am y cyfnod cyfan a ganiateir gan ei drwydded neu dystysgrif.

## 12.0 | Gorfodaeth, Adolygiadau a Phwerau

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- 12.1** Mae protocol ar weithredu rôl orfodaeth ar y cyd rhwng yr Awdurdod Trwyddedu a Heddlu Gogledd Cymru wedi cael ei sefydlu.
- 12.2** Yn gyffredinol, bydd camau ddim ond yn cael eu cymryd yn unol ag egwyddorion gorfodaeth a gytunwyd ac yn unol â Pholisi Gorfodaeth yr Is-adran Gwarchod y Cyhoedd sy'n ddyddiedig Gorffennaf 2009 ac sydd ar gael yn [www.flintshire.gov.uk](http://www.flintshire.gov.uk)
- 12.3** Mae'r gallu i fynnu adolygiadau o drwyddedau eiddo neu dystysgrifau eiddo clwb yn caniatáu i awdurdodau trwyddedu i ddefnyddio biwrocratiaeth 'cyffyrddiad ysgafn' o ran rhoi ac amrywio trwyddedau eiddo / tystysgrifau eiddo clwb.
- 12.4** Gall yr Awdurdodau Cyfrifol gychwyn adolygiad, e.e. Heddlu Gogledd Cymru, Gwasanaeth Tân ac Achub Gogledd Cymru, Adran Iechyd yr Amgylchedd Cyngor Sir y Fflint neu gan breswlydd neu fusnes yng nghyffiniau'r eiddo.
- 12.5** Ym mhob achos bydd angen cyflwyno digon o dystiolaeth i'r Awdurdod Trwyddedu i gefnogi'r honiadau a wnaed.
- 12.6** Bydd disgwyl i Unigolion ag Awdurdod ac Awdurdodau Cyfrifol i roi rhybudd cynnar o'u pryderon i ddeiliaid trwydded / tystysgrif am broblemau a nodwyd yn yr eiddo dan sylw a'r angen i wella. Mae methu ymateb i rybuddion o'r fath yn debygol o arwain at benderfyniad i ofyn am adolygiad.
- 12.7** Bydd yr Awdurdod Trwyddedu yn cyfeirio at ganllawiau'r Swyddfa Gartref wrth ystyried a yw cwynion gan bartïon â diddordeb yn amherthnasol, blinderus, gwamal neu ailadroddus.
- 12.8** Mae diwygiadau i'r Ddeddf Trwyddedu gan y Ddeddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2010 yn rhoi'r pŵer i Gynghorau atal trwyddedau eiddo a thystysgrifau eiddo clwb lle nad yw'r ffi flynyddol ofynnol wedi ei thalu.
- 12.9** Pan na fydd ffi flynyddol wedi cael ei thalu erbyn y dyddiad priodol, fel arfer pen-blwydd y dyddiad rhoddyd y drwydded gyntaf, bydd yr Awdurdod Trwyddedu yn rhoi gwybod i ddeiliad y drwydded neu'r dystysgrif yn ysgrifenedig:
- ▶ Bydd y drwydded neu'r dystysgrif yn cael ei hatal mewn 7 diwrnod o ddyddiad y rhybudd
  - ▶ Ni fydd yr ataliad yn dod i rym pe bai'r ffi yn cael ei thalu cyn y dyddiad atal

## 13.0 | Y Broses Drwyddedu

### Amodau'r Drwydded

- 13.1** Bydd yr Awdurdod Trwyddedu yn osgoi gosod amodau anghymesur o feichus a thrwm ar drwyddedau eiddo / tystysgrifau eiddo clwb.
- 13.2** Bydd yr Awdurdod Trwyddedu yn ystyried cronfeydd o amodau enghreifftiol a bydd yn gosod amodau fel sy'n briodol o ystyried amgylchiadau pob achos unigol. Bydd yr amodau enghreifftiol yn delio â materion sy'n ymwneud â -
- ▶ Trosedd ac Anhrefn
  - ▶ Diogelwch y Cyhoedd
  - ▶ Niwsans Cyhoeddus
  - ▶ Diogelu Plant rhag Niwed
- 13.3** Bydd yr Awdurdod Trwyddedu hefyd yn ystyried dogfennau cyfeirio a restrir yn yr Atodiadau i Ganllaw y Swyddfa Gartref, er na fyddant yn cael eu defnyddio fel amodau safonol.
- 13.4** Wrth osod amodau, bydd yr Awdurdod Trwyddedu hefyd yn ymwybodol o'r angen i osgoi mesurau a allai rwystro cerddoriaeth fyw, dawnsio neu theatr trwy osod costau anuniongyrchol o natur sylweddol.
- 13.5** Wrth benderfynu ar geisiadau, bydd yr Awdurdod Trwyddedu yn rhoi sylw i ganllawiau a gyhoeddwyd gan y Swyddfa Gartref. Yn benodol, rhoddir ystyriaeth i'r angen i annog a hyrwyddo cerddoriaeth fyw, dawnsio a theatr er lles diwylliannol ehangach y gymuned yn ei chyfanrwydd. Os cyflwynir sylwadau ynghylch y posibilrwydd o anrhefn mewn cymdogaeth benodol, bydd ystyriaeth yr Awdurdod Trwyddedu wedi'i chydbwysu yn erbyn y manteision ehangach i'r gymuned.

### Gweinyddu - Y Broses Ymgeisio

- 13.6** Mae'r Awdurdod Trwyddedu yn derbyn na ddylai ymyrryd yn y penderfyniad o bwy yw'r person mwyaf priodol i wneud cais am drwydded eiddo/ tystysgrif eiddo clwb, neu feddu ar un. Bydd, fodd bynnag, ond yn derbyn ceisiadau a wneir yn y ffurf a ragnodir.
- 13.7** Bydd yr Awdurdod Trwyddedu yn disgwyl i ymgeiswyr unigol i fynd i'r afael â'r amcanion trwyddedu yn eu Hatodlen Weithredu gan roi sylw i'r math o eiddo, y gweithgareddau trwyddedadwy sydd i'w darparu, y trefnau gweithredol, natur y lleoliad ac anghenion y gymuned leol.
- 13.8** Bydd ymgeiswyr yn cael eu hannog i wneud eu hunain yn ymwybodol o unrhyw bolisiâu cynllunio a chcludiant perthnasol, strategaethau twristiaeth a diwylliannol a

mentrau atal trais lleol a rhoi sylw i'r rhain os yn briodol wrth lunio eu hatodlen weithredu.

- 13.9** Mae'r Awdurdod Trwyddedu yn cydnabod y cyngor a gafwyd gan y Swyddfa Gartref na ddylid caniatáu i farn lleiafrifoedd lleisiol gymryd blaenoriaeth dros les cyffredinol y gymuned.
- 13.10** Efallai y bydd pwerau'r Awdurdod Trwyddedu o dan y Ddeddf yn cael ei wneud gan y Pwyllgor Trwyddedu, neu Is-Bwyllgor, neu gan un neu fwy o swyddogion sy'n gweithredu o dan awdurdod dirprwyedig. Bydd dirprwyo swyddogaethau yn unol ag argymhellion y Swyddfa Gartref.
- 13.11** Yng nghyd-destun ceisiadau, arolygiadau, gorfodaeth ac adolygiadau o drwyddedau/ tystysgrifau eiddo, mae'r grwpiau canlynol wedi'u nodi yn Sir y Fflint

**Personau a Swyddogion Awdurdodedig (rolau arolygu a gorfodaeth):**

- ▶ Heddlu Gogledd Cymru
- ▶ Gwasanaeth Tân ac Achub Gogledd Cymru
- ▶ Cyngor Sir y Fflint
  - ▶ Iechyd a Diogelwch
  - ▶ Rheoli Llygredd
  - ▶ Diogelwch Bwyd
  - ▶ Rheolaeth Amgylcheddol
  - ▶ Trwyddedu
- ▶ Awdurdod Gweithredol Iechyd a Diogelwch
  - ▶ yn unol â Rheoliadau Iechyd a Diogelwch (Awdurdod Gorfodi) 1998

**Awdurdodau Cyfrifol (i'w hysbysu o geisiadau a hawl i gyflwyno sylwadau): -**

- ▶ Heddlu Gogledd Cymru
- ▶ Gwasanaeth Tân ac Achub Gogledd Cymru
- ▶ Cyngor Sir y Fflint - Is-adran Gwarchod y Cyhoedd
- ▶ Awdurdod Gweithredol Iechyd a Diogelwch (Ile bo'n berthnasol)
- ▶ Cyngor Sir y Fflint - Yr Is-adran Gynllunio
- ▶ Cyngor Sir y Fflint - Gwasanaethau Cymdeithasol i Blant
- ▶ Yr Awdurdod Trwyddedu
- ▶ Bwrdd Iechyd Lleol

- 13.12** Gall unrhyw berson gyflwyno sylwadau i'r Cyngor ynghylch ceisiadau am drwyddedau newydd, amrywiadau neu adolygiadau.

Gall sylwadau fod yn gadarnhaol neu'n negyddol, ond byddant ddim ond yn cael eu hystyried yn berthnasol gan y Cyngor os ydynt yn ymwneud yn glir â'r amcanion trwyddedu.



- 13.13** Lle mae eiddo yn cael eu hadeiladu neu eu hystyngwys neu newid yn sylweddol yn strwythurol, bydd cais am Drwydded Eiddo neu Dystysgrif Eiddo Clwb yn cael ei dderbyn cyn belled bod cynlluniau clir yn bodoli, bod atodlen weithredu yn cael ei chyflwyno ynghyd ag enw goruchwylydd penodedig yr eiddo. Os nad oes digon o fanylion ar gael, yna dylid gwneud cais am "Ddatganiad Dros Dro" yn lle hynny.
- 13.14** Mae Sir y Fflint yn gysylltiedig â system Gov.uk y Llywodraeth, sy'n golygu ein bod yn gallu derbyn ceisiadau (gan gynnwys taliad) yn electronig.

## 14.0 | Y Pwyllgor Trwyddedu

Dirprwyo Swyddogaethau a Argymhellir

Y Mater i ymdrin ag ef	Pwyllgor Llawn	Is-bwyllgor	Swyddogion
Cais am drwydded bersonol		Os oes gwrthwynebiad gan yr Heddlu	Os nad oes gwrthwynebiad
Cais am drwydded bersonol gyda cholffarnau heb ddarhod		Pob Achos	
Cais am drwydded eiddo / tystysgrif eiddo clwb		Os cyflwynir sylwadau perthnasol	Os na chyflwynir sylwadau perthnasol
Cais am ddatganiad dros dro		Os cyflwynir sylwadau perthnasol	Os na chyflwynir sylwadau perthnasol
Cais i amrywio trwydded eiddo/ tystysgrif eiddo clwb		Os cyflwynir sylwadau perthnasol	Os na chyflwynir sylwadau perthnasol
Cais i amrywio goruchwyliwr eiddo dynodedig		Os oes gwrthwynebiad gan yr Heddlu	Pob achos arall
Cais i gael ei ddileu fel goruchwyliwr eiddo dynodedig			Pob Achos
Cais i drosglwyddo trwydded eiddo		Os oes gwrthwynebiad gan yr Heddlu	Pob achos arall
Ceisiadau am awdurdodau dros dro		Os oes gwrthwynebiad gan yr Heddlu	Pob achos arall
Cais i adolygu trwydded eiddo / tystysgrif eiddo clwb		Pob Achos	
Penderfyniad ynghylch a yw cwyn yn amherthnasol, yn wamal, yn flinderus, ac ati.			Pob Achos

Y Mater i ymdrin ag ef	Pwyllgor Llawn	Is-bwyllgor	Swyddogion
Penderfyniad i wrthwynebu pan mae'r awdurdod lleol yn ymgynghorai ac ddim yr awdurdod perthnasol yn ystyried y cais		Pob Achos	
Penderfynu ar wrthwynebiad yr Heddlu i hysbysiad digwyddiad dros dro		Pob Achos	

Rhaid i apelïadau yn erbyn penderfyniadau'r Awdurdod Trwyddedu gael eu gwneud i lys ynadon o fewn 21 diwrnod gan ddechrau ar y diwrnod y mae'r apelydd yn cael ei hysbysu gan yr awdurdod trwyddedu am y penderfyniad yr apelir yn ei erbyn.

## 15.0 | Ystyriaethau Arbennig

### Adloniant Oedolion

- 15.1** Mae Cyngor Sir y Fflint wedi mabwysiadu rheolaethau yn ffurfiol ar Leoliadau Adloniant Rhyw.
- 15.2** Effaith y penderfyniad hwn yw y bydd lleoliadau adloniant rhywiol yn cael ei gynnwys yn y gyfundrefn drwyddedu bresennol sy'n rheoli sefydliadau rhyw eraill, sef siopau rhyw a sinemâu rhyw.
- 15.3** Bydd yn drosedd i weithredu eiddo o'r fath heb y Drwydded Sefydliad Rhyw angenrheidiol mewn grym, neu i fethu â gweithredu yn unol â'r telerau ac amodau y mae trwydded o'r fath wedi cael ei rhoi.
- 15.4** Mae lleoliad adloniant rhyw yn cael ei ddiffinio fel 'unrhyw eiddo lle mae adloniant perthnasol yn cael ei ddarparu o flaen cynulleidfa fyw ar gyfer elw ariannol y trefnydd neu'r difyrwr' ac mae'n cynnwys gweithgareddau megis glin-ddawnsio; polyn-ddawnsio; bwrdd-dawnsio; sioe stripio; sioe sbecian a sioeau rhyw byw.
- 15.5** Os yw Trwydded Eiddo Deddf Trwyddedu 2003 mewn grym sy'n caniatáu adloniant rheoledig ar ffurf cerddoriaeth neu ddawnsio neu adloniant o fath tebyg, bydd yn bosibl ar gyfer adloniant o'r math a amlinellir yn y paragraff uchod gael ei gynnal ddim mwy na 11 o weithiau o fewn cyfnod o 12 mis. Rhaid bod o leiaf mis rhwng pob achlysur ac ni all achlysur o'r fath bara mwy na 24 awr.
- 15.6** Mae'r Awdurdod Trwyddedu o'r farn bod 'stripograms' a gweithgareddau tebyg yn dod o dan y diffiniad o adloniant rhywiol os yw'r trwyddedai yn trefnu neu'n eu darparu ac yn yr amgylchiadau hyn, felly, ni ddylent ddigwydd oni bai bod Trwydded Sefydliad Rhyw mewn grym. Fodd bynnag, gall eiddo fanteisio ar y ddarpariaeth defnydd achlysurol a nodir yn y paragraff uchod.

- 15.7** Gofynnir i drwyddedai ddarparu hysbysiad i'r Awdurdod Trwyddedu pan maent yn darparu neu'n caniatáu adloniant rhywiol o dan y ddarpariaeth defnydd achlysurol a nodir ym mharagraff 20.5 uchod, neu pan fod 'stripograms' wedi perfformio yn eu heiddo. Cysylltwch â [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk) neu ar 01352 703 030

## 16.0 | Deddf Lles Cenedlaethau'r Dyfodol 2015

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**16.1** Mae'r Ddeddf hon yn gofyn i Awdurdodau Lleol yng Nghymru ystyried effaith hirdymor eu penderfyniadau, i weithio'n well gyda phobl, cymunedau a'i gilydd, ac i atal problemau parhaus, megis tlodi, anghydraddoldebau iechyd a newid hinsawdd. Mae'r Ddeddf yn cefnogi ac yn yn hyrwyddo amcanion trwyddedu. Mae'r Ddeddf yn cysylltu'n benodol i atal trosedd ac anrhefn a niwsans cyhoeddus. Mae'n cydnabod bod angen creu lleoliadau sain priodol – yr amgylchedd acwstig iawn yn y lle a'r amser iawn. Bydd yr Awdurdod Lleol yn ystyried rheolaeth sŵn a'r lleoliadau ac yn benodol y pum ffordd o weithio a gynhwysir o dan y ddeddf hon, sef, i) Hirdymor – pwysigrwydd cydbwysu anghenion tymor byr gydag anghenion i ddiogelu'r gallu i fodloni anghenion hirdymor, ii) Intregreiddio, iii) Cysylltu iv) Cydweithio ac v) Atal. Mae Llywodraeth Cymru wedi cynhyrchu 'Cynllun Gweithredu Ynghylch Sŵn a Seinwedd 2018-2023' <https://gov.wales/sites/default/files/publications/2019-04/noise-and-soundscape-action-plan.pdf>

Bydd gan yr Awdurdod Lleol ymwybyddiaeth hefyd o'r ddeddfwriaeth canlynol wrth benderfynu rhyddhau ei gyfrifoldebau o dan y Ddeddf Trwyddedu. Nid yw'r rhestr hon yn un gyflawn:-

- Deddf Diogelu'r Amgylchedd 1990 sy'n delio â sain ac aflonyddwch
- Gorchymyn Diwygio Rheoleiddio 2005 sy'n delio â diogelwch tân
- Deddf Priffyrdd 1980 sy'n delio â thrwyddedau caffï ar balmart.

## 17.0 | Y Gofrestr Drwyddedu

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**17.1** Mae'r Awdurdod Trwyddedu yn cadw cofrestr drwyddedu ar-lein y gellir ei gweld yn [www.flintshire.gov.uk](http://www.flintshire.gov.uk).

**17.2** Ni fydd y taliadau a godir am gopiâu o geisiadau yn fwy na'r gost o baratoi copiâu o'r fath.

## Manylion Cyswilt:

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Gellir cysylltu â Chyngor Sir y Fflint ynghylch y Ddeddf Trwyddedu 2003 a materion cysylltiedig yn:

Rhif Ffôn: 01352 703030

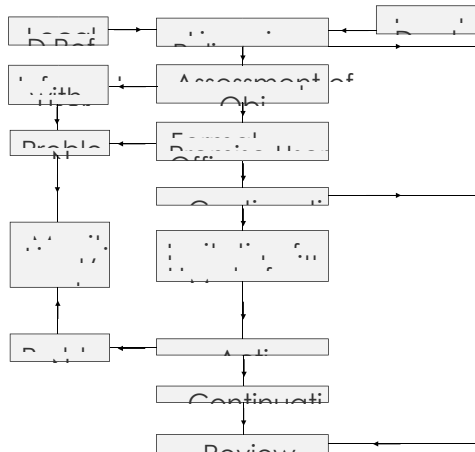
~~Ffacs: 01352 703341~~

E-bost: [licensing@flintshire.gov.uk](mailto:licensing@flintshire.gov.uk)

Gwefan: [www.flintshire.gov.uk](http://www.flintshire.gov.uk)

## Atodiad A

GWEITHDREFN ADOLYGU EIDDO TRWYDDEDIG YN CYNWYS DULL DATRYS PROBLEMAU FEL GRŴP



Ar unrhyw lefel, gan ddibynnu ar rinweddau'r achos, gellir penderfynu gwneud cais am adolygiad o drwydded eiddo. Mae symud ymlaen i bob lefel yn broses ddewisol ac mae'r siart lif hwn wedi'i gynllunio fel templed ar gyfer symud ymlaen a monitro penllanw trwydded Eiddo Trwyddedig trafferthus.



## Atodiad B

### ALCOHOL AC IECHYD YNG NGHYMRU

Mae'r defnydd o alcohol a'i ganlyniadau yn parhau i fod yn her iechyd cyhoeddus arwyddocaol yng Nghymru, y DU ac yn ehangach. Mae'r defnydd niweidiol o alcohol ymysg y pum prif ffactor sy'n peri risg o salwch, anabledd a marwolaeth ledled y byd.

- Mae cyfran yr oedolion sy'n yfed mwy o alcohol na'r canllawiau wythnosol (yn yfed mwy nag 14 uned o alcohol ar gyfartaledd bob wythnos) wedi aros ar lefel debyg ers 2016. Datgelodd data a gyhoeddwyd gan Arsyllfa Iechyd Cyhoeddus Cymru yn 2019 bod 19% o oedolion (16 oed a throsodd) yn yfed dros y canllawiau wythnosol o gymharu â 20% yn 2016..
- Mae cyfraddau yfed alcohol yn ôl rhyw yn dangos bod 25.8% o ddynion yn yfed mwy na'r canllawiau wythnosol o gymharu â 12.7% o ferched a bod pobl rhwng 45 a 65 yn yfed yn fwy aml nag unrhyw grŵp oedran arall (Arsyllfa Iechyd Cyhoeddus, 2019).
- Ers 2009-10 mae cyfran y derbyniadau i'r ysbyty o ganlyniad uniongyrchol i alcohol ymysg pobl dros 50 wedi codi bron 23% (Iechyd Cyhoeddus Cymru, 2020).
- Mae cysylltiad cryf rhwng amddifadedd â derbyniadau i'r ysbyty o ganlyniad i alcohol. Roedd cyfran yr holl gleifion a dderbyniwyd i'r ysbyty yn dioddef o gyflyrau cysylltiedig ag alcohol a oedd yn byw yn yr ardaloedd mwyaf difreintiedig 2.7 gwaith yn uwch na derbyniadau pobl o'r ardaloedd lleiaf difreintiedig (Iechyd Cyhoeddus Cymru 2020).
- Mae marwolaethau o ganlyniad i gyflyrau sy'n benodol gysylltiedig ag alcohol wedi bod yn cynyddu'n raddol ers 2013. Fodd bynnag, disgynnodd nifer y derbyniadau i'r ysbyty 7% yn 2019 o gymharu â'r flwyddyn flaenorol (Iechyd Cyhoeddus Cymru 2020).

Mae alcohol yn chwarae rhan bwysig a chadarnhaol mewn bywyd teuluol a chymdeithasol ac yn cyfrannu at gyflogaeth a datblygiad economaidd yn lleol. Fodd bynnag ni ddylai traddodiadau cymdeithasol a manteision economaidd gelu'r ffaith fod alcohol yn sylwedd gwenwynig sy'n gallu cael effaith niweidiol ar iechyd a lles corfforol a meddyliol.

### LEFELAU A PHATRYMAU YFED

Nid oes unrhyw lefel warantedig ddiogel o yfed ond mae yfed llai na'r terfynau dyddiol a argymhellir yn golygu bod y risgiau o niwed i iechyd yn isel. Nid yw hyd yn oed yfed llai na'r lefelau risg is yn ddoeth mewn rhai amgylchiadau chwaith. Ond nid faint o alcohol mae rhywun y ei yfed yn unig sy'n cynyddu'r perygl o niwed.

Mae goryfed mewn pyliau, sy'n cyfeirio at batrwm o yfed lle mae unigolyn yn yfed o leiaf ddwywaith yn fwy o alcohol na'r terfyn dyddiol a argymhellir mewn un sesiwn, yn gallu achosi meddwdod difrifol gan arwain at broblemau fel damweiniau, anaf a thrais. Yn fwyaf cyffredin ymysg grwpiau oedran iau, mae yfed mewn pyliau yn aml yn gysylltiedig ag yfed llawer o alcohol yn y cartref cyn mynd allan i dafarn neu glwb. . Mae hyn wedi'i gysylltu ag yfed lefelau uwch o alcohol yn gyffredinol a mwy o debygolrwydd o fod yn rhan o ddigwyddiad treisgar. Mae pobl yn yfed alcohol cyn mynd allan oherwydd ei fod yn llawer rhatach i'w brynu yn yr archfarchnad nag mewn siop ddioddydd drwyddedig, tafarn neu far.

Gall yr Awdurdod Trwyddedu ystyried sylwadau gan gyrff iechyd sy'n gweithredu fel awdurdodau cyfrifol. Gall y cyrff iechyd ddarparu gwybodaeth sy'n berthnasol o ran hyrwyddo diogelwch y cyhoedd, sydd yn un o'r amcanion trwyddedu, sy'n cynnwys atal damweiniau ac anafiadau a niwed arall a all ddigwydd o ganlyniad uniongyrchol i yfed alcohol, er enghraifft mynd yn anymwybodol neu wenwyn alcohol. Er enghraifft gall meddwdod achosi damweiniau ac anafiadau o ganlyniad i drais gan arwain at bresenoldeb mewn adrannau damweiniau ac argyfwng a'r defnydd o'r gwasanaeth ambiwlans. Mewn rhai achosion bydd hyn hefyd yn cynnwys toriadau o'r amcan drwyddedu trosedd ac anhrefn. O ran diogelu plant rhag niwed mae dyletswydd i'w diogelu rhag niwed moesegol, corfforol a seicolegol felly mae llawer o botensial i gyrff iechyd ychwanegu gwerth. Gall presenoldeb pobl dan 18 mewn adrannau Damweiniau ac Argyfwng fod yn berthnasol i'r amcan o ddiogelu plant rhag niwed a bydd i werthiant alcohol dan oed neu werthiannau procsi oblygiadau o ran yr amcanion trosedd ac anhrefn a diogelu plant rhag niwed. Gall timau iechyd helpu i ddarparu tystiolaeth ategol, er enghraifft cysylltiedig â'r effeithiau y gall yfed alcohol eu cael ar y corff adolescent. Mewn rhai ardaloedd y prif beth sy'n rhwystro cyrff iechyd rhag gweithredu'n effeithiol fel awdurdod cyfrifol yw'r ffaith nad yw'r dystiolaeth y maent ei hangen i gefnogi eu sylwadau'n cael ei chasglu fel mater o drefn neu ddim ar gael yn eu hardal.

Mae Cyngor Wrecsam a'i bartneriaid, Ysbyty Maelor Wrecsam, Heddlu Gogledd Cymru, Gwasanaeth Ambiwllans Cymru a Bwrdd Iechyd Prifysgol Betsi Cadwaladr ar hyn o bryd i wella casglu a rhannu data. Mae bwriad i weithredu hyn ar draws Gogledd Cymru i gyd. Dylai'r data a gesglir gynorthwyo'n fawr i dargedu gorfodaeth i'r manau lle mae ei angen, hysbysu polisi trwyddedu a chyfrannu at y broses o wneud penderfyniadau trwyddedu.

## Atodiad C

### Amodau Gorfodol

#### 1. Goruchwylwyr Drysau

Dim ond unigolion wedi'u trwyddedu gan yr Awdurdod Diwydiant Diogelwch fydd yn cael eu defnyddio yn yr eiddo i ymgymryd â gweithgareddau diogelwch, sy'n cynnwys gwarchod yn erbyn:

- a) Mynediad neu bresenoldeb heb awdurdod (ee. trwy oruchwylio drysau)
- b) Achosion o anhrefn
- c) Difrod

#### 2. Amod gorfodol amgen eiddo cymunedol

Rhaid i bob cyflenwad o alcohol o dan y Drwydded Eiddo gael ei wneud neu ei awdurdodi gan y pwyllgor rheoli.

#### 3. Arddangos ffilmiau

Bydd rhoi mynediad i blant o dan 18 oed i arddangosfeydd ffilmiau a ganiateir o dan amodau'r dystysgrif hon yn cael ei gyfyngu yn unol ag unrhyw argymhellion a wneir:

- a) Gan Fwrdd Categori Ffilmiau Prydain (BBFC) pan fydd y ffilm wedi cael ei chategori gan y Bwrdd, neu
- b) Gan yr awdurdod trwyddedu lle nad oes dystysgrif categori wedi ei roi gan y BBFC neu
- c) lle mae'r awdurdod trwyddedu wedi hysbysu'r clwb sy'n dal y dystysgrif fod adran 20(3) (b) (74(3) (b) ar gyfer clybiau) Deddf Trwyddedu 2003 yn gymwys i'r ffilm.

#### 4. Cyflenwi alcohol

1 Ni chaniateir cyflenwi alcohol o dan y Drwydded Eiddo hon:

- Ar adeg pan nad oes unrhyw Oruchwyliwr Eiddo Dynodedig mewn perthynas â'r Drwydded Eiddo; neu
- Ar adeg pan nad oes gan y Goruchwyliwr Eiddo Dynodedig Drwydded Bersonol neu mae ei Drwydded Bersonol wedi'i hatal.

2 Rhaid i bob gwerthiant neu gyflenwad o alcohol a wneir o dan y drwydded hon gael ei wneud neu ei awdurdodi gan berson sy'n dal Trwydded Bersonol.

3 Bydd yr unigolyn â chyfrifoldeb yn cymryd pob cam rhesymol i sicrhau nad yw staff ar yr eiddo perthnasol yn cynnal, trefnu na chymryd rhan mewn unrhyw hyrwyddiadau anghyfrifol mewn perthynas â'r eiddo. Yn y paragraff hwn, mae hyrwyddiad anghyfrifol yn golygu unrhyw un neu ragor o'r gweithgareddau canlynol, neu weithgareddau sy'n sylweddol debyg, a gynhaliwyd at y diben o annog gwerthu neu gyflenwi alcohol i'w yfed yn yr eiddo mewn ffordd sy'n cario risg sylweddol o arwain at neu gyfrannu at drosedd ac anhrefn, peryglu diogelwch y cyhoedd, niwsans cyhoeddus, neu niwed i blant:

- Gemau neu weithgareddau eraill sy'n ei gwneud yn ofynnol, yn annog neu sydd wedi'u cynllunio i'w gwneud yn ofynnol, neu annog, unigolion i -

- Yfed swm o alcohol o fewn cyfyngiad amser (ac eithrio yfed alcohol a werthwyd neu a gyflenwyd yn yr eiddo cyn diwedd y cyfnod yr awdurdodwyd yr unigolyn â chyfrifoldeb i werthu neu gyflenwi alcohol), neu
  - Yfed cymaint o alcohol â phosibl (o fewn cyfyngiad amser, neu fel arall);
  - Darparu symiau digyfyngiad neu symiau amhenodol o alcohol am ddim neu am ffi benodol neu ostyngedig i'r cyhoedd neu i grŵp a ddiffiniwyd gan nodweddion penodol (ac eithrio hyrwyddiad neu ostyngiad sydd ar gael i unigolyn mewn perthynas ag alcohol i'w werthu gyda phryd o fwyd, fel y diffiniwyd yn adran 159 y Ddeddf);
  - Darparu alcohol am ddim neu am bris gostyngedig neu unrhyw beth arall fel gwobr i annog neu wobrwyo prynu ac yfed alcohol dros gyfnod o 24 awr neu lai;
  - Darparu alcohol am ddim neu am bris gostyngedig mewn perthynas â gwylio digwyddiad chwaraeon yn yr eiddo, os yw'r ddarpariaeth alcohol yn ddibynnol ar:
    - Ganlyniad ras, cystadleuaeth neu ddigwyddiad neu broses arall; neu
    - Y tebygrwydd y bydd unrhyw beth yn digwydd neu ddim yn digwydd;
    - Gwerthu neu gyflenwi alcohol mewn cysylltiad â phosteri neu daflenni hyrwyddo yn, neu ger, yr eiddo y gellir ystyried sy'n goddef, annog neu'n glamoreiddio ymddygiad gwrthgymdeithasol neu'n cyfeirio at effaith meddwdod mewn unrhyw fodd ffafriol.
- 4 Bydd yr unigolyn â chyfrifoldeb yn sicrhau nad oes unrhyw alcohol yn cael ei dywallt gan un unigolyn yn uniongyrchol i mewn i geg unigolyn arall (ac eithrio os nad yw'r unigolyn arall yn gallu yfed heb gymorth oherwydd anabledd).
- 5 Bydd yr unigolyn â chyfrifoldeb yn gwneud yn siŵr bod dŵr tap am ddim yn cael ei ddarparu ar gais i gwsmeriaid os yw ar gael.
- 6 (1) Dylai'r deilydd Trwydded Eiddo neu'r deilydd Tystysgrif Eiddo Clwb sicrhau bod polisi gwirio oed yn berthnasol i'r eiddo mewn perthynas â gwerthu neu gyflenwi alcohol.
- (2) Mae'n rhaid i'r polisi ei wneud yn ofynnol i unigolion y mae'r unigolyn â chyfrifoldeb yn credu sy'n ymddangos dan 18 oed (neu unrhyw oedran hŷn a nodwyd yn y polisi) gynhyrchu ar gais, cyn cael alcohol, gerdyn adnabod sy'n dangos eu llun, dyddiad geni a marc holograffig.
- 7 Bydd yr unigolyn â chyfrifoldeb yn sicrhau:
  - Os yw unrhyw un o'r diodydd alcoholig a ganlyn yn cael eu gwerthu neu eu cyflenwi i'w hyfed yn yr eiddo (ac eithrio diodydd alcoholig sy'n cael eu gwerthu neu eu cyflenwi wedi'u paratoi eisoes i'w gwerthu neu eu cyflenwi mewn cynhwysydd sydd wedi cau) eu bod ar gael i gwsmeriaid yn y mesurau a ganlyn:
    - cwrw neu seidr: ½ pint;
    - jin, rym, fodca neu wisgi: 25ml neu 35ml; a
    - gwin llonydd mewn gwydr: 125ml;
    - bydd cwsmeriaid yn cael gwybod am argaeledd y mesurau hyn.

## Atodiad D

### Newidiadau Deddfwriaethol Diweddar

#### Deddf Cerddoriaeth Fyw

Mae Gorchymyn Deddf Cerddoriaeth Fyw 2012 a Deddf Trwyddedu 2003 (Disgrifiad o Adloniant) (Diwygio) yn cael gwared ar yr angen am y canlynol:

- Arddangosfeydd ffilm at ddibenion hysbysebu, gwybodaeth, addysg ac ati
- Arddangosfeydd ffilm sy'n ffurfio rhan o arddangosfa a roddwyd ar gyfer unrhyw ddibenion amgueddfa neu oriel gelf
- Cerddoriaeth boed yn fyw neu wedi'i recordio, sy'n gysylltiedig â gweithgareddau eraill nad ydynt angen trwydded
- Cerddoriaeth fyw fel a ganlyn:
  - Cerddoriaeth fyw wedi'i chwyddo rhwng 8am ac 11pm o flaen cynulleidfaoedd o ddim mwy na 200 o bobl mewn eiddo a awdurdodwyd i werthu alcohol i'w yfed yn yr eiddo
  - Cerddoriaeth fyw wedi'i chwyddo rhwng 8am ac 11pm o flaen cynulleidfaoedd o ddim mwy na 200 o bobl mewn gweithleoedd na fyddent fel arall wedi'u trwyddedu fel arall o dan Ddeddf 2003 (neu wedi'u trwyddedu yn unig ar gyfer darparu lluniaeth hwyr y nos)
  - Cerddoriaeth heb ei chwyddo rhwng 8am ac 11pm ym mhob lleoliad
- Defnyddio derbynwyr teledu neu radio ar gyfer derbyn a chwarae rhaglen ar y pryd
- Unrhyw gyfleusterau adloniant mewn man addoli crefyddol cyhoeddus
- Adloniant mewn ffeiriau gardd neu swyddogaethau tebyg oni bai bod elfen o elw preifat.
- Dawnsio Morris neu ddawnsio o natur debyg neu berfformiad o gerddoriaeth fyw heb ei chwyddo fel rhan o berfformiad o'r fath
- Adloniant ar gerbydau ffordd sy'n symud
- Perfformio neu chwarae o flaen cynulleidfa o 500 o bobl neu lai rhwng 8am ac 11pm
- Perfformio dawns o flaen cynulleidfa o 500 o bobl neu lai (oni bai ei fod yn adloniant perthnasol o fewn ystyr Atodlen 3 para 2a Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1982 h.y. rhai mathau o adloniant rhywiol) rhwng 8am ac 11pm.
- Digwyddiadau chwaraeon dan do o flaen cynulleidfa o 1000 o bobl neu lai rhwng 8am ac 11pm

#### Y Mesur Mewnfudo

Mae'r Mesur Mewnfudo yn rhoi cyfrifoldebau ychwanegol ar awdurdodau trwyddedu i weithredu lle canfyddir nad oes gan ddeiliaid trwydded hawl i weithio yn y Deyrnas Unedig.

## Deddf Dadreoleiddio

### Eithriadau Lluniaeth Hwyr y Nos

Mae paragraff 2A o Atodlen 2 i Ddeddf 2003 (fel y'i mewnosodwyd gan Ddeddf Dadreoleiddio 2015) yn rhoi pwerau i awdurdodau trwyddedu i eithrio eiddo, mewn rhai amgylchiadau, rhag y gofyniad i gael trwydded i ddarparu lluniaeth hwyr y nos. Mae'n well gwneud penderfyniadau i eithrio cyflenwadau lluniaeth hwyr y nos gyda gwybodaeth leol. Mae'r pwerau felly yn caniatáu i awdurdodau trwyddedu i ddewis gwneud eithriad penodol lle maent yn meddwl y bydd yn ddefnyddiol i fusnesau a lle nad oes unrhyw broblemau gydag ymddygiad gwrthgymdeithasol neu anhrefn sy'n gysylltiedig â'r economi gyda'r nos. Yn ogystal â rhyddhau'r busnesau o dan sylw o gostau diangen, gall hyn hefyd ddarparu mwy o hyblygrwydd i awdurdodau trwyddedu i dargedu eu hadnoddau yn fwy effeithiol.

Mae'r pwerau hyn yn caniatáu i awdurdod trwyddedu perthnasol i eithrio cyflenwad o luniaeth os yw'n digwydd:

- ar neu o eiddo sydd wedi'u lleoli yn gyfan gwbl mewn ardal ddynodedig;
- ar neu o eiddo sydd o ddisgrifiad dynodedig; neu
- yn ystod cyfnod dynodedig (gan ddechrau dim cynharach na 11:00pm ac yn gorffen heb fod yn hwyrach na 5:00am).

Wrth ddewis i ddynodi ardal benodol eithriedig, mae'n rhaid i'r awdurdod trwyddedu perthnasol ddiffinio'r lleoliad, a all fod o unrhyw faint.

Wrth ddewis i ddynodi categorïau penodol o eiddo fel rhai eithriedig, gall awdurdod trwyddedu ddim ond eithrio'r mathau o eiddo a nodir yn y rheoliadau. Sef:

- ardaloedd gwasanaeth traffyrdd;
- Gorsafoedd Petrol;
- eiddo awdurdodau lleol (ac eithrio eiddo domestig) oni bai fod digwyddiad yn cael ei gynnal lle mae mwy na 500 o bobl yn bresennol;
- ysgolion (ac eithrio eiddo domestig) oni bai fod digwyddiad yn cael ei gynnal lle mae mwy na 500 o bobl yn bresennol;
- ysbytai (ac eithrio eiddo domestig);
- eiddo cymunedol (eglwys, capel, neuadd bentref, plwyf neu gymunedol neu adeilad tebyg) oni bai fod digwyddiad yn cael ei gynnal lle mae mwy na 500 o bobl yn bresennol;
- eiddo trwyddedig a awdurdodir i werthu alcohol i'w yfed yn yr eiddo rhwng 11pm a 5am.

*Nid oes rhaid i awdurdodau trwyddedu ddefnyddio'r eithriadau o gwbl a gall barhau i ofyn i'r holl ddarparwyr lluniaeth hwyr y nos gael eu trwyddedu. Fodd bynnag, dylai awdurdodau trwyddedu ystyried dadreoleiddio lle bo'n briodol.*

### Hysbysiad Gwerthwyr Cymunedol ac Ategol

Nid yw'r ddeddfwriaeth ddrafft a/ neu eilaidd wedi cael ei chwblhau eto ar gyfer CAN (Hysbysiad Gwerthwyr Ategol yn y Gymuned) ond rhagwelir y bydd y gallu i grwpiau cymunedol a darparwyr llety busnesau bach i ddarparu/ gwerthu symiau cyfyngedig o alcohol i wneud cais am CAN. Byddai'r CAN yn para am gyfnod o dair blynedd gyda'r posibilrwydd y gallai gwasanaeth Diogelu'r Amgylchedd a'r Heddlu wrthwynebu o'r cychwyn cyntaf.

Gallai opsiynau wedi'u cynnwys o bosibl yn y ddeddfwriaeth gynnwys y canlynol

- Gellir gwerthu alcohol rhwng 7am a 11pm
- Bydd rhybudd yn cael ei roi i'r awdurdod trwyddedu
- Bydd y ffi a ragnodwyd yn cael ei dalu
- Gall yr Heddlu, yr Awdurdod Iechyd yr Amgylchedd a'r awdurdod trwyddedu wrthwynebu os bydd CAN yn tanseilio'r amcanion trwyddedu. Os bydd problemau'n codi, gall yr heddlu a'r awdurdod iechyd yr amgylchedd wrthwynebu, ac o ganlyniad gellir dirymu'r CAN.
- Bydd gan yr Heddlu a swyddogion yr awdurdod trwyddedu hawliau mynediad i ymchwilio lle mae defnyddwyr yn torri amodau CAN.
- Dim hawl i wrandawriad neu apêl os yw caiff CAN ei ddirymu
- Rhaid i werthu alcohol fod yn atodol i ddarparu nwyddau neu wasanaethau gan y busnes.
- Gwerthu alcohol o eiddo unigol a enwir.
- Gwerthu Alcohol i'w yfed yn yr eiddo a enwyd
- Rhaid i'r gwerthu alcohol fod gan neu ar ran grŵp cymunedol nad yw'n masnachu er mwyn gwneud elw.
- Rhaid i'r gwerthu alcohol fod yn atodol i ddigwyddiad cymunedol wedi'i drefnu.
- Gall y gwerthiant o alcohol gael ei wneud o hyd at dri eiddo a enwir.
- Gwerthu alcohol i'w yfed mewn digwyddiadau a drefnwyd o hyd at 300 o bobl

## Atodiad E

### Rhestr Termau

**Personau Awdurdodedig** - personau awdurdodedig yw cyrff â grym i wneud gwaith arolygu a gorfodi o dan Ddeddf Trwyddedu 2003.

**Tystysgrif eiddo clwb** – Yn awdurdodi **clwb cymwys** i gynnal 'gweithgareddau clwb cymwys' o dan Ddeddf Trwyddedu 2003. Mae hyn yn cynnwys tystysgrifau â chyfyngiad amser.

**Amodau** - mae tri math o amodau

1. **Amodau Arfaethedig** - amodau a gynigir gan yr ymgeisydd yn yr atodlen weithredu.
2. **Amodau a osodir** - yn amodau a osodwyd gan yr awdurdod trwyddedu ar ôl gofyn am ei ddisgresiwn yn dilyn derbyn sylwadau perthnasol.
3. **Amodau Gorfodol** - amodau a ragnodir gan y Ddeddf ac yn cael eu cynnwys ym mhob trwydded eiddo neu dystysgrif eiddo clwb pan fo gweithgareddau trwyddedadwy penodol yn cael eu cynnal.

**Ardal Effaith gronnu** – Ardal mae'r **awdurdod trwyddedu** wedi nodi yn eu datganiad polisi trwyddedu fel un sydd â dirlawnder o eiddo trwyddedig a gallai'r 'effaith gronnu' o unrhyw eiddo trwyddedig ychwanegol gael effaith andwyol ar yr amcanion trwyddedu statudol.

**Goruchwyliwr Eiddo Dynodedig (DPS)** – Fel arfer bydd hwn y person sydd wedi cael y cyfrifoldeb am redeg yr eiddo o ddydd i ddydd gan y **deiliad trwydded eiddo**. Mae'n ofynnol i bob trwydded eiddo sy'n awdurdodi gwerthu alcohol o dan Ddeddf 2003 i nodi DPS. Rhaid i'r DPS fod yn ddeiliad **trwydded bersonol**. Yr unig eithriad yw ar gyfer eiddo cymunedol sydd wedi gwneud cais llwyddiannus i'r ALI i gael eu heithrio o'r gofyniad.

**Gorchymyn cyfyngu alcohol bore cynnar** - Pŵer o dan adran 119 **Deddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011** i wahardd gwerthu alcohol am gyfnod penodol o amser rhwng yr oriau o 12am a 6am, os ystyrir yn briodol ar gyfer hyrwyddo'r amcanion trwyddedu .

**Adolygiad Brys/ Cryno** - Gall prif swyddog yr heddlu wneud cais am adolygiad brys/ cryno o **drwydded eiddo** oherwydd troseddau difrifol a / neu anhrefn difrifol o dan s.53A Deddf Trwyddedu 2003.

**Bandiau Ffi** - Wrth benderfynu ar y swm ffi'r drwydded ar gyfer ceisiadau am **drwyddedau eiddo a thystysgrifau eiddo clwb** newydd, ac amrywiadau llawn i drwyddedau neu dystysgrifau, mae pob eiddo yn disgyn i fand yn seiliedig ar ei werth ardrethol annomestig. Ers cyflwyno Deddf 2003 tan 2012/13, mae'r ffioedd ceisiadau sy'n gysylltiedig â phob band am drwydded neu dystysgrif newydd wedi bod fel a ganlyn: Band A (£100); Band B (£190); Band C (£315); Band D [dim **lluosydd**] (£450); Band D trwydded



eiddo gyda **lluosydd** (£900); Band E [dim lluosydd] (£635); Band E trwydded eiddo gyda lluosydd (£1905). Mae'r ffioedd blynyddol dilynol sy'n gysylltiedig â phob trwydded neu dystysgrif fel a ganlyn: Band A (£70); Band B (£180); Band C (£295); Band D [dim lluosydd] (£320); Band D trwydded eiddo gyda lluosydd (£640); Band E [dim lluosydd] (£350); Band E trwydded eiddo gyda lluosydd (£1050).

**Fforffedu (trwydded bersonol)** - Atal yn dilyn gorchymyn llys o dan a.129 Deddf Trwyddedu 2003 penodedig (a lle nad yw'r gorchymyn hwnnw wedi cael ei atal dros dro, hyd nes apêl o dan a.129(4) neu 130 o'r Ddeddf).

**Gwrandawriad** - A ddefnyddir yng nghyd-destun ceisiadau am **drwydded eiddo** neu **dystysgrif eiddo clwb** sy'n mynd i wrandawriad ar gyfer penderfynu ar geisiadau am drwydded eiddo, ar gyfer datganiadau dros dro, i amrywio trwydded eiddo, am dystysgrifau eiddo clwb, ac i amrywio tystysgrifau eiddo clwb .

**Adolygiad barnwrol** - Yn cynnwys dim ond y rheiny lle hysbysodd yr Uchel Lys bartïon o'i benderfyniad yn y cyfnod amser penodedig.

**Darfod (tystysgrif clwb)** – Pan mae **tystysgrif eiddo clwb** wedi dod i ben oherwydd ei fod wedi bod mewn grym am gyfnod cyfyngedig, ond bod y cyfnod wedi dod i ben ers hynny.

**Darfod (trwydded eiddo)** - Pan mae **trwydded eiddo** wedi dod i ben oherwydd marwolaeth, analluogrwydd, ansolfedd ac ati deiliad y drwydded, fel y nodir o dan adran 27 **Deddf Trwyddedu 2003**. Nid yw'n cynnwys achosion lle'r oedd trwydded eiddo mewn grym am gyfnod cyfyngedig, ond bod y cyfnod wedi dod i ben ers hynny (e.e. digwyddiadau un-tro).

**Gorchymyn ardoll hwyr y nos** - Pŵer dewisol i awdurdodau trwyddedu o dan adran 125 **Deddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011**. Mae'r ardoll hwyr y nos yn cael ei dalu gan yr eiddo trwyddedig hynny i werthu alcohol yn hwyr yn y nos i godi cyfraniad tuag at gostau plismona'r economi hwyr y nos.

**Lluniaeth gyda'r hwyr** - Darparu bwyd poeth neu ddioid i'r cyhoedd, i'w yfed ar neu oddi ar yr eiddo, rhwng 11pm a 5am neu gyflenwi bwyd poeth neu ddioid boeth i unrhyw un rhwng yr oriau hynny ar neu o eiddo lle mae mynediad i'r cyhoedd.

**Awdurdod trwyddedu** - yr awdurdod trwyddedu sy'n gyfrifol am drwyddedu alcohol, adloniant rheoledig a lluniaeth hwyr y nos.

**Mân amrywiad (i drwyddedu neu dystysgrif)** - Ceisiadau a wneir o dan a.41A neu a.86A **Deddf Trwyddedu 2003** i wneud newidiadau risg isel i delerau **trwydded eiddo** neu **dystysgrif eiddo clwb**. Mae'r ffi ar gyfer mân amrywiad wedi'i ragnodi yn y Ddeddf.

**Lluosydd** – Caiff lluosyddion eu defnyddio mewn perthynas ag eiddo a ddefnyddir yn unig neu'n bennaf ar gyfer cyflenwi alcohol i'w yfed yn yr eiddo o dan awdurdodiad **trwydded eiddo (bandiau ffioedd D ac E yn unig)**.

**Gwerthu Alcohol i'w yfed oddi ar yr eiddo** – Gwerthu alcohol trwy fanwerthu i'w yfed oddi ar yr eiddo.

**Gwerthu Alcohol i'w yfed ar yr eiddo** - Gwerthu alcohol trwy fanwerthu a'i gyflenwi (gan glybiau) i'w yfed ar yr eiddo.

**Pobl eraill** - Unrhyw unigolyn, corff neu fusnes sy'n debygol o gael eu heffeithio gan ganiatáu ceisiadau am **drwydded eiddo** neu **dystysgrif eiddo clwb**. Gall personau eraill gyflwyno sylwadau perthnasol i'r awdurdod trwyddedu perthnasol, a gallant ofyn am adolygiad o'r trwydded eiddo neu dystysgrif eiddo clwb.

**Trwydded bersonol** – Yn awdurdodi unigolyn i gyflenwi neu awdurdodi cyflenwi alcohol yn unol â **thrwydded eiddo** o dan **Ddeddf Trwyddedu 2003**. Mae ffi'r cais am drwydded bersonol yn cael ei ragnodi yn y Ddeddf.

**Trwydded Eiddo** - Awdurdodi eiddo i gael ei ddefnyddio ar gyfer gwerthu neu gyflenwi alcohol, darparu adloniant rheoledig neu ddarparu **lluniaeth hwyr y nos**, dan **Ddeddf Trwyddedu 2003**. Mae hyn yn cynnwys trwyddedau eiddo â therfyn amser. Mae ffi trwydded eiddo yn seiliedig ar ei werth ardrethol annomestig. Mae ffioedd cais yn amrywio o £100 (Band A) i £1,905 (Band E gyda lluosydd); mae ffioedd blynyddol yn amrywio o £70 i £1,050.

**Clwb cymwys** - Mae'n rhaid i nifer o feini prawf gael eu bodloni cyn cael ei ystyried yn glwb cymwys am **dystysgrif eiddo clwb**. Sef:

- o dan reolau'r clwb, na fydd pobl yn cael eu derbyn am aelodaeth neu gael eu derbyn fel ymgeiswyr ar gyfer aelodaeth, neu i unrhyw un o freintiau aelodaeth heb gyfnod o ddau ddiwrnod o leiaf rhwng eu henwebiad ar gyfer aelodaeth a'u derbyn;
- bod y clwb wedi'i sefydlu a'i gynnal mewn ewyllys da fel clwb;
- bod gan y clwb o leiaf 25 aelod; a
- nad yw alcohol yn cael ei gyflenwi i aelodau ar yr eiddo ac eithrio gan neu ar ran y clwb.

**Sylwadau perthnasol** - Sylwadau sydd am effaith debygol caniatáu ceisiadau am **drwydded eiddo** neu **dystysgrif eiddo clwb** ar hyrwyddo'r amcanion trwyddedu, sy'n cael eu gwneud gan awdurdod cyfrifol neu berson arall o fewn y cyfnod a ragnodir o dan adran 17(5)(c) o'r Ddeddf, sydd heb gael eu tynnu'n ôl, ac yn achos y sylwadau a wnaed gan bobl eraill, nad ydynt, ym marn yr awdurdod trwyddedu perthnasol yn wamal neu'n flinderus.

**Awdurdod cyfrifol** - cyrff cyhoeddus y mae'n rhaid eu hysbysu am geisiadau **trwydded eiddo** penodol neu **dystysgrif eiddo clwb** ac mae ganddynt hawl i gyflwyno sylwadau i'r awdurdod trwyddedu. Maent yn cynnwys

- yr awdurdod trwyddedu ac unrhyw awdurdod trwyddedu arall dros yr ardal mae'r eiddo wedi'i leoli,
- y prif swyddog yr heddlu sy'n gyfrifol am yr ardal lle y mae'r eiddo wedi'i leoli,
- yr awdurdod tân ac achub ar gyfer unrhyw ardal lle mae'r eiddo wedi'i leoli,
- y Bwrdd Iechyd Lleol ar gyfer unrhyw ardal lle mae'r eiddo wedi'i leoli,
- yr awdurdod gorfodaeth ar gyfer Deddf Iechyd a Diogelwch yn y Gwaith ac ati 1974 ar gyfer unrhyw ardal lle mae'r eiddo wedi'i leoli,
- yr awdurdod cynllunio lleol ar gyfer unrhyw ardal lle mae'r eiddo wedi'i leoli,
- yr awdurdod lleol sy'n gyfrifol am leihau neu atal y risg o lygru'r amgylchedd neu o niwed i iechyd pobl mewn unrhyw ardal lle mae'r eiddo wedi'i leoli mewn perthynas â,

- corff sy'n cynrychioli rhai sydd, mewn perthynas ag unrhyw ardal o'r fath, yn gyfrifol am, neu â diddordeb mewn, materion sy'n ymwneud ag amddiffyn plant rhag niwed, ac maent yn gymwys i roi cyngor ar faterion o'r fath,
- mewn perthynas â llong, awdurdod mordwyo sydd â swyddogaethau mewn perthynas â dyfroedd lle mae'r llong wedi ei hangori neu ei docio, neu unrhyw ddyfroedd lle mae, neu y bwriedir iddo, fordwyo ar adeg pan mae'n cael ei ddefnyddio ar gyfer gweithgareddau trwyddedadwy,
- yr awdurdod lleol sy'n gyfrifol am bwysau a mesurau mewn unrhyw ardal lle mae'r eiddo wedi'i leoli.

**Adolygiad** - Yn dilyn caniatáu **trwydded eiddo** neu **dystysgrif eiddo clwb** gall **awdurdod cyfrifol** neu **berson arall** ofyn i'r awdurdod trwyddedu adolygu'r drwydded neu'r dystysgrif oherwydd mater sy'n codi yn yr eiddo mewn cysylltiad ag unrhyw un o'r pedwar amcan trwyddedu.

**Dirymu (trwydded bersonol)** - Os yw'r deiliad **trwydded bersonol** yn cael ei ddyfarnu'n euog o drosedd yn ystod y cyfnod ymgeisio am y drwydded, gall y drwydded gael ei dirymu o dan a.124 **Deddf Trwyddedu 2003**.

**Ildio (trwydded)** - Os yw'r deiliad trwydded yn dymuno ei hildio, mae'n cael ei wneud yn unol â darpariaethau o dan adran 28 (am **drwydded eiddo**), adran 81 (am **dystysgrif clwb**) ac adran 116 (ar gyfer **trwydded bersonol**).

**Hysbysiad o ddigwyddiad dros dro (TEN)** - Hysbysiad o dan adran 100 **Deddf Trwyddedu 2003**, a ddefnyddir i awdurdodi gweithgareddau trwyddedadwy ar raddfa fach yn gymharol, yn amodol ar feini prawf a'r terfynau penodol. Mae'n cynnwys yn unig hysbysiadau sydd wedi cael eu rhoi yn gywir ac yn briodol yn y cyfnod amser penodol h.y. mae'n eithrio hysbysiadau a gafodd eu hanfon yn ôl oherwydd camgymeriadau ar y ffurflen. Mae hyn hefyd yn cynnwys hysbysiadau a gafodd eu tynnu'n ôl ar ôl hynny. Mae'r ffi ar gyfer TEN wedi'i ragnodi yn y Ddeddf.

**Amrywiad (i drwydded eiddo)** - Ceisiadau a wneir o dan adran 34 **Deddf Trwyddedu 2003** i newid telerau'r **drwydded eiddo**, er enghraifft yr oriau agor, mae'r gweithgareddau trwyddedadwy neu'r amodau. Mae'r ffi ar gyfer amrywio **DPS** wedi'i ragnodi yn y Ddeddf.

**Amrywiad (i drwydded eiddo clwb)** - Ceisiadau a wneir o dan adran 84 **Deddf Trwyddedu 2003** i newid telerau'r **drwydded eiddo clwb**, er enghraifft gweithgareddau trwyddedadwy neu'r amodau.

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Ref No	Source of Response	Summary of Respondent's Comments	Authority's Appraisal	Authority's Response
01	Public Health Wales	<p><b>1:</b> Paragraph 3.43 'Public Health' Should include the following wording:</p> <p>Public health data reveals that -</p> <ul style="list-style-type: none"> <li>- 21 percent of adults in Flintshire drink above the recommended average weekly consumption of alcohol (National Survey for Wales, 2019).</li> <li>- In 2019 - 2020, there was 353.4 alcohol-specific hospital admissions and 1857.3 alcohol-attributable hospital admissions (European Age Standardised Rate per 100,000 population) for individuals resident in Flintshire (Public Health Wales, 2020).</li> </ul> <p><b>2:</b> That the following information should be included after paragraph 3.43:</p> <p>Calling Time for Change In March 2020, following a major consultation with professional stakeholders and individuals and families affected by alcohol harm, the first alcohol harm reduction strategy for North Wales was launched. 'Calling time for Change' was produced on behalf of the North Wales Area Planning Board and in collaboration with partners across the region. It demonstrates a commitment to reducing harm from alcohol through collaborative working over the next five years. An Alcohol Strategy Group, chaired by Betsi Cadwaladr University Health Board Public Health Team and involving</p>	<p><b>1:</b> The Licensing Authority is in agreement that the additional information would provide value.</p> <p><b>2:</b> The information is valid, but the policy does not currently contain detailed information about other strategies and initiatives it supports.</p>	<p><b>1:</b> Wording has been added to paragraph 3.43</p> <p><b>2:</b> The 'Calling Time for Change' strategy has been included in paragraph 2.3 in relation to the Licensing Authority's support of existing schemes.</p>

		<p>key partners from across the region was established to develop and implement a supporting action plan focusing on the six priorities of the Calling Time for Change strategy –</p> <ul style="list-style-type: none"> <li>- Safe and supporting environments</li> <li>- Changed attitudes and social norms</li> <li>- Reduced affordability</li> <li>- Reduced availability</li> <li>- Behaviour change</li> <li>- Children, young people and families</li> </ul> <p>The North Wales Alcohol Strategy Group will work in partnership with Licensing and Community Safety Teams to promote responsible retailing, reduce anti-social behaviour and crime and support a safe, vibrant and diverse night time economy that can be enjoyed by all parts of society. Calling Time for Change Strategy (2020) : <a href="http://www.bcuhb.nhs.wales/health-advice/north-wales-alcohol-harm-reduction-strategy">www.bcuhb.nhs.wales/health-advice/north-wales-alcohol-harm-reduction-strategy</a></p> <p><b>3:</b> Updated information provided to replace Appendix B</p>		
02	Representative of Premises Licence Holders	<p><b>1: Para 2.2</b></p> <p>Including links to the other policies would be helpful for parties looking at either coming into the area or making substantial changes to existing licensed premises.</p> <p><b>2:</b> Concern that reference to 'mitigate the impact their</p>	<p><b>1:</b> The Licensing Authority will make reference to the Local Development Plan in the Policy</p> <p><b>2:</b> The Licensing</p>	<p><b>1:</b> The Local Development Plan has been included in paragraph 2.3</p> <p><b>2:</b> No change</p>

		<p>premise may have on the health and wellbeing of their customers, the neighbourhood and wider community' is a very broad requirement that goes past the promotion of the licensing objective and could be seen to be introducing a public health licensing objective by the 'back door.'</p> <p><b>3:</b> Concerns raised that licensed premises are sometimes being unfairly held to a higher standard when it comes to prevention of crime and disorder than other public premises. For instance, when Police present evidence of crime and disorder in relation to licensed premises, they will often include references to any crime that is associated not just with the premises in terms of its operation as licensed premises but generally. For instance, the Police will often include reference to all calls where those calls have referenced the premises as a local landmark which can include anything from criminal activity from people who have not been customers of the premises, offences in relation to taxis, or general disturbance and noise nuisance in a town centre where it cannot be said to be relevant to the premises. Premises licence holders will also often find reference to offences that are not relevant to the licensing objectives themselves. So, for instance, robberies at residential premises above a licensed premises are sometimes included. We feel it is important that the council recognise in their policy that these are matters that are not relevant to the prevention of crime and disorder licensing objective and that the licensing authority's expectation is that they will only be presented with evidence where it directly relates to the</p>	<p>Authority feel that the inclusion of public health information is relevant to the Policy.</p> <p><b>3:</b> The Licensing Authority considers that the Police are named within the Act as a responsible authority and the Policy should not stop them from making relevant representations, or providing information based on any information available to them.</p>	<p><b>3:</b> No change</p>
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		<p>licensable activities being provided within the premises themselves.</p> <p><b>4:</b> General comments in relation to CCTV and GDPR, and a request that CCTV in particular is not being universally required where there is no real and pressing need for it.</p>	<p><b>4:</b> The Licensing Authority feel that this is a more general comment, rather than specific to this policy. Crime and Disorder is a licensing objective, and the responsible authorities are able to suggest relevant conditions to be added to a licence during the consultation period. This sometimes includes the requirement for CCTV if it is deemed relevant. The conditions are either accepted by the applicant or added following a hearing where the reason for the requirement would be discussed.</p>	<p><b>4:</b> No change</p>
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		<p><b>5: Para 3.4</b> this is a very broad expectation that does not distinguish between types of premises where drugs might be more of an issue, such as nightclubs in comparison with local community pubs or restaurants. We feel that the paragraph would benefit from such as distinction being made to ensure that any expectation set out thereafter is proportionate and appropriate for the type of premises.</p> <p><b>6: Suggestion that the policy reflects the need for public nuisance to be demonstrated and for conditions relating to nuisance to relate to public nuisance rather than any wider definition. In particular, it's suggested that expressly stating that private nuisance is not a licensing objective would assist in all parties understanding what is and is not the remit of licensing legislation.</b></p> <p><b>7: Paragraph 3.43:</b> Concern expressed that the policy refers to public health 'not yet' being a licensing objective. It has been rejected by government following consultation and by the House of Lords in its review of the Licensing Act 2003. As such presenting an</p>	<p><b>5: The licensing Authority feels that the information contained in this paragraph in relation to drugs is relevant, whatever the venue, other than the reference to a first aid room and defibrillator, which may be more appropriate for larger venues.</b></p> <p><b>6: Public Nuisance is a Licensing Objective, and the Licensing Authority consider that the information provided within the policy is sufficient</b></p> <p><b>7: The Licensing Authority agree that Public Health is not a licensing objective, but that the</b></p>	<p><b>5: The wording of the 6<sup>th</sup> bullet point in paragraph 3.2 has been changed to reflect requirements for different venues.</b></p> <p><b>6: No change</b></p> <p><b>7: The word 'yet' has been removed from paragraph 3.43</b></p>
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		<p>inference that it might yet be is misleading.  The Public Health Wales Data cannot inform a committee in its decision making on individual premises applications unless a direct link can be shown between the premises, one of the four licensing objectives and the data being presented.</p> <p><b>8:</b> Paragraph 4.2:  The introduction of Cumulative Impact Policies need careful insight</p> <p><b>9:</b> To include information in relation to Agent of Change.</p> <p><b>10:</b> Paragraph 6.17  Further clarification of what would be considered a minor variation</p>	<p>information in relation to Public Health is relevant.</p> <p><b>8:</b> The licensing Authority agrees that any consideration of a future Cumulative Impact Police would need to be robust, but there are no plans to introduce such a policy at this time.</p> <p><b>9:</b> The Licensing Authority agrees that the Agent for Change principle is relevant.</p> <p><b>10:</b>The Licensing Authority considers the information provided in relation to Minor Variation to be sufficient, and</p>	<p><b>8:</b> As there is no Cumulative Impact Policy in place, these are taken as general comments</p> <p><b>9:</b> Paragraph 5.7 has been added to the policy to make reference to Agent for Change</p> <p><b>10:</b> No change</p>
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		<p><b>11:</b> Suggestion to include links to the Regulator’s Compliance code and the Council’s Enforcement Policy</p> <p><b>12:</b> Up to date list of responsible authorities to be included in the policy</p> <p><b>13:</b> Reference to tables and chairs outside the premises including garden areas, and clarification of on and off sales.</p>	<p>does not wish to duplicate legislation and guidance.</p> <p><b>11:</b> Our own enforcement policy is referenced in paragraph 2.2. No further amendment is deemed necessary.</p> <p><b>12:</b> These details are provided alongside any application. As these details are subject to change, the Licensing Authority feels their inclusion within the body of the policy would not be beneficial</p> <p><b>13:</b> Tables and chairs on the highway would be dealt with by Streetscene and should not be</p>	<p><b>11:</b> No change</p> <p><b>12:</b> No change</p> <p><b>13:</b> No change</p>
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			<p>included in this policy. Each premises has different requirements in relation to external tables and chairs, dependent on the licensable area of their premises. Therefore inclusion of further information may become confusing or misleading. The Licensing Authority do not wish to duplicate legislation and guidance by clarifying on and off sales.</p>	
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## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Tuesday 7 <sup>th</sup> December 2021
<b>Report Subject</b>	Treasury Management Annual Report 2020/21
<b>Report Author</b>	Corporate Finance Manager

### **EXECUTIVE SUMMARY**

The report presents the Treasury Management Annual Report 2020/21 for Member approval.

The Treasury Management Annual Report 2020/21 is attached as Appendix 1. As required by the Council's Financial Procedure Rules, this Annual Report was reviewed by the Governance and Audit Committee on 28<sup>th</sup> July 2021 and Cabinet on 21<sup>st</sup> September 2021.

### **RECOMMENDATIONS**

1	That Council approves the Treasury Management Annual Report for 2020/21
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## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE ANNUAL REPORT</b>
1.01	On 18 <sup>th</sup> February 2020, the Council approved the Treasury Management Strategy 2020/21, following the recommendation of Cabinet and consideration by the Audit Committee.
1.02	The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to Cabinet, and for execution and administration of treasury management decisions to the Corporate Finance Manager, who acts in accordance with the Council's Treasury Management Policy Statement, Strategy and Practices.
1.03	The Council has nominated the Governance and Audit Committee to be responsible for ensuring effective scrutiny of Treasury Management Strategy and Policies.
	<b><u>CONSIDERATIONS</u></b>
1.04	The Treasury Management Annual Report 2020/21 is attached as Appendix 1. As required by the Council's Financial Procedure Rules, this Annual Report was reviewed by Governance and Audit Committee on 28 <sup>th</sup> July 2021 and Cabinet on 21 <sup>st</sup> September 2021.
	<b><u>Summary of Key Points</u></b>
1.05	<p>The major influence on the UK economy in 2020/21 was the COVID-19 Pandemic. The Bank of England cut the Bank Rate to 0.1% and the UK Government provided a range of fiscal stimulus measures to support the economy through this unprecedented time. Section 2 of the report provides a full economic and interest rate review for 2020/21.</p> <p>The uncertainty created by the negotiations towards the UK's exit from the European Union continued until almost the end of 2020, with a trade deal being agreed with only days to spare before the 11pm, 31<sup>st</sup> December deadline.</p>
1.06	Short term money market rates remained at very low levels which continued to have a significant impact on investment income. The average return on Council investments for the year was 0.03%. Section 4 provides further details of the Council's investment activity during the year.
1.07	Public Works Loan Board (PWLB) long term rates temporarily increased during the Government's consultation on the PWLB loans facility, but returned to their previously low levels when the results of the consultation were announced in November 2020. A total of £8.96m PWLB loans were taken out during the year. Of these, £3.96m have been on-lent to NEW Homes, the Council's wholly owned subsidiary, to fund the building of affordable homes in Flintshire. Section 3 provides more information on borrowing and debt management during the year.

1.08	Debt rescheduling opportunities were considered by officers and the Council's treasury management advisors. The premium charged for early repayment of PWLB debt remained relatively expensive for the loans in the Council's portfolio and therefore unattractive for debt rescheduling activity. As a consequence, no rescheduling activity was undertaken.
1.09	The treasury function operated within the limits detailed in the Treasury Management Strategy 2020/21.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Financial implications are addressed in the report; no other resource implications directly as a result of this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Arlingclose Ltd, being the Council's treasury management advisors.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Risk Management directly addressed within the report and appendices including identification of risks and measures to mitigate likelihood and impact of risks identified.

<b>5.00</b>	<b>APPENDICES</b>
5.01	1. Treasury Management Annual Report 2020/21

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<b>Contact Officer:</b> Christopher Taylor – Strategic Finance Manager <b>Telephone:</b> 01352 703309 <b>E-mail:</b> <a href="mailto:Christopher.taylor@flintshire.gov.uk">Christopher.taylor@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Authorised Limit:</b> A statutory limit that sets the maximum level of external debt for the Council.  <b>Balances and Reserves:</b> Accumulated sums that are held, either for specific future costs or commitments (known as earmarked) or generally held to meet unforeseen or emergency expenditure.

**Bank Rate:** The official interest rate set by the Bank of England's Monetary Policy Committee and what is generally termed at the "base rate".

**Basis Point:** A unit of measure used in finance to describe the percentage change in the value or rate of a financial instrument. One basis point is equivalent to 0.01% (1/100th of a percent). In most cases, it refers to changes in interest rates and bond yields. For example, if interest rates rise by 25 basis points, it means that rates have risen by 0.25% percentage points.

**Bond:** A certificate of debt issued by a company, government, or other institution. The bond holder receives interest at a rate stated at the time of issue of the bond. The price of a bond may vary during its life.

**Capital Expenditure:** Expenditure on the acquisition, creation or enhancement of capital assets.

**Capital Financing Requirement (CFR):** The Council's underlying need to borrow for capital purposes representing the cumulative capital expenditure of the local authority that has not been financed.

**Certificates of Deposits (CD's):** A savings certificate entitling the bearer to receive interest. A CD bears a maturity date, a specified fixed interest rate and can be issued in any denomination. CDs are generally issued by commercial banks. The term of a CD generally ranges from one month to five years.

**Consumer Price Index (CPI):** The UK's main measure of inflation (along with Retail Price Index or 'RPI') The Monetary Policy Committee of the Bank of England set the Bank Rate in order to try and keep CPI at or close to the target set by the Government. The calculation of CPI includes many items of normal household expenditure but excludes some items such as mortgage interest payments and Council Tax.

**Cost of Carry:** The "cost of carry" is the difference between what is paid to borrow compared to the interest which could be earned. For example, if one takes out borrowing at 5% and invests the money at 1.5%, there is a cost of carry of 3.5%.

**Corporate Bonds:** Corporate bonds are bonds issued by companies. The term is often used to cover all bonds other than those issued by governments in their own currencies and includes issues by companies, supranational organisations and government agencies.

**Counterparty List:** List of approved financial institutions with which the Council can place investments.

**Credit Rating:** Formal opinion by a registered rating agency of a counterparty's future ability to meet its financial liabilities; these are opinions only and not guarantees.

**Debt Management Office (DMO):** The DMO is an Executive Agency of Her Majesty's Treasury and provides direct access for local authorities into a government deposit facility known as the Debt Management Account



Deposit Facility (DMADF). All deposits are guaranteed by HM Government and therefore have the equivalent of a sovereign credit rating.

**Federal Reserve:** The US central bank, the equivalent of the Bank of England. (Often referred to as “the Fed”).

**Financial Instruments:** Financial instruments are tradable assets of any kind. They can be cash, evidence of an ownership interest in an entity, or a contractual right to receive or deliver cash or another financial instrument

**Gilts:** Gilts are bonds issued by the UK Government. They take their name from ‘gilt-edged’. They are deemed to be very secure as the investor expects to receive the full face value of the bond to be repaid on maturity.

**IFRS:** International Financial Reporting Standards.

**LIBID:** The London Interbank Bid Rate (LIBID) is the rate bid by banks on Eurocurrency deposits (i.e. the rate at which a bank is willing to borrow from other banks).

**LIBOR:** The London Interbank Offered Rate (LIBOR) is the rate of interest that banks charge to lend money to each other. The British Bankers' Association (BBA) work with a small group of large banks to set the LIBOR rate each day. The wholesale markets allow banks who need money to borrow from those with surplus amounts. The banks with surplus amounts of money are keen to lend so that they can generate interest which it would not otherwise receive.

**LOBO:** Stands for Lender Option Borrower Option. The underlying loan facility is typically very long-term - for example 40 to 60 years - and the interest rate is fixed. However, in the LOBO facility the lender has the option to call on the facilities at pre-determined future dates. On these call dates, the lender can propose or impose a new fixed rate for the remaining term of the facility and the borrower has the ‘option’ to either accept the new imposed fixed rate or repay the loan facility.

**Maturity:** The date when an investment or borrowing is repaid.

**Maturity Structure / Profile:** A table or graph showing the amount (or percentage) of debt or investments maturing over a time period.

**Minimum Revenue Provision (MRP):** An annual provision that the Council is statutorily required to set aside and charge to the Revenue Account for the repayment of debt associated with expenditure incurred on capital assets.

**Monetary Policy Committee (MPC):** Government Body that sets the Bank Rate. Its primary target is to keep inflation within 1% of a central target of 2%. Its secondary target is to support the Government in maintaining high and stable levels of growth and employment.

**Money Market Funds (MMF):** Pooled funds which invest in a range of short term assets providing high credit quality and high liquidity.

**Non Specified Investment:** Investments which fall outside the WG Guidance for Specified investments (below).

**Operational Boundary:** This linked directly to the Council's estimates of the CFR and estimates of other day to day cash flow requirements. This indicator is based on the same estimates as the Authorised Limit reflecting the most likely prudent but not worst case scenario but without the additional headroom included within the Authorised Limit.

**Premiums and Discounts:** In the context of local authority borrowing,  
(a) the premium is the penalty arising when a loan is redeemed prior to its maturity date and  
(b) the discount is the gain arising when a loan is redeemed prior to its maturity date.

**Prudential Code:** Developed by CIPFA and introduced in April 2004 as a professional code of practice to support local authority capital investment planning within a clear, affordable, prudent and sustainable framework and in accordance with good professional practice.

**Prudential Indicators:** Indicators determined by the local authority to define its capital expenditure and asset management framework. They are designed to support and record local decision making in a manner that is publicly accountable; they are not intended to be comparative performance indicators

**Public Works Loans Board (PWLB):** The PWLB is a statutory body operating within the United Kingdom Debt Management Office, an Executive Agency of HM Treasury. The PWLB's function is to lend money from the National Loans Fund to local authorities and other prescribed bodies, and to collect the repayments.

**Quantitative Easing (QE):** In relation to the UK, it is the process used by the Bank of England to directly increase the quantity of money in the economy. It does not involve printing more banknotes. Instead, the Bank buys assets from private sector institutions – that could be insurance companies, pension funds, banks or non-financial firms – and credits the seller's bank account. So the seller has more money in their bank account, while their bank holds a corresponding claim against the Bank of England (known as reserves). The end result is more money out in the wider economy.

**Retail Price Index (RPI):** A monthly index demonstrating the movement in the cost of living as it tracks the prices of goods and services including mortgage interest and rent.

**Revenue Expenditure:** Expenditure to meet the continuing cost of delivery of services including salaries and wages, the purchase of materials and capital financing charges.

**Specified Investments:** Term used in the Welsh Assembly Guidance for Local Authority Investments. Investments that offer high security and high liquidity, in sterling and for no more than one year. UK government, local authorities and bodies that have a high credit rating.

**Supported Borrowing:** Borrowing for which the costs are supported by the government or third party.

**Supranational Bonds:** Instruments issued by supranational organisations created by governments through international treaties (often called multilateral development banks). The bonds carry an AAA rating in their own right. Examples of supranational organisations are the European Investment Bank, the International Bank for Reconstruction and Development.

**Temporary Borrowing:** Borrowing to cover peaks and troughs of cash flow, not to fund capital spending.

**Term Deposits:** Deposits of cash with terms attached relating to maturity and rate of return (Interest).

**Treasury Bills (T-Bills):** Treasury Bills are short term Government debt instruments and, just like temporary loans used by local authorities, are a means to manage cash flow. They are issued by the Debt Management Office and are an eligible sovereign instrument, meaning that they have an AAA-rating.

**Treasury Management Code:** CIPFA's Code of Practice for Treasury Management in the Public Services, initially brought in 2003, subsequently updated in 2009 and 2011.

**Treasury Management Practices (TMP):** Treasury Management Practices set out the manner in which the Council will seek to achieve its policies and objectives and prescribe how it will manage and control these activities.

**Unsupported Borrowing:** Borrowing which is self-financed by the local authority. This is also sometimes referred to as Prudential Borrowing.

**Yield:** The measure of the return on an investment instrument.

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# **FLINTSHIRE COUNTY COUNCIL**

## **TREASURY MANAGEMENT**

### **ANNUAL REPORT 2020/21**

## **1.00 INTRODUCTION**

The Council approved the Treasury Management Strategy 2020/21 (the Strategy) including key indicators, limits and an annual investment strategy on 18<sup>th</sup> February 2020.

The Strategy was produced based on the 2017 edition of the *CIPFA Treasury Management in the Public Services: Code of Practice*.

The purpose of this report is to review the outcomes from 2020/21 treasury management operations and compare these with the Strategy.

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.

## **2.00 ECONOMIC & INTEREST RATE REVIEW 2020/21**

*This is provided by Arlingclose Ltd, the Council's treasury management advisors.*

### **2.01 Economic background**

The coronavirus pandemic dominated 2020/21, leading to almost the entire planet being in some form of lockdown during the year. The start of the financial year saw many central banks cutting interest rates as lockdowns caused economic activity to grind to a halt. The Bank of England cut the Bank Rate to 0.1% and the UK government provided a range of fiscal stimulus measures, the size of which has not been seen in peacetime.

Some good news came in December 2020 as two COVID-19 vaccines were given approval by the UK Medicines and Healthcare products Regulatory Agency (MHRA). The UK vaccine rollout started in earnest; over 31 million people had received their first dose by 31st March.

A Brexit trade deal was agreed with only days to spare before the 11pm 31st December 2020 deadline, having been agreed with the European Union on Christmas Eve.

The Bank of England (BoE) held Bank Rate at 0.1% throughout the year but extended its Quantitative Easing programme by £150 billion to £895 billion at its November 2020 meeting. In its March 2021 interest rate announcement, the BoE noted that while GDP would remain low in the near-term due to COVID-19 lockdown restrictions, the easing of these measures means growth is expected to recover strongly later in the year. Inflation is forecast to increase in the near-term and while the economic outlook has improved there are downside risks to the forecast, including from unemployment which is still predicted to rise when the

furlough scheme is eventually withdrawn.

Government initiatives supported the economy and the Chancellor announced in the 2021 Budget a further extension to the furlough (Coronavirus Job Retention) scheme until September 2021. Access to support grants was also widened, enabling more self-employed people to be eligible for government help. Since March 2020, the government schemes have helped protect more than 11 million jobs.

Despite the furlough scheme, unemployment still rose. Labour market data showed that in the three months to January 2021 the unemployment rate was 5.0%, in contrast to 3.9% recorded for the same period 12 months ago. Wages rose 4.8% for total pay in nominal terms (4.2% for regular pay) and was up 3.9% in real terms (3.4% for regular pay). Unemployment is still expected to increase once the various government job support schemes come to an end.

Inflation has remained low over the 12 month period. Latest figures show the annual headline rate of UK Consumer Price Inflation (CPI) fell to 0.4% year/year in February, below expectations (0.8%) and still well below the Bank of England's 2% target. The Office for National Statistics' preferred measure of CPIH, which includes owner-occupied housing, was 0.7% year/year (1.0% expected).

After contracting sharply in Q2 (Apr-Jun) 2020 by 19.8% q/q, growth in Q3 and Q4 bounced back by 15.5% and 1.3% respectively. The easing of some lockdown measures in the last quarter of the calendar year enabled construction output to continue, albeit at a much slower pace than the 41.7% rise in the prior quarter. When released, figures for Q1 (Jan-Mar) 2021 are expected to show a decline given the national lockdown.

After collapsing at an annualised rate of 31.4% in Q2, the US economy rebounded by 33.4% in Q3 and then a further 4.1% in Q4. The US recovery has been fuelled by three major pandemic relief stimulus packages totalling over \$5 trillion. The Federal Reserve cut its main interest rate to between 0% and 0.25% in March 2020 in response to the pandemic and it has remained at the same level since. Joe Biden became the 46<sup>th</sup> US president after defeating Donald Trump.

The European Central Bank maintained its base rate at 0% and deposit rate at -0.5% but in December 2020 increased the size of its asset purchase scheme to €1.85 trillion and extended it until March 2022.

## **2.02 Financial markets**

Monetary and fiscal stimulus helped provide support for equity markets which rose over the period, with the Dow Jones beating its pre-crisis peak on the back of outperformance by a small number of technology stocks. The FTSE indices

performed reasonably well during the period April to November, before being buoyed in December by both the vaccine approval and Brexit deal, which helped give a boost to both the more internationally focused FTSE 100 and the more UK-focused FTSE 250, however they remain lower than their pre-pandemic levels.

Ultra-low interest rates prevailed throughout most of the period, with yields generally falling between April and December 2020. From early in 2021 the improved economic outlook due to the new various stimulus packages (particularly in the US), together with the approval and successful rollout of vaccines, caused government bonds to sell off sharply on the back of expected higher inflation and increased uncertainty, pushing yields higher more quickly than had been anticipated.

The 5-year UK benchmark gilt yield began the financial year at 0.18% before declining to -0.03% at the end of 2020 and then rising strongly to 0.39% by the end of the financial year. Over the same period the 10-year gilt yield fell from 0.31% to 0.19% before rising to 0.84%. The 20-year declined slightly from 0.70% to 0.68% before increasing to 1.36%.

1-month, 3-month and 12-month SONIA bid rates averaged 0.01%, 0.10% and 0.23% respectively over the financial year.

The yield on 2-year US treasuries was 0.16% at the end of the period, up from 0.12% at the beginning of January but down from 0.21% at the start of the financial year. For 10-year treasuries the end of period yield was 1.75%, up from both the beginning of 2021 (0.91%) and the start of the financial year (0.58%).

German bund yields continue to remain negative across most maturities.

### **3.00 BORROWING REQUIREMENTS AND DEBT MANAGEMENT**

#### **3.01 PWLB (Public Works Loans Board) Certainty Rate**

The Council qualified for the PWLB Certainty Rate, allowing the authority to borrow at a reduction of 20 basis points on the Standard Rate for a further 12 months from 1<sup>st</sup> November 2020.

#### **3.02 Borrowing Activity in 2020/21.**

The total long term borrowing outstanding, brought forward into 2020/21 was £291.3 million.



	<b>Balance 01/04/2020 £m</b>	<b>Debt Maturing £m</b>	<b>New Debt £m</b>	<b>Balance 31/03/2021 £m</b>
<b>Capital Financing Requirement</b>	<b>350.3</b>	<b>(7.1)</b>	<b>8.5</b>	<b>351.7</b>
<b>Short Term Borrowing</b>	<b>53.0</b>	<b>(53.0)</b>	<b>58.0</b>	<b>58.0</b>
<b>Long Term Borrowing</b>	<b>291.3</b>	<b>(11.7)</b>	<b>9.4</b>	<b>289.0</b>
<b>TOTAL BORROWING</b>	<b>344.3</b>	<b>(64.7)</b>	<b>67.4</b>	<b>347.0</b>
<b>Other Long Term Liabilities</b>	<b>4.5</b>	<b>(0.6)</b>	<b>0.0</b>	<b>3.9</b>
<b>TOTAL EXTERNAL DEBT</b>	<b>348.8</b>	<b>(65.3)</b>	<b>67.4</b>	<b>350.9</b>
<b>Increase/(Decrease in Borrowing (£m))</b>	<b>-</b>	<b>-</b>	<b>2.1</b>	

The Council's Capital Programme is financed by a combination of capital receipts and grants, capital expenditure charged to the revenue account (CERA) and borrowing. The borrowing strategy in recent years, in accordance with advice received from the Council's treasury management advisors, Arlingclose, has been to use existing cash balances and short term borrowing to confirm the long term borrowing requirement. This is to ensure that the Council does not commit to long term borrowing too early and borrow unnecessarily which will be costly. This is balanced against securing low interest costs and achieving cost certainty over the period for which the funds are required so as not to compromise the long term stability of the portfolio.

Short term borrowing continued to be available throughout the year at much lower rates than long term borrowing and was utilised as far as possible without exposing the Council to excessive refinancing risk. The total short term (temporary) borrowing as at 31<sup>st</sup> March 2021 was £58m with an average rate of 0.10%.

The relative costs and benefits of internal / short term borrowing and long term borrowing were monitored closely, in conjunction with Arlingclose, throughout the year. The Council continues to have a long term borrowing requirement and as PWLB long term rates remained low during the year the following loans were taken out:

<b>Start Date</b>	<b>Maturity Date</b>	<b>Amount</b>	<b>Rate</b>	<b>Loan Type</b>
02 Nov 2020	02 Nov 2057	£1.406m	2.53%	Annuity
16 Dec 2020	16 Dec 2042	£5.0m	1.16%	EIP
9 Feb 2021	9 Feb 2058	£2.553m	1.79%	Annuity

£3.96m of these loans have been on-lent to NEW Homes, the Council's wholly owned subsidiary, to fund the building of affordable homes in Flintshire.

At 31<sup>st</sup> March 2021, £264.9m of the Council's loans were in the form of fixed rate with the PWLB, £18.95m were variable rate in the form of LOBO's (Lender Option Borrower Option) and £5.15m were interest free loans from the Government, available for specific schemes. The Council's average rate for long term borrowing was 4.61%.

The Council's underlying need to borrow as measured by the Capital Financing Requirement (CFR) as at 31<sup>st</sup> March 2021 was £351.7m. The Council's total external debt was £350.9m.

### **3.03 Loans at Variable Rates**

The Council repaid its £10m PWLB variable rate loan in May 2020.

### **3.04 Lender Option Borrower Option loans (LOBOs)**

The Council holds £18.95m of LOBOs, loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Council has the option to either accept the new rate or to repay the loan at no additional cost. All of these LOBOs had options during the year, none of which were exercised by the lender.

### **3.05 Debt Rescheduling**

Options for debt rescheduling were explored in conjunction with our treasury management advisors. The premium charged for early repayment of PWLB debt remained relatively expensive for the loans in the Council's portfolio and therefore unattractive for debt rescheduling activity. As a consequence no rescheduling activity was undertaken.

The Corporate Finance Manager, in conjunction with the Council's treasury management advisors, will continue to review any potential opportunities 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).

## 4.00 INVESTMENT ACTIVITY

### 4.01 Guidance

The Welsh Government's Investment Guidance gives priority to security and liquidity and the Council's aim is to achieve a yield commensurate with these principles.

### 4.02 Investment Activity in 2020/21

#### Summary of investments as at 31<sup>st</sup> March 2021.

Country	Total	<1 month	1 –12 months	>12 months
	£m	%	£m	£m
UK BANKS	4.0	4.0		
UK BUILDING SOCIETIES				
OVERSEAS				
MMF's	22.3	22.3		
LOCAL AUTHORITIES	5.0	5.0		
DMO	20.0	10.00	10.00	
<b><u>TOTAL</u></b>	<b>51.3</b>	<b>41.3</b>	<b>10.00</b>	<b>0.0</b>

As none of these investments were greater than three months they are classified as cash in the Council's Balance Sheet.

Security of capital remained the Council's main investment objective. This was maintained by following the Council's counterparty policy as set out in its Strategy for 2020/21. Investments during the year included:

- Deposits with the Debt Management Office
- Deposits with other local authorities
- Investments in AAA-rated Low Volatility Net Asset Value (LVNAV) money market funds
- Call accounts and deposits with banks and building societies

### 4.03 Credit Risk

The Council assessed and monitored counterparty credit quality with reference to credit ratings; credit default swaps; GDP of the country in which the institution operates; the country's net debt as a percentage of GDP, and share price. The minimum long-term counterparty credit rating determined by the Council for the 2020/21 treasury strategy was A-/A-/A3 across rating agencies Fitch, S&P and Moody's.

#### **4.04 Counterparty Update**

After spiking in March 2020, credit default swap spreads declined over the remaining period of the year to broadly pre-pandemic levels, suggesting financial markets consider credit risk in the banking sector to have reduced. The gap in spreads between UK ring fenced and non-ring fenced entities remains with the ring-fenced entities typically benefiting from their lower risk business models and balance sheets.

Credit rating actions to the period ending September 2020 have been covered in previous outturn reports. Subsequent credit developments include Moody's downgrading the UK sovereign rating which then impacted a number of other UK institutions, banks and local government. In the last quarter of the financial year S&P upgraded Clydesdale Bank's rating and revised Barclays outlook to stable (from negative) while Moody's affirmed HSBC's long-term rating.

The vaccine approval and subsequent rollout programme are positive for the financial services sector in general, but there remains much uncertainty around the extent of the losses banks and building societies will suffer due to the economic slowdown from the pandemic. The Council's counterparty list recommended by treasury management advisors Arlingclose remains under constant review, but at the end of the period no changes had been made to the names on the list or the recommended maximum duration of 35 days.

#### **4.05 Liquidity**

In keeping with the WG's Guidance on Investments, the Council maintained a sufficient level of liquidity through the use of money market funds and call accounts.

#### **4.06 Yield**

The UK Bank Rate remained at 0.10% throughout the year. Short term money market rates also remained at very low levels which continued to have a significant impact on investment income. The low rates of return on the Council's short-dated money market investments reflect prevailing market conditions and the Council's objective of optimising returns commensurate with the principles of security and liquidity.

The Council's budgeted investment income for the year had been prudently estimated at £75k. The average cash balance was £41.1m during the period and interest earned was £12.3k, at an average interest rate of 0.03%. This was offset by reductions in corresponding borrowing costs during the year.

#### **4.07 Loans to NEW Homes**

The loans to NEW Homes do not meet the definition of an investment and are not therefore included in the Council's investment figures below. They are classed as capital expenditure.

#### **5.00 COMPLIANCE**

The Council can confirm that it has complied with its Prudential Indicators for 2020/21. These were approved by Council as part of the Treasury Management Strategy on 18<sup>th</sup> February 2020.

In compliance with the requirements of the CIPFA Code of Practice this report provides members with a summary report of the treasury management activity during 2020/21. None of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

The treasury function operated within the limits detailed in the Treasury Management Policy and Strategy Statement 2020/21.

#### **6.00 OTHER ITEMS**

The following were the main treasury activities during 2020/21

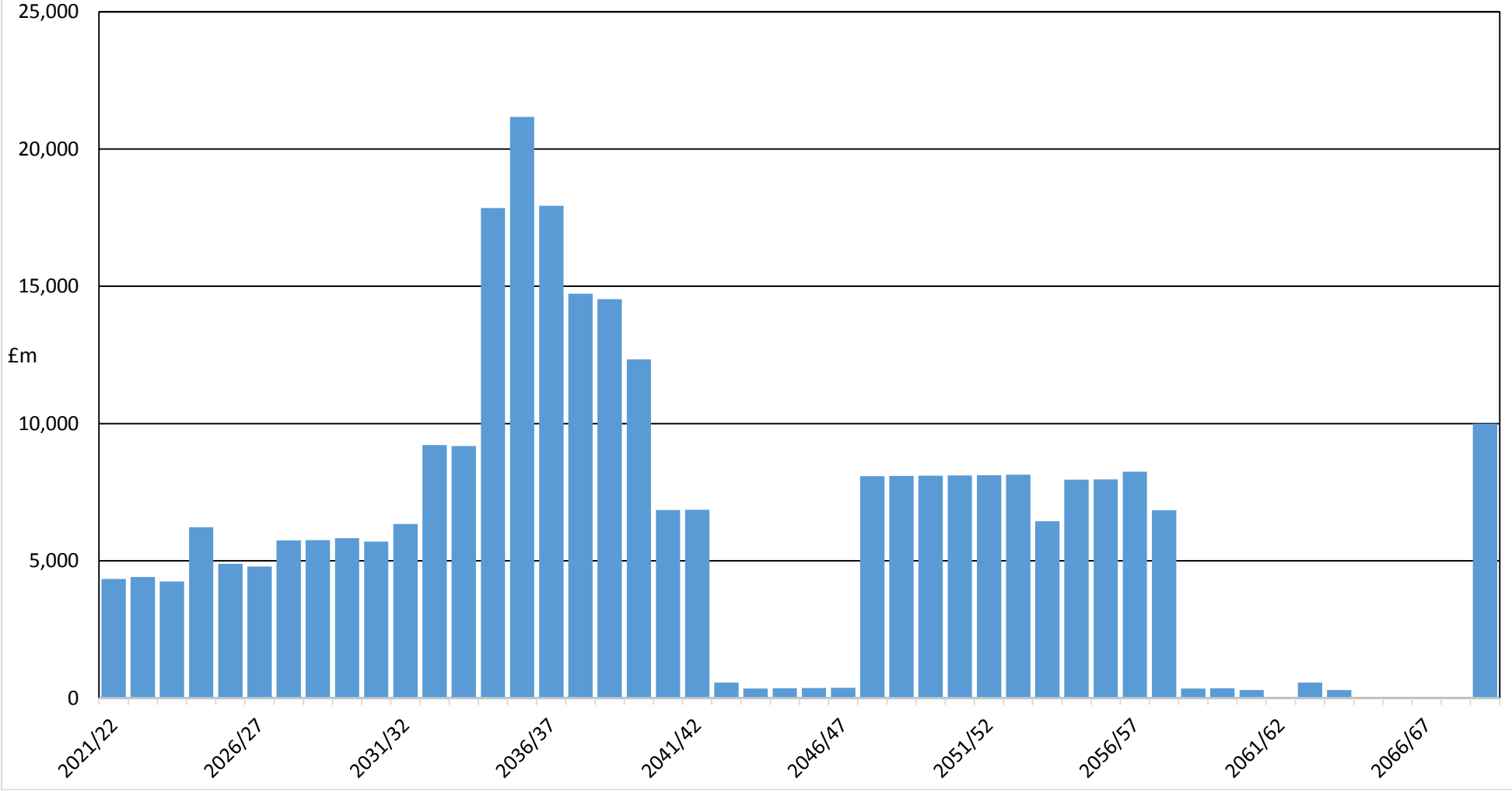
- The Council's Audit Committee received a Mid-Year Report on 18<sup>th</sup> November 2020.
- Quarterly update reports were presented to the Audit Committee.
- The 2021/22 Investment Strategy Statement was approved by Council on 16<sup>th</sup> February 2021.
- The Council's cash flow was managed on a daily basis. During the year the Council 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 were £80.5m and the maximum long-term borrowing at any one time was £290.7m.

#### **7.00 CONCLUSION**

The treasury management function has operated within the statutory and local limits detailed in the 2020/21 Treasury Management Strategy.

The Policy was implemented in a pro-active manner with security and liquidity as the focus.

Debt Maturity Profile - June 2021



## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Tuesday, 7 <sup>th</sup> December 2021
<b>Report Subject</b>	Review of Political Balance
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

The Council is required under the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended to review the Council's political balance calculations following the by election in Penyffordd on 7<sup>th</sup> October 2021.

The new Councillor in that ward, alongside Cllr Hinds as the other ward Member, is in the Labour Group, whereas the previous incumbent was a member of the New Independent Group. The calculated entitlement to seats indicates that the Labour Group will gain 2 places and the New Independent Group will lose 2 places. It is possible to accommodate those changes without impacting other groups.

The Council's political groups and the number of Members on each is as follows:

Labour 35  
 Independent Alliance 16  
 Conservative 6  
 Liberal Democrats 6  
 New Independents 3  
 Independents 3  
 Non-aligned member 1

### RECOMMENDATIONS

1	That seats on Committees be allocated in accordance with political balance as shown in appendix A.
2	That any changes to nominees be notified to the Democratic Services Manager as soon as possible.

## REPORT DETAILS

1.00	CALCULATION OF POLITICAL BALANCE
1.01	<p>The Council is required, as soon as practicable, after a change in the composition of political groups to recalculate political balance in accordance with the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990. Following the by election on the 7<sup>th</sup> October 2021, I received a request from the Leader of the Labour Group (and Leader of the Council) to recalculate political balance and the allocation of seats.</p>
1.02	<p>The basis of the statutory requirement is that Committee seats should be allocated to political groups (so far as is practicable) in the same proportion as those groups have to the total membership of the County Council.</p> <p>The allocation of seats on Committees to the political groups must recognise that:-</p> <ul style="list-style-type: none"> <li>(i) There must be no Committees whereby only one group has all the seats;</li> <li>(ii) Where there is a majority group it is entitled to a majority upon every Committee. (This does not apply where the largest group does not have an overall majority);</li> <li>(iii) The total number of seats allocated to each political group should be (in so far as is practicable) in the same proportion as those groups' strengths upon the full Council;</li> <li>(iv) Each Committee should (so far as is practicable) have the same proportional division between political groups as is represented upon the full Council.</li> </ul> <p>Thus if a group holds 25% of the total number of Councillors it should have:</p> <ul style="list-style-type: none"> <li>1) 25% of the overall number of seats on the Council; and</li> <li>2) (if possible) 25% seats on each Committee.</li> </ul> <p>These rules are applied in hierarchical order so it is more important to allocate the correct number of seats overall than it is to allocate the correct number of seats on a particular Committee.</p> <p>NB Under the legislation these rules do not apply to either the Cabinet or the Standards Committee.</p>
1.03	<p>The political balance calculation is attached as Appendix A. This is one possible lawful allocation seats and other possible allocations may exist.</p>
1.04	<p>During the review of the Committee structure in 2019 Group Leaders, on behalf of their members, agreed that it is preferable and beneficial to try and allocate seats in line with Councillors' areas of interest if possible. Where it is possible within the rules the allocation of seats is therefore influenced by known areas of interest/preference.</p>



1.05	The Labour Group's entitlement to an additional seat on the Constitution and Democratic Services Committee is clear from the calculations. This fits with all the rules outlined above.
1.06	The issue arises with the second seat. On this occasion, the apparent entitlement to seats would suggest that the New Independent Group should lose a seat on the Governance and Audit Committee to the Labour Group. However, that seat is occupied by a Councillor with long experience and a keen interest in the work of that Committee. In order to fulfil the aspiration to allocate seats based on interest, it is suggested that the Labour Group should instead be allocated an extra seat on the Education, Culture and Youth Overview and Scrutiny Committee. This will result in that group being slightly "over represented" on that Committee but it is a possible lawful allocation of seats. The allocation would comply with rule iii in paragraph 1.02 above which, in accordance with the hierarchy, is more important than compliance with rule iv.
1.07	As there is a possible allocation that would comply with both rules iii and iv the legislation requires that the recommended allocation can only be approved if no councillor votes against it. It is rare (if not unique) that legislation should confer "a power of veto" in this way.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None as a result of this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Group Leaders consulted on the political balance calculation.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	None as a result of this report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix A – Political Balance table 7 <sup>th</sup> December 2021.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>None</p> <p><b>Contact Officer:</b> Gareth Owens, Chief Officer Governance  <b>Telephone:</b> 01352 702344  <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None.



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**Political Balance Annual Meeting December 2021 70 Councillors**

**TABLE 1**

	Labour			Independent Alliance			Conservatives			Liberal Democrats			New Independents			Independents			Non-aligned			Total Councillor	Cross check
<b>No. of councillors</b>	35			16			6			6			3			3			1			70	70
<b>% of councillors</b>	50.00%			22.86%			8.57%			8.57%			4.29%			4.29%			1.43%			Total	
<b>Notional entitlement</b>	65.50			29.94			11.23			11.23			5.61			5.61			1.87			Seats	
<b>Allocation of seats</b>	65			30			11			11			6			6			2			131.00	131.00
Community, Housing & Assets OSC	6	6.00	0.00	3	2.74	0.26	1	1.03	0.03	1	1.03	0.03	1	0.51	0.49	0	0.00	0.00	0	0.17	0.17	12	12.00
Corporate Resources OSC	6	6.00	0.00	2	2.74	-0.74	1	1.03	0.03	1	1.03	0.03	1	0.51	0.49	1	0.00	-1.00	0	0.17	0.17	12	12.00
Education, Youth & Culture OSC	6	6.00	0.00	3	2.74	0.26	1	1.03	0.03	1	1.03	0.03	1	0.51	0.49	0	0.00	0.00	0	0.17	0.17	12	12.00
Environment & Economic	6	6.00	0.00	3	2.74	0.26	1	1.03	0.03	1	1.03	0.03	1	0.51	0.49	0	0.00	0.00	0	0.17	0.17	12	12.00
Social & Healthcare OSC	6	6.00	0.00	3	2.74	0.26	1	1.03	0.03	1	1.03	0.03	0	0.51	-0.51	1	0.00	-1.00	0	0.17	0.17	12	12.00
Planning	8	8.50	-0.50	4	3.89	0.11	1	1.46	0.46	2	1.46	-0.54	1	0.73	0.27	0	0.04	0.04	1	0.24	-0.76	17	17.00
Licensing	6	6.00	0.00	3	2.74	0.26	1	1.03	0.03	1	1.03	0.03	0	0.51	-0.51	1	0.00	-1.00	0	0.17	0.17	12	12.00
Audit	3	3.50	-0.50	1	1.60	-0.60	1	0.60	-0.40	1	0.60	-0.40	1	0.30	0.70	0	0.00	0.00	0	0.10	0.10	7	7.00
Constitution and Democratic	8	8.00	0.00	4	3.66	0.34	1	1.37	0.37	1	1.37	0.37	0	0.69	-0.69	1	0.04	-0.96	1	0.23	-0.77	16	16.00
Pensions	2	2.50	-0.50	1	1.14	-0.14	1	0.43	-0.57	0	0.43	0.43	0	0.21	-0.21	1	0.00	-1.00	0	0.07	0.07	5	5.00
Joint Pensions	1	0.50	0.50	0	0.23	-0.23	0	0.09	0.09	0	0.09	0.09	0	0.04	-0.04	0	0.00	0.00	0	0.01	0.01	1	1.00
Recovery	6	6.50	-0.50	3	2.97	0.03	1	1.11	0.11	1	1.11	0.11	1	0.56	0.44	1	0.00	-1.00	0	0.19	0.19	13	13.00
<b>Total to Group</b>	<b>64</b>	<b>59.00</b>		<b>30</b>	<b>26.97</b>		<b>11</b>	<b>10.11</b>		<b>11</b>	<b>10.11</b>		<b>7</b>	<b>5.06</b>		<b>6</b>	<b>5.06</b>		<b>2</b>	<b>1.69</b>		<b>131</b>	131
Grievance	5	6.50	-1.50	3	2.97	0.03	1	1.11	0.11	1	13.00	12.00	1	0.56	0.44	1	0.04	-0.96	1	0.19	-0.81	13	13.00
Grievance Appeals	5	6.50	-1.50	3	2.97	0.03	1	1.11	0.11	1	13.00	12.00	1	13.00	-12.00	1	1.00	0.00	1	13.00	12.00	13	13.00
Invest + Disc	5	6.50	-1.50	3	2.97	0.03	1	13.00	12.00	1	13.00	12.00	1	13.00	-12.00	1	13.00	12.00	1	13.00	12.00	13	13.00

If the allocations come to a total that is too high/low then the numbers along the bottom/on the right change colour

**TABLE 2**

	Labour			Independent Alliance			Conservatives			Liberal Democrats			New Independents			Independents			Non Aligned		
Scrutiny chairs																					
Notional	2.50			1.14			0.43			0.43			0.21			0.07			0.07		
Actual	2			1			1			1			0			0			0		
	Round Down			Round Up																	

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## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Tuesday, 7 <sup>th</sup> December 2021
<b>Report Subject</b>	Governance and Audit Committee Annual Report
<b>Report Author</b>	Chair of Audit Committee

### **EXECUTIVE SUMMARY**

In accordance with CIPFA's best practice 'Audit Committees – a Practical Guidance for Local Authorities 2018', there is a requirement for the Audit Committee to be held to account by the Council for the work they undertake. To support this the Audit Committee's terms of reference were amended in 2018 to include a requirement for the Committee to prepare a yearly report to the Council on its achievements and demonstrate its accountability.

The Governance and Audit Committee's Annual Report for 2020/21 (Appendix A) provides the Council with the necessary information to meet this requirement.

### **RECOMMENDATIONS**

1	Council is requested to consider and approve the Governance and Audit Committee's Annual Report.
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## REPORT DETAILS

1.00	EXPLAINING THE INTERNAL AUDIT PROGRESS REPORT
1.01	<p>In accordance with CIPFA's best practice 'Audit Committees – a Practical Guidance for Local Authorities 2018', the Governance and Audit Committee has an important role within the Council's governance structure and in promoting the principles of good governance.</p> <p>An equally significant part of this role is for the Governance and Audit Committee to demonstrate its accountability. Accountability should be considered under three aspects:</p> <ol style="list-style-type: none"><li>1) Supporting the Council's accountability to the public and stakeholders;</li><li>2) Supporting accountability within the Council; and</li><li>3) Holding the Governance and Audit Committee to account.</li></ol>
1.02	<p>The Governance and Audit Committee's Annual Report (Appendix A) is designed to provide assurance to the Council in holding the Committee to account. In particular:</p> <ol style="list-style-type: none"><li><b>1) Supporting the Council's accountability to the public and stakeholders</b><ul style="list-style-type: none"><li>– For the last twelve months each Governance and Audit Committee meeting has been held remotely and webcast with all Committee papers available on the Council's website.</li></ul></li><li><b>2) Supporting accountability within the Council</b><ul style="list-style-type: none"><li>– Through the review of those reports received by Governance and Audit Committee, the Committee holds to account those responsible for the implementation of recommendations and action plans. In addition to this, the Committee oversees the process for evaluating and improving governance, risk, financial management and control.</li></ul></li><li><b>3) Holding the Governance and Audit Committee to account</b><ul style="list-style-type: none"><li>– The Committee has fulfilled its agreed Terms of Reference and adopted the recommended best practice;</li><li>– Members of the Governance and Audit Committee have assessed their own development needs and taken the opportunity to attend briefing and training sessions;</li><li>– The Committee has assessed its own effectiveness, developed an action plan and monitors progress; and</li><li>– The Committee demonstrates they have a positive impact on the improvement of governance, risk, financial management and control within the Council.</li></ul></li></ol>
1.03	<p>The annual report provides the Council with an overview of the:</p> <ul style="list-style-type: none"><li>– Work undertaken by the Committee and its effectiveness against the main areas of the Committees' Terms of Reference;</li><li>– Internal Audit opinion for 2020/21;</li><li>– Committees membership and attendance;</li><li>– Self-Assessment, Training and Development; and</li></ul>



	– Future Priorities.
1.04	The Governance and Audit Committee’s Annual Report was presented and endorsed by the Governance and Audit Committee on 17 <sup>th</sup> November 2021.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
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2.01	None from the report itself.
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<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
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3.01	The draft annual report for the Governance and Audit Committee has been shared with the Chief Executive, Chief Officer Governance, Democratic Services Manager, Chair of the Audit Committee and the Governance and Audit Committee on 17 November 2021.
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<b>4.00</b>	<b>RISK MANAGEMENT</b>
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4.01	Governance and Audit Committee is integral to promoting an effective risk management framework within the Council.
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<b>5.00</b>	<b>APPENDICES</b>
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5.01	Appendix A – Draft Governance and Audit Committee Annual Report.
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<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
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6.01	None.  <b>Contact Officer:</b> Lisa Brownbill, Internal Audit, Performance and Risk Manager <b>Telephone:</b> 01352 702231 <b>E-mail:</b> <a href="mailto:Lisa.brownbill@flintshire.gov.uk">Lisa.brownbill@flintshire.gov.uk</a>
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<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
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7.01	<b>Corporate Governance:</b> the system by which local authorities direct and control their functions and relate to their communities. It is founded on the basic principles of openness and inclusivity, integrity and accountability together with the overarching concept of leadership. It is an inter-related system that brings together the underlying set of legislative requirements, governance principles and management processes.
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**Risk Management:** the process of identifying risks, evaluating their potential consequences and managing them. The aim is to reduce the frequency of risk events occurring (wherever this is possible) and minimise the severity of their consequences if they occur. Threats are managed by a process of controlling, transferring or retaining the risk. Opportunities are managed by identifying strategies to maximise the opportunity or reward for the organisation.

**Internal Control:** Appropriate procedures and processes are in place to mitigate any risk which may prevent the organisation from achieving its objectives and service delivery.

**Financial Management:** the planning, organising, directing and control of the financial activities of the Council to ensure sufficient resources are available to delivery its intended outcomes.



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Date	Approved By	Version
17/11/2021	Governance and Audit Committee	Draft
12/2021	Flintshire County Council (planned)	Final

## 1 Foreword by Councillor Chris Dolphin, Chair of the Governance and Audit Committee

I am pleased to present the Annual Report of the Governance and Audit Committee which outlines the Committees' work and activities for the year ending 31<sup>st</sup> March 2021.

This has been an extraordinary year for the Council and the Committee. The Governance and Audit Committee is a key part in the Council's governance framework to provide an independent oversight on the effectiveness of the Council's governance, risk, financial management, and internal control arrangements. This has continued throughout the pandemic.

Despite the challenges, once Committees resumed in July, the Committee has continued to receive valued professional reports, support and advice from Accountancy, Treasury Management, Risk Management, Corporate Business and Communications, Internal Audit and External Audit (Audit Wales). Additionally, we have invited Chief Officers and Service Managers to attend Governance and Audit Committee to respond to concerns raised by members or through various reports, such as those presented by Internal and External Audit.

At each meeting we have reviewed our Forward Work Programme ensuring the work mirrors the level of risks and priorities of the Council. Any actions raised during previous Committee meetings are reviewed for completeness.

I would like to thank members and officers who have supported the work of this Committee by presenting, discussing, challenging, and debating solutions to the governance, risk, financial, and control environment of the Council. The Committee has been well attended throughout the year and where apologies have been given a trained substitute member has attended on the members' behalf.

Finally, I would like to confirm that there are no areas of concern for the Committee to note or report back on which is reassuring for the Council.



Cllr Chris Dolphin  
Chair of Governance and Audit Committee

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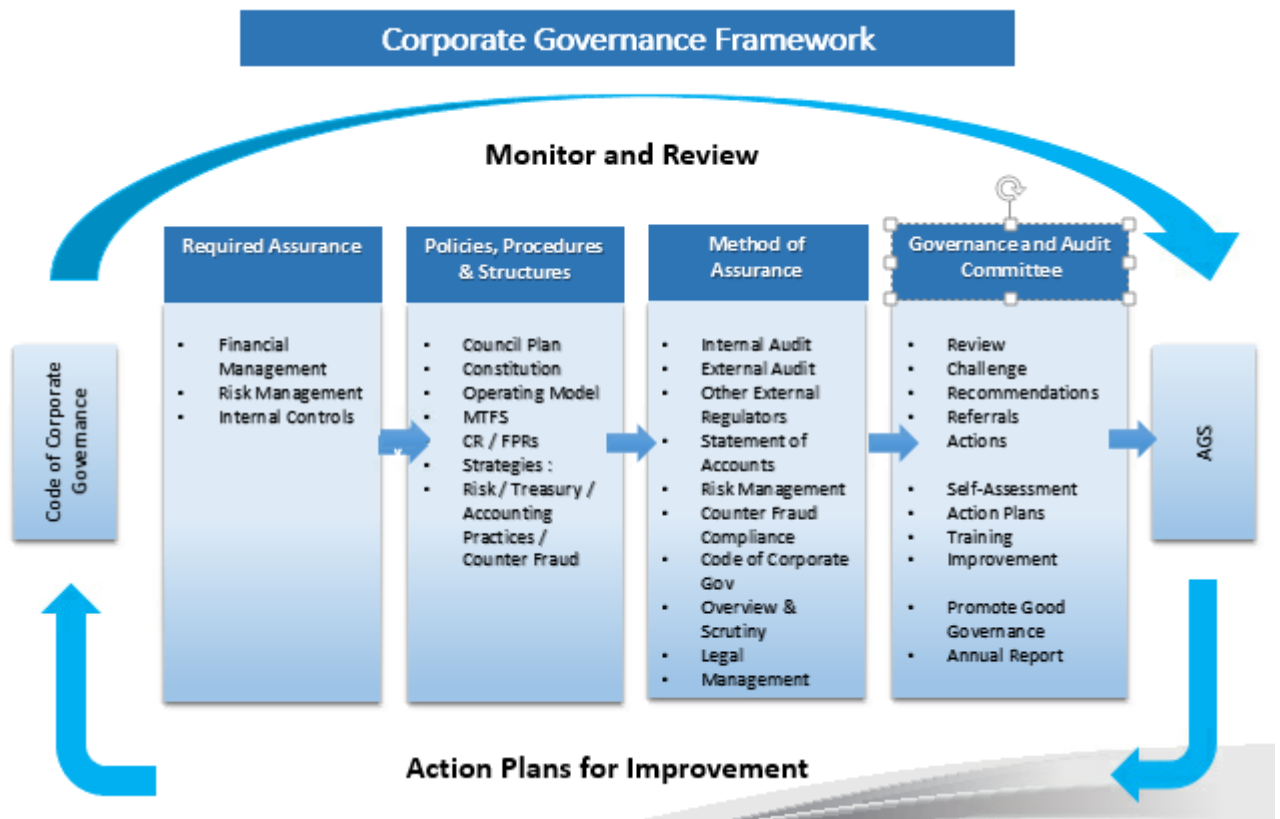
## 2 Introduction

- 2.1 The Governance and Audit Committee is a key part in the Council's Governance Framework. It provides independent governance assurance over the adequacy of the Council's governance and risk management frameworks, the internal control environment, and the integrity of the financial reporting. By overseeing internal and external audit and other regulators, the Committee makes an important contribution by ensuring effective assurance arrangements are in place.
- 2.2 How the Governance and Audit Committee fulfils this role is detailed within the Committee Terms of Reference (March 2021). It states that the Governance and Audit Committee's role and functions will be to:
- A** Review the effectiveness of the Authority's systems of corporate governance, internal control, [complaints](#), [performance \(self-assessment and peer review\)](#) and risk management, and to make reports and recommendations to the County Council on the adequacy and effectiveness of these arrangements.  
  
Please note the Committee will not need to review the effectiveness of complaints or performance [highlighted in blue](#) until April 2022 when this part of the new Local Government and Elections (Wales) Act 2021 comes into force.
  - B** Oversee the reporting of the statutory financial statements to ensure the balance, transparency and integrity of published financial information, as well as the review of the financial statements prepared by the authority and recommended to County Council; and  
  
Review and scrutinise the County Council's financial affairs, and to make reports and recommendations on them. The role of the Committee is to assure the budgetary control systems of the Council rather than the scrutiny of the use and value for money of expenditure which is the role of the respective Overview and Scrutiny Committees.
  - C** Monitor the performance and effectiveness of the internal and external audit functions within the wider regulatory context.
  - D** Report to the Council annually, summarising the Committee's activities and recommendations.
- 2.3 The full Terms of Reference for Governance and Audit Committee are detailed at Appendix A.
- 2.4 In supporting the Governance and Audit Committee deliver its terms of reference, there is a strong contribution from the independent member, the external advisors and regulators and the Internal Audit Team.

### 3 Work of the Governance and Audit Committee and its Effectiveness

- 3.1 The Committee has worked within its Terms of Reference, which includes the requirement to monitor and review governance, risk management, financial management and internal controls within the Council to ensure there is an appropriate and effective framework in place. This process is demonstrated in Graphic 1 below.
- 3.2 The Governance and Audit Committee provides the Council with an independent opinion of the effectiveness of the Governance arrangements within the Council including those of the internal and external audit function.

**Graphic 1 – Corporate Governance Framework**



- 3.3 As referred to at 2.2, the Governance and Audit Committee’s Terms of Reference is split into four main areas referenced A-D. Within tables 1-4 below the Governance and Audit Committee demonstrates how it has met and fulfilled its Terms of Reference by receiving, reviewing, challenging and approving the following reports.

Table 1 – Terms of Reference A

<b>TOR A : To review the effectiveness of the Authority's systems of corporate governance, internal control and risk management</b>		
<b>Committee Date</b>	<b>Report Received</b>	<b>Committees Resolution</b>
23/07/2020	Annual Governance Statement (AGS) 2019/20	That the Annual Governance Statement 2019/20 includes the commitment to increase Member involvement from next year, and be endorsed and attached to the Statement of Accounts for adoption.
23/07/2020	Pandemic Emergency Response: Governance and Control Arrangements	No resolution required. The Chairman thanked the Chief Executive for sharing regular updates with Members on the Council's response throughout the emergency period.
23/07/2020	Assurance and the Internal Control Environment	No resolution required. The Chairman thanked the Chief Executive for sharing regular updates with Members on the Council's response throughout the emergency period.
09/09/2020	External Regulation Assurance	That the Committee is assured over the Council's response to pieces of external regulation work.
09/09/2020	Internal Audit Strategic Plan 2020/21	That the Flintshire Internal Audit Strategic Plan 2020-2023 be approved.
09/09/2020	Internal Audit Annual Report	That the report and Internal Audit annual opinion be noted.
09/09/2020	Wales Audit Office Audit Plan 2020	That the Audit Wales Audit Office report be noted.
09/09/2020	Quarterly update on the Response to the Pandemic	That the Committee is assured by the arrangements in place for the emergency response and recovery phases.
18/11/2020	Emergency Situation Briefing (verbal)	That the verbal update be received.
18/11/2020	Asset Disposal and Capital Receipts Generated 2019/20	Report is noted.
18/11/2020	Risk Management Framework	That the Committee is assured by the renewed risk management framework and the progress of its implementation.
18/11/2020	Approach to the 2020/21 Annual Governance Statement	That the proposed approach for the involvement of Governance & Audit Committee Members in the Annual Governance Statement process be endorsed.
18/11/2020	Internal Audit Progress Report	Report is accepted.
27/01/2021	Code of Corporate Governance	That the updated Code of Corporate Governance be endorsed for adoption as part of the Council's Constitution.
27/01/2021	Annual Audit Summary for Flintshire County Council 2019/20	That the Committee is assured by the Auditor General for Wales' Annual Audit Summary report for 2019/20.
27/01/2021	Local Government & Elections (Wales) Bill	<ul style="list-style-type: none"> <li>• That the briefing report be received;</li> <li>• That the Committee notes the constitutional and other implications of the Act, and supports internal plans for their implementation as necessary; and</li> <li>• That officers liaise with the Chairman to write to Welsh Government to express the Committee's concerns on the requirement to appoint lay</li> </ul>



		<p>members as both Chair and Vice-Chair of the Governance &amp; Audit Committee.</p> <p>NB After the meeting the Chief Officer (Governance) confirmed that the Vice Chair of the Committee could be an elected member. The Committee therefore agreed that resolution (c) did not need to be actioned.</p>
27/01/2021	Internal Audit Progress Report	That the report be accepted.
24/03/2021	Internal Audit Strategic Plan 2021/24	That having considered the areas covered, including those prioritised for the first year, and the level of audit resources, the Committee approves the Flintshire Internal Audit Strategic Plan for 2021-2024.
24/03/2021	Internal Audit Progress Report	That the report be accepted.
24/03/2021	Audit Wales Audit Plan 2021	That the Audit Wales Plan be noted.
24/03/2021	External Regulation Assurance	That the Committee is assured by the Council's response to external regulatory reports.

**Table 2 – Terms of Reference B**

<b>TOR B : To Oversee the reporting of the statutory financial statement's process and review and scrutinise the County Council's financial affairs</b>		
<b>Committee Date</b>	<b>Report Received</b>	<b>Committees Resolution</b>
23/07/2020	Draft Statement of Accounts 2019/20	<ul style="list-style-type: none"> <li>• That the draft Statement of Accounts 2019/20 (which includes the Annual Governance Statement) be noted; and</li> <li>• That Members note the opportunity to discuss any aspect of the Statement of Accounts with officers or Audit Wales from July to September, prior to the final audited version being brought back to the Committee for final approval on 9 September 2020.</li> </ul>
23/07/2020	Supplementary Financial Information to Draft Statement of Accounts 2019/20	Report is noted.
23/07/2020	Treasury Management Annual Report 2019/20 and Treasury Management Quarter 1 Update 2020/21	<ul style="list-style-type: none"> <li>• That the draft Treasury Management Annual Report 2019/20 be noted, with no matters to be drawn to the attention of Cabinet in September; and</li> <li>• That the Treasury Management 2020/21 first quarter update be noted.</li> </ul>
09/09/2020	Statement of Accounts 2019/20	<ul style="list-style-type: none"> <li>• That the final version of the Statement of Accounts 2019/20 be approved, incorporating the updated position on emergency grant funding;</li> <li>• That the Audit Wales report 'Audit of the Financial Statements – Flintshire County Council' be noted; and;</li> <li>• That the Letter of Representation be approved.</li> </ul>
18/11/2020	School Reserves Balances Year End 31 March 2020	<ul style="list-style-type: none"> <li>• That the school reserve balances as at 31 March 2020 be noted; and</li> <li>• That the changes to the Protocol for Schools in Financial Difficulty be noted.</li> </ul>
18/11/2020	Asset Disposal and Capital Receipts Generated 2019/20	Report is noted.
18/11/2020	Treasury Management Mid-Year Review and Quarter 2 Update 2020/21	That the Committee notes the draft Treasury Management Mid-Year Report 2020/21 and confirms that there are no matters to be drawn to the attention of Cabinet on 15 December 2020.
27/01/2021	Treasury Management Strategy & Treasury Management Quarter 3 Update 2020/21	<ul style="list-style-type: none"> <li>• That having reviewed the draft Treasury Management Strategy 2021/22, the Committee has no specific issues to be reported to Cabinet on 16 February 2021; and</li> <li>• That the Treasury Management 2020/21 quarterly update be noted.</li> </ul>
28/10/2021	Quarter 4 Treasury Management Update 2020/21	<ul style="list-style-type: none"> <li>• That the Treasury Management 2020/21 quarterly update be endorsed; and</li> <li>• That officers investigate options on how best to present the data in future reports.</li> </ul>

**Table 3 – Terms of Reference C**

<b>TOR C : To monitor the performance and effectiveness of the internal and external audit functions</b>		
<b>Committee Date</b>	<b>Report Received</b>	<b>Committees Resolution</b>
09/09/2020	Public Sector Internal Audit Standards	<ul style="list-style-type: none"> <li>• That the report be noted; and</li> <li>• That the Committee formally thanks officers and Audit Wales colleagues for their extraordinary work over the emergency period.</li> </ul>
09/09/2020	Internal Audit Strategic Plan 2020/21	That the Flintshire Internal Audit Strategic Plan 2020-2023 be approved.
09/09/2020	Internal Audit Annual Report	That the report and Internal Audit annual opinion be noted.
09/09/2020	Wales Audit Office Audit Plan 2020	That the Audit Wales Audit Office report be noted.
18/11/2020	Approach to the 2020/21 Annual Governance Statement	That the proposed approach for the involvement of Audit Committee Members in the Annual Governance Statement process be endorsed
18/11/2020	Internal Audit Progress Report	Report is accepted.
18/11/2020	Private meeting between members, Internal Audit Manager and Audit Wales	N/A
27/01/2021	Annual Audit Summary for Flintshire County Council 2019/20	That the Committee is assured by the Auditor General for Wales' Annual Audit Summary report for 2019/20.
27/01/2021	Internal Audit Charter	That the updated Internal Audit Charter be approved.
27/01/2021	Internal Audit Progress Report	That the report be accepted.
24/03/2021	Internal Audit Strategic Plan 2021/24	That having considered the areas covered, including those prioritised for the first year, and the level of audit resources, the Committee approves the Flintshire Internal Audit Strategic Plan for 2021-2024.
24/03/2021	Public Sector Internal Audit Standards	That the Committee accepts the report and its findings on the self-assessment.
24/03/2021	Internal Audit Progress Report	That the report be accepted.
24/03/2021	Audit Wales Audit Plan 2021	That the Audit Wales Plan be noted.

**Table 4 – Terms of Reference D**

<b>TOR D : To report to the Council annually, summarising the Committee's activities and Recommendations (<i>demonstrating the Committees' effectiveness</i>)</b>		
<b>Date of Committee</b>	<b>Report Received</b>	<b>Committees Resolution</b>
18/11/2020	Audit Committee Annual Report	That the annual report for 2019/20 be endorsed prior to its submission to Council for approval on 8 December 2020.
27/01/2021	Local Government & Elections (Wales) Bill	<ul style="list-style-type: none"> <li>• That the briefing report be received;</li> <li>• That the Committee notes the constitutional and other implications of the Act, and supports internal plans for their implementation as necessary; and</li> <li>• That officers liaise with the Chairman to write to Welsh Government to express the Committee's concerns on the requirement to appoint lay members as both Chair and Vice-Chair of the Governance &amp; Audit Committee.</li> </ul> <p>NB After the meeting the Chief Officer (Governance) confirmed that the Vice Chair of the Committee could be an elected member. The Committee therefore agreed that resolution (c) did not need to be actioned.</p>
27/01/2021	Recruitment of the Lay Member to the Audit Committee	<ul style="list-style-type: none"> <li>• That one additional lay member be recruited to the Audit Committee in place of an elected member with effect from May 2022; and</li> <li>• That the recruitment panel consisting of the Chair of the Council, Chair of the Audit Committee plus the Cabinet Member for Finance and two other Audit Committee members makes a recommendation to Council for appointment.</li> </ul>
24/03/2021	Review of the Terms of Reference of the Audit Committee	That the amended name of Council's Audit Committee be acknowledged and the new functions set out in the Act included within the Terms of Reference of the renamed Committee.

- 3.4 Any actions raised by Governance and Audit Committee after reviewing and considering these reports are detailed at Appendix B. Where actions remain open (3 of the 26 raised), these have been delayed due to either the pandemic or that the action is not due to be presented to committee in line with the Forward Work programme.
- 3.5 The Committee's Forward Work programme for 2021/22 is detailed at Appendix C.

## 4 Internal Audit Opinion

- 4.1 The Internal Audit Service to Flintshire County Council is required to provide the Council (through the Governance and Audit Committee) with an opinion on the overall adequacy and effectiveness of the organisation's framework of governance, risk management and control. In giving that opinion it should be noted that assurance can never be absolute. The most that the Internal Audit Service can provide to the Council is a reasonable assurance that there are no major weaknesses in risk management, governance and control processes.
- 4.2 The matters raised in this report are only those which came to our attention during our Internal Audit work and are not necessarily a comprehensive statement of all the weaknesses that exist, or of all the improvements that may be required.
- 4.3 In mid-March 2020 the Coronavirus Pandemic started resulting in the Council invoking its Business Continuity Plan. Given the unprecedented nature of the pandemic and its impact on the Council's service delivery and its workforce, all Internal Audit work was paused to allow the organisation to respond to the emergency. For the period April to August 2020 the Internal Audit Service supported the Council's response to this emergency. The work of internal audit during this period included the review of direct management assurance, key financial decisions, risk method statements, review and challenge of new business processes to aid alternative service delivery, validation and challenge of complex business support grants saving the Welsh Government circa £180K, working with multi-agency partner to deliver Test Trace Protect and Deeside Rainbow Hospital within Flintshire as well as attendance that the various emergency tactical working groups providing guidance and advice.
- 4.4 In September the original Internal Audit Plan for 2020/21 – 2022/23 was revised to reflect on the work of the Internal Audit service for the first part of the year and to re-evaluate the service's work for the remainder of the year. The revised Strategic Audit Plan for 2020/21-2022/23 was presented and approved by the Governance and Audit Committee in September 2020. Due to the in-depth work Internal Audit were involved with during April to August and the revised Audit Plan in September sufficient work had been completed during the year to allow an assurance opinion to be provided.
- 4.5 There have been no limitations made on the scope of Internal Audit coverage during the year.

**For the year ending 31 March 2021, based on the work the Internal Audit Service has undertaken, the direct assurance from management and external assurance from Audit Wales, my opinion is that Flintshire County Council has an adequate and effective framework of governance, risk management and internal control.**

- 4.6 During 2020/21 we have not issued a 'Red / Limited assurance' opinion compared to previous years (2019/20 one audit, 2018/19 two audits, 2017/18 three audits, 2016/17 four audits & 2015/16 six audits), where an urgent system revision was required.
- 4.7 Overall 82% of assurance opinions issued were either Green or Amber Green providing the Committee assurance that of the audits undertaken this year in the main there are effective arrangements in place for governance, risk management and internal control.
- 4.8 In order for the Internal Audit team to be in position to undertake such work and deliver this audit opinion, it has an unfettered high profile role within the Council, and has

developed and holds an excellent trusted working relationship with portfolios. The breadth of the work has grown in recent years seeing a significant increase in requests for advisory, consultancy and commissioned work.

## 5 Governance and Audit Committee Membership and Attendance

- 5.1 The Council has determined that the membership of its Governance and Audit Committee will consist of seven elected Members and two Independent Lay Members (as required by the Local Governance (Wales) Measure 2011). The Independent Lay Members are appointed for a period of four years and Council Members are reappointed annually. The first lay member was appointed in 2017 and the second in September 2019.
- 5.2 The Committee is serviced by Council Officers, principally the Chief Executive, the Chief Officer, Governance (Council's Monitoring Officer), the Corporate Finance Manager (Section 151 Officer) and the Internal Audit Manager. Representatives from Corporate Finance, Corporate Business and Communications, and Audit Wales also attend Audit Committee.
- 5.3 The Governance and Audit Committee met on five separate occasions during 2020/21 as the first meeting of the financial year was cancelled due to the emergency of the pandemic. For each meeting, the Committee were quorate and there were sufficient Elected Members to generate an informed discussion on the matters raised. The attendance by members demonstrates their continued commitment to the Governance and Audit Committee by their 100% attendance.

**Table 5 – Governance and Audit Committee Meeting 2020/21**

Present	03/06/20	23/07/20	09/09/20	18/11/20	27/01/21	24/03/21	Total Meetings Attended
Cllr C Dolphin (Chair)	Cancelled due to the Pandemic	Yes	Yes	Yes	Yes	Yes	5
S Ellis (Lay Member & Vice-Chair)		Yes	Yes	Yes	Yes	Yes	5
Cllr G Collett		Yes	Apology	Yes	Yes	Yes	4
Cllr A Dunbobbin		Yes	Yes	Yes	Yes	Yes	5
Cllr P Johnson		Yes	Yes	Yes	Yes	Yes	5
Cllr A Woolley		Yes	Yes	Yes	Yes	Yes	5
Cllr P Heesom		Yes	Yes	Yes	Yes	Yes	5
Cllr J Axworthy		Yes	Yes	Yes	Yes	Yes	5
A Rainford (Lay Member)		Yes	Yes	Yes	Yes	Yes	5
Cllr J Johnson (Substitute)		N/A	Yes	N/A	N/A	N/A	1
<b>Total for Committee</b>	<b>0</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	<b>9</b>	
Other Members Present as Observers	0	2	2	3	3	3	
<b>Attendance Ratio for 2020/21</b>				100%			
<b>Attendance Ratio for 2019/20</b>				97.5%			
<b>Attendance Ratio for 2018/19</b>				95.8%			
<b>Attendance Ratio for 2017/18</b>				87.5%			

- 5.4 All members of the Committee, including any substitutes have received the required Governance and Audit Committee training prior to attending their first Governance and Audit Committee meeting. Due to the pandemic all meetings were held remotely, meetings were recorded and papers are available on the Council's website. Officers from the Council's External Auditors, Audit Wales (AW) were present at each of the meetings.



## 6 Self-Assessment, Training & Development

### Governance and Audit Committee Self-Assessment

- 6.1 Due to the pandemic a review of the effectiveness of the Governance and Audit Committee was delayed until October 2021 where an online awareness session took place to review the period 2020/21. The Committee reviewed its effectiveness and performance against the best practice set out by CIPFA. The online session was interactive with a positive discussion taking place regarding the delivery of the Committee's core role and function. Following the self-assessment an action plan (Appendix D) was developed and will be used to monitor performance.
- 6.2 In October 2019, new to Wales, a Chair and Vice Chairs of Governance and Audit Committee Network was established and held in Llandrindod Wells. During 2020/21 this was moved online. During 2020/21, two sessions have been held and both attended by the Chair and Vice Chair of the Governance and Audit Committee and the Internal Audit Manager. Due to the success of the network group and to reflect the changes of the new Act, it is proposed going forward that all members of the Governance and Audit Committee would be invited to attend the all Wales network sessions.

### Governance and Audit Committee Training and Development

- 6.3 Due to the pandemic, training was reduced this year compared to previous years. Table 6 provides details of the training courses attended.

**Table 6 – Governance and Audit Committee Training & Development**

Topic	Date	Type of Training	Coverage
Chair and Vice Chairs of Audit Committee's Network Seminar	30/11/2020	Overview to Audit Committees; Risk Management and Annual Governance Statement	Full day session covering: <ul style="list-style-type: none"> <li>• Audit Wales Counter Fraud Work</li> <li>• Local Government and Elections (Wales) Bill</li> <li>• Audit Committee role in Risk Management &amp; AGS</li> <li>• Making an Impact</li> <li>• Role of the Lay Member</li> </ul>
Chair and Vice Chairs of Audit Committee's Network Seminar	06/09/2021	Governance; Risk Management and Annual Governance Statement	Half Day Session covering: <ul style="list-style-type: none"> <li>• Local Government and Elections (Wales) Act 2021</li> <li>• Complaints Handling in Local Authorities</li> <li>• Policy in Practice.</li> </ul>
Treasury Management	09/12/2020	Financial	Half day external training session provided on the Council's approach to Treasury Management.
Statement of Accounts	23/07/2021	Accounts	Presentation and explanation of the Statement of Accounts.
WebEx Training	May / June 2020	Information Technology	To support members to access remote training.

## 7 Future Priorities

- 7.1 The Committee's Forward Work Programme (Appendix C) will continue to be reviewed to ensure the contribution to governance, risk management, financial management and internal control is maximised.

## Appendix A

## Governance and Audit Committee's Terms of Reference

The Terms of Reference for the Governance and Audit Committee was updated to reflect the name change and the new responsibilities as a result of the Local Government and Elections (Wales) Act 2021. Whilst the act will be phased in over a period of time it was agreed to update the Terms of Reference once. **Where text is highlighted blue, these roles and responsibilities will not come into force until April 2022.**

**7.00 Statement of Purpose:**

The terms of reference sets out the Governance and Audit Committee's position in the governance structure of the Council.

The Governance and Audit Committee is a key component of Flintshire County Council's (the Council's) corporate governance. It provides an independent and high level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

**7.01 Role:**

The Governance and Audit Committee's role and functions will be to:

- A.** Review the effectiveness of the Authority's systems of corporate governance, internal control, **complaints, performance (self-assessment and peer review)** and risk management, and to make reports and recommendations to the County Council on the adequacy and effectiveness of these arrangements;
- B.** Oversee the reporting of the statutory financial statement's process to ensure the balance, transparency and integrity of published financial information, and to review the financial statements prepared by the authority and recommend them to County Council; and  
  
Review and scrutinise the County Council's financial affairs, and to make reports and recommendations on them. The role of the Committee is to assure the budgetary control systems of the Council rather than the scrutiny of the use and value for money of expenditure which is the role of the respective Overview and Scrutiny Committees.
- C.** Monitor the performance and effectiveness of the internal and external audit functions within the wider regulatory context.
- D.** Report to the Council annually, summarising the Committee's activities and recommendations.

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**A. Corporate Governance, Internal Control, Complaints, Performance and Risk Management**

1. Evaluate whether Senior Accountable Officers and service teams are setting the appropriate “control culture” by communicating the importance of internal control and risk management.
2. Consider and assure the annual update of the Code of Corporate Governance against the ‘Delivering Good Governance Framework (Wales)’.
3. Consider and assure the draft Annual Governance Statement and make appropriate recommendations/observations prior to its submission to the Council’s Regulators.
4. Evaluate the overall effective development and operation of the internal control and risk management frameworks and consider whether actions raised by the internal and external auditors have been implemented by Senior Accountable Officers.
5. Review and assure the Risk Management Strategy through regular reports on risk management and business continuity plans, processes and outcomes.
6. Monitor progress in addressing risk related issues reported to the Committee.
7. Consider the Council’s framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
8. To review and assess the Council’ ability to effectively handle complaints.
9. To make reports and recommendations in relation to the Council’s ability to handle complaints effectively.
10. To consider the Council’s draft Annual Performance Self-Assessment report and if necessary make any recommendations for changes to the Council.
11. To receive the Council’s finalised Annual Self-Assessment report for the respective financial year as soon as reasonably possible after the end of the financial year.
12. At least once during the period between two consecutive ordinary elections of councillors to the Council, consider the independent Panel Performance Assessment report on whether the Council is meeting its performance requirements.
13. To receive and review the Council’s draft response to the report of the independent Panel Performance Assessment and if necessary make

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recommendations for changes to the statements made in the draft response to the Council.

14. Keep under review the Council's Anti-Fraud and Corruption Strategy, Fraud Response Plan and Whistleblowing Policy and the assessment of fraud risks and potential harm to the Council from Fraud and Corruption.
15. Consider the Council's arrangements to secure value for money and review assurances and assessment on the effectiveness of these arrangements.
16. Receive reports on all fraud identified and any other special investigations, and action taken.
17. Consider how Senior Accountable Officers are held to account for the security of computer systems and applications to protect against computer fraud or misuse.
18. Ensure the rigorous application of the agreed protocol for the reporting and decision making over business cases for collaborative projects, the management of the transition for approved collaborations, and the subsequent performance management arrangements for the new collaborative services.
19. Obtain regular updates from Senior Accountable Officers and legal advice regarding compliance matters, and be satisfied that all compliance matters have been considered in preparing the financial statements.
20. The Chair and Vice Chair of the Governance and Audit Committee together with the Chairs and Vice Chairs of the six Overview and Scrutiny Committees will attend the Chair and Vice Chair Liaison Group with the primary aim to reduce duplication of work, ensure there is a shared coverage of the Council's risk profile and escalate poor performance between respective Committees.

Appendix A of the Audit Charter provides a diagram of the co-ordination of work between the Overview and Scrutiny Committees and Governance and Audit Committee.

## **B. Financial:**

### **Statutory Financial Statements**

1. Receive the draft annual Statement of Accounts, together with the underlying accounting policies for information. Consider and comment on the final statement of accounts following the receipt of the proposed audit opinion from the Wales Audit Office prior to recommending their approval to the Council.
2. Understand the controls and processes implemented by Senior Accountable Officers to ensure the financial statements derive from the underlying financial

systems, comply with relevant standards and requirements, and are subject to appropriate review.

3. Meet with management and external auditors to review the financial statements, the key accounting policies and judgements, significant accounting and reporting issues and their impact on financial reports, and the results of the audit.
4. Ensure that significant adjustments, unadjusted differences, disagreements with Senior Accountable Officers and critical accounting policies and practice are discussed with the external auditor.

### **Financial Affairs**

5. Understand the internal control systems implemented by Senior Accountable Officers and service team for the approval of transactions and the recording and processing of financial data.
6. Gain an understanding of the current areas of greatest risk around financial controls and advise and assure on risk management.
7. Keep under review the Council's financial procedure rules and contract procedure rules and all other corporate directions concerning financial control.
8. Review and assure the Treasury Management Strategy and Policy and consider quarterly updates on Treasury Management and make appropriate recommendations / observations to the Cabinet.

### **C. Internal and External Audit**

1. Keep under review the joint working arrangements of the Council's Internal and External Auditors.

#### **Internal Audit**

2. Promote the role of internal audit within the Council, as a key element of its control environment.
3. Review and approve the Internal Audit Charter, outlining the role, scope, independence, authority, responsibility and reporting of the department.
4. Keep under review the organisational structure and resource requirements of the Internal Audit Section and consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Internal Audit Manager. To approve and periodically review safeguards to limit such impairments

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5. Make appropriate enquiries of both Senior Accountable Officers and the Internal Audit Manager to determine if there are any inappropriate scope or resources limitations.
  6. Review, approve (but not direct) and monitor the delivery of the risk-based internal audit plan, the approach to using other sources of assurance and any work required to place reliance upon those other sources and ensure the plan considers changes arising from Government, Assembly or Council initiatives.
  7. Approve significant interim changes to the risk based internal audit plan and resources requirements.
  8. Receive summaries of all internal audit reports issued, highlighting key actions with corporate control implications.
  9. Consider reports from the Internal Audit Manager on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
    - Updates on the work of internal audit including key findings, issues of concern including monitoring the implementation of agreed actions contained within internal audit reports, receive report on actions not implemented within good timescales and seek explanations from officers where required.
    - Regular reports on the results of the Quality Assurance Improvement Programme (QAIP);
    - Reports on instances where the internal audit service does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Governance Advice Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS.
  10. Receive and consider the Internal Audit Managers annual report:
    - The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.
    - The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement (AGS).
    - Keep performance indicators under review and evaluate, on an annual basis, the performance and effectiveness of internal audit and its compliance with best practice.
  11. Consider summaries of specific internal audit reports as requested.

12. Receive reports outlining the action taken where the Internal Audit Manager has concluded that Senior Accountable Officers and service teams have accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
13. Contribute to the Quality Assurance Improvement Programme (QAIP) and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
14. Meet separately with the Internal Audit Manager to discuss any matters that the Committee or internal auditors believe should be discussed privately.
15. Should the needs arise, arbitrate in the event of any failure to agree between a Senior Accountable Officers and internal audit.
16. Discuss with the external auditor the standard of work of internal audit.

## External Audit and External Regulatory Bodies

### External Audit

17. Support the independence of external audit through consideration of the external auditor's annual assessment of its independence.
18. Review the external auditors' proposed audit scope and approach for the current year in the light of the Authority's present circumstances and changes in regulatory and other requirements arising from Government, Assembly or Council initiatives.
19. Ensure that the annual audit is undertaken in compliance with statutory requirements.
20. Receive all audit reports, and the annual audit letter, issued by the external auditor, and ensure that all agreed recommendations are implemented.
21. Consider specific reports as agreed with the external auditor.
22. Discuss with the external auditor any audit problems encountered in the normal course of audit work, including any restriction on audit scope or access to information.
23. Meet separately with the external auditors to discuss any matters that the Committee or auditors believe should be discussed privately. Ensure the auditors have access to the chair of the Governance and Audit Committee when required.
24. Review, annually, the performance of external audit and co-ordinate any feedback requested from the Wales Audit Office.



## External Regulation: Performance

25. External arrangements for regulation and assurance are provided by a number of statutorily appointed bodies such as the Wales Audit Office (WAO), Estyn and the Care Inspectorate Wales (CIW), plus a number of other external regulatory bodies. To examine how the organisation manages and spends public money including achieving value in delivery. This work is co-ordinated by the Chief Executive's Business and Communications team and a shared protocol for these working arrangements is in place.
26. To gain assurance and confidence of the Council's response to the external regulatory findings the Governance and Audit Committee will:
  - a) Receive periodic reports from external regulators which will include the Council's response to the reports and ensure that effective processes are in place for setting and monitoring against proportionate and effective action plans.
  - b) Receive an annual report collating external regulatory activity on improvement assessment work which is supplemented by local risk based audit work; and
  - c) Receive the Annual Improvement Report from the Auditor General

## D. Accountability Arrangements

1. Require the attendance at the Committee of any officer or member, or the submission of a report from any officer, to provide further explanation in connection with any of the above terms of reference.
2. Evaluate the Committee's own performance, both of individual members and collectively, on a regular basis.
3. The Committee must meet at least once a year and must also do so if the Council decides or if at least a third of the Committee's members require a meeting. Beyond those requirements the Committee can meet whenever it likes.
4. The Governance and Audit Committee will keep the above terms of reference under annual review and propose any amendment to the County Council.
5. Report to full council and publish an annual report on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

## 7.02 Composition

1. The Chair and Vice-Chair of the Governance and Audit Committee will be chosen by the Committee itself at its first meeting following each annual general meeting. The Chair and Vice Chair of the Governance and Audit Committee will be chosen from amongst the opposition group(s), non-aligned Councillors or lay member on the Council (that is to say from amongst the group(s) none of whose members are

included in the Cabinet). From May 2022 the appointment of the Chair must be from one of the Lay Members appointed to sit on the Committee.

2. The County Council shall appoint two (three from May 2022) people who are neither a serving Councillor nor an officer of the County Council or any other Council to serve as lay members of the Committee with full voting rights. The lay member's term of office shall be from the first County Council meeting following the annual general meeting following the County Council elections until the first County Council meeting after the annual general meeting following the next County Council elections. No more than one member of the Committee shall be on the Council's Cabinet. The Council Leader cannot be a member of the Committee.
3. It is the express wish of the Council that there should be continuity of membership of the Governance and Audit Committee so as to build up a body of expertise and maintain a consistency of approach.
4. In recognising the express wish of the Council, but observing the requirements of the legislation for political balance, the Governance and Audit Committee will comprise seven (six from May 2022) Members with the seats allocated in accordance with the legislation to the appropriate political groups and one lay member. Any proposed substitution shall comply with Council Procedure Rule 22.4 and the proposed substitute shall have attended relevant training. Substitutes will only be permitted where the Governance and Audit Committee, at the commencement of its meeting, agrees that good reasons exist for substitution.
5. Members will receive induction training on appointment to the Committee. Ongoing training will be provided as necessary to meet the requirements of the Committee, based on the skills and experience of the members.
6. The business of the Committee shall be conducted apolitically.

## Governance and Audit Committee Actions Raised – 2020/21

## Appendix B

Item No.	Report	Action Required	Action Taken	Status
<b>23<sup>rd</sup> July 2020</b>				
62.	Draft Statement of Accounts 2019/20	An up-to-date figure for the NHS debt in note 13	This information was provided to members of the Committee on 07/08/2020.	Closed
62.	Draft Statement of Accounts 2019/20	Clarification on £374k payments in note 28 for Related Parties - Officers	The accounts have been updated to reflect this and they will be presented to committee in September for approval.	Closed
62.	Draft Statement of Accounts 2019/20	The reason for fluctuating management and supervision costs on the HRA Income & Expenditure Sheet (p.70 of the accs).	This information was provided to members of the Committee on 07/08/2020.	Closed
62.	Draft Statement of Accounts 2019/20	To receive a report in Sept (on a quarterly basis) to give assurance to the Committee on how the Council is proportionately responding to the pandemic emergency and making risk-assessed decisions.	The first report was be provided at the September 2020 Audit Committee meeting.	Closed
62.	Draft Statement of Accounts 2019/20	To share Audit Wales contact details with the Committee.	This information was provided to the Committee on 23/07/2020	Closed
64.	Annual Governance Statement 2019/20	That the Annual Governance Statement 2019/20 includes the commitment to increase Member involvement from next year, and be endorsed and attached to the Statement of Accounts for adoption.  The process and timescale for more Member involvement on the AGS during Q4 to be shared with the Committee in the Autumn.	Update provided to members	Closed
64.	Annual Governance Statement 2019/20	To share the six recovery risk registers and business plans with the Committee.	These were circulated to the Audit Committee members on 17/09/2020.	Closed
67.	Treasury Management Annual Report 2019/20 and Q1	To provide a response to the Committee on any reason for the difference in brokerage fees (App 5)	A response was provided to Audit Committee members on 18/08/2020.	Closed

Item No.	Report	Action Required	Action Taken	Status
	2020/21 Update	since 2019.		
<b>9<sup>th</sup> September 2020</b>				
76.	PSIAS	To ensure that benchmarking data against other authorities is shown in future PSIAS reports.	Benchmarking data to be included in future PSIAS reports. Due to the pandemic benchmarking has not taken place to date. This has resumed. If the data is available this will be included within the Internal Audit Annual Report 2020/21.	Open
16.	Quarterly update on response to the pandemic	Presentation slides from Cabinet 15/09/20 to be shared with the Audit Committee.	These were circulated to the Audit Committee members on 17/09/2020.	Closed
16.	Quarterly update on response to the pandemic	Updated risk registers to be shared with the Audit Committee later in the month.	These were circulated to the Audit Committee members on 17/09/2020.	Closed
<b>18<sup>th</sup> November 2020</b>				
6.	School Reserve Balances y/e 31/3/2020	To include data over a three year period in future annual reports on school balances.	Future report to include three year period.	Closed
9.	Risk Management Framework	To clarify the escalation of high level risks to Cabinet, Overview & Scrutiny committees and Audit Committee within the document.	The escalation process has been revised within the Risk Management User Guide.	Closed
10.	Approach to the 2020/21 AGS	To check availability of the Chair, Cllr Heesom, Cllr Johnson, Sally Ellis and Allan Rainford for the workshop in March/April 2021.	This workshop is has been provisionally booked for 21/03/2021.	Closed
11.	Audit Committee Annual Report	That the annual report for 2019/20 be endorsed prior to its submission to Council for approval on 08/12/20.	The Audit Committee Annual report was approved by Council on 08 December 2020.	Closed
14.	Forward Work Programme	To consider how best to share the approach to managing risks identified during budget-setting to give assurance to the Committee.	This will be included within the Audit Committee Forward Work Programme	Closed

Item No.	Report	Action Required	Action Taken	Status
<b>21<sup>st</sup> January 2021</b>				
19.	Treasury Management Strategy 2021/22 and Q3 Update 2020/21	To consider the suggestion of a future briefing session on the use of bond investments.	Treasury Management attended the members workshop for members to review their effectiveness on the 13 <sup>th</sup> October 2021.	Closed
20.	Code of Corporate Governance	To consider for future versions of the Code (i) retaining Section 2 as an appendix and (ii) to reinforce references to organisational resilience.	This will be include in the 2021/22 Code of Corporate Governance which will be presented to Governance and Audit Committee in January 2022.	Open
25.	IA Progress Report	To circulate the Planning Enforcement report (Environment & Economy OSC).	An email providing an update on Planning Enforcement was circulated to all member on 3 <sup>rd</sup> February 2021	Closed
25.	IA Progress Report	To circulate an update on the position on school funds.	This will be provided to the committee once the school reviews have been completed.	Open
<b>24<sup>th</sup> March 2021</b>				
31.	Minutes 27/01/2021	The remaining two places on the recruitment panel for the additional lay member to be filled by either Sally or Allan plus an elected Member of the Committee.	Interview date of 13 <sup>th</sup> November 2021 has been confirmed	Closed
32.	Terms of Reference for the Governance and Audit Committee	To remove 'on the Council' from the second sentence in para 7.02 of the Terms of Reference.	The Terms of Reference were amended to reflect this change.	Closed
35.	IA Progress Report	To liaise with the Chief Officer Team so that an update on the current status of high priority outstanding actions can be reported to the Committee	All outstanding actions (High priority, actions with no update and actions where an update had not been provided in 3 months) were presented to the Chief Officers Team 14 <sup>th</sup> April. Work has been undertaken since this meeting by action owners to provide feedback / evidence on the current position of these actions. A further update on this work is included within the Internal Audit Progress Report presented to the June committee.	Closed

Item No.	Report	Action Required	Action Taken	Status
38.	Q4 Treasury Management Update 2020/21	That officers investigate options on how best to present the data in future reports.	This was explored as part of the members workshop on reviewing their effectiveness session held on the 13 <sup>th</sup> October 2021.	Closed
41.	External Regulation Assurance	To share the report with OSC Chairs & Vice-Chairs to help them identify areas of interest for their forward work Programmes.	This was completed on 27 <sup>th</sup> July 2021 and reported to Recovery Committee on the 9 <sup>th</sup> September 2021.	Closed
41.	External Regulation Assurance	To arrange the next meeting of the Audit/OSC liaison group.	This was held on 27 <sup>th</sup> July 2021.	Closed

## Governance and Audit Committee Forward Work Programme – 2021/22

### Appendix C

Meeting Date	Agenda Item	Assurance Type	Int. / Ext. Assurance
02/06/2021	Certification of Grants and Returns Report (AW)	Financial Management	External
	Draft Annual Governance Statement	Governance, Risk, Financial & Control	Internal
	Internal Audit Annual Report 2020/21	Governance, Risk, Financial & Control	Internal
	Internal Audit Progress Report 2021/22	Governance, Risk, Financial & Control	Internal
	Audit Committee Action Tracking	-	Internal
Forward Work Programme	-	-	
28/07/2021	Treasury Management 2021/22 Q1 Update and Annual Report 2020/21	Financial Management	Internal
	Supplementary Financial Information to Draft Statement of Accounts 2020/21	Financial Management	Internal
	Risk Management update 2021/20	Governance, Risk, Financial & Control	Internal
	Audit Wales – Raising our Game Tackling Fraud in Wales	Governance, Risk, Financial & Control	External
27/09/2021	Statement of Accounts 2020/21	Financial Management	Internal
	School Reserves – Annual Report on School Balances	Financial Management	Internal
	Budget 2022/23 - Stage 2	Financial Management	Internal
	Internal Audit Progress Report 2020/21	Financial Management	Internal
	Audit Committee Action Tracking	Governance, Risk, Financial & Control	Internal
	Forward Work Programme	-	Internal
	Private Meeting (AW and Internal Audit)	-	-
17/11/2021	External Assurance Report – Audit Wales, Housing Rent	Governance, Risk, Financial & Control	External
External Assurance Report – Audit Wales, Town Centres	Governance, Risk, Financial & Control	External	
Audit Committee Annual Report	Corporate Governance	Internal	

Meeting Date	Agenda Item	Assurance Type	Int. / Ext. Assurance
	Treasury Management 2021/22 – Mid Year Report	Financial Management	Internal
	Asset Disposals and Capital Receipts	Financial Management	Internal
	Grant Claims Certification	Financial Management	Internal
	Risk Management Update – Mid Year Report	Governance, Risk, Financial & Control	Internal
	Internal Audit Progress Report 2020/21	Governance, Risk, Financial & Control	Internal
	Audit Committee Action Tracking	-	Internal
	Forward Work Programme	-	-
26/01/2022	Annual Audit Summary (AW) (2020/21)	Corporate Governance	External
	Treasury Management 2021/22 Q3 Update and 2022/23 Strategy	Financial Management	Internal
	Code of Corporate Governance	Corporate Governance	Internal
	Internal Audit Charter	Governance, Risk, Financial & Control	Internal
	Internal Audit Progress Report 2021/22	Governance, Risk, Financial & Control	Internal
	Audit Committee Action Tracking	-	Internal
	Forward Work Programme	-	-
23/03/2022	Risk Management Update	Risk Management	Internal
	Treasury Management 2021/22 Q4 Update	Financial Management	Internal
	Audit Plan (AW)	External Audit	External
	Annual Report on External Inspections 2020	Corporate Governance	External
	Internal Audit Strategic Plan 2022/2025	Governance, Risk, Financial & Control	Internal
	Public Sector Internal Audit Standards Compliance 2021/22	Governance, Risk, Financial & Control	Internal
	Internal Audit Progress Report 2021/22	Governance, Risk, Financial & Control	Internal
	Audit Committee Action Tracking	-	Internal
	Forward Work Programme	-	-
	Private Meeting (AW and Internal Audit)	-	Internal & External



## Audit Committee Self-Assessment Summary and Action Plan 2020/21

## Appendix D

### Summary of Governance and Audit Committee's Self-Assessment 2021/22

No	Topic	Questions Answered			
		Strongly Agree	Agree but identified areas for further improvement	Disagree and action required	Not Applicable
1.	<b>Good Governance</b> : Promoting the principles of good governance and its application to decision making	3	2	0	0
2.	<b>Internal Control</b> : Raising awareness of the need for sound internal control and contributing to the development of an effective control environment	3	2	0	0
3.	<b>Risk</b> : Supporting arrangement for governance of risk and for effective arrangements to manage risk	4	1	0	0
4.	<b>Assurance Framework</b> : Advising on the adequacy of the assurance framework and considering whether assurance is deployed efficiently and effectively	3	1	0	1
5.	<b>Internal and External Audit</b> : Reinforcing the objectivity, importance and independence of internal audit and external audit and therefore the effectiveness of the audit functions.	4	1	0	0
6.	<b>Assurance Arrangements</b> : Aiding the achievement of the Authorities goals and objectives through helping ensure appropriate governance, risk, control and financial assurance arrangements.	3	3	0	0
7.	<b>Ethics and Values</b> : Helping the Authority to implement the values of ethical governance, including effective arrangements for countering risks of fraud and corruption.	3	1	0	0
8.	<b>Transparency &amp; Accountability</b> : Promoting measures to improve transparency and accountability and effective public reporting to the Authority's stakeholders and the local community.	3	0	0	1
	<b>Overall Summary</b>	<b>26</b>	<b>11</b>	<b>0</b>	<b>2</b>

**Action Plan - Governance and Audit Committee's Self-Assessment 2021/22**

No	Question	Agree	Agree & identified areas for improvement	Disagree	Response to Question	Action
<b>1. Good Governance : Promoting the principles of good governance and its application to decision making</b>						
1.1	How does the Committee promote the principles of good governance within the organisation?		Y		Through training, self-assessment and Audit Wales. However the Committee was unsure about 'promoting' the committee. Given the new Act will require a Lay Member as Chair this will need to be given further consideration. The committee also identified that it would be good to benchmark forward work programmes of other LAs to theirs.	As a result of the new Act, consideration needs to be given as to how the Chair will be able to fulfil their role and form a relationship with officers and members of the Council. To benchmark other G&AC work programmes.
1.3	How does the Committee promote and encourage openness and transparency in decision making?		Y		The Committee encourages consultation when an issue arises. All reports are open and transparent, available to the public. A discussion took place over how O&SC's see and/or know about the G&AC. This was picked up in the previous self-assessment. Going forward a questionnaire will also be sent to the O&SC chairs. G&AC feel there is little communication between the committee and the O&SC's presently however appreciated the liaison group has only just been reconvened following the pandemic and therefore will reassess at a	As part of the self-assessment process next year the Overview & Scrutiny Committees, Cabinet Members and Chief Officers will be consulted.

No	Question	Agree	Agree & identified areas for improvement	Disagree	Response to Question	Action
					later date.	
<b>2.</b>	<b>Internal Control : Raising awareness of the need for sound internal control and contributing to the development of an effective control environment</b>					
2.2	Does the Committee formally report the findings of its work and its recommendations for improving internal control to the Council?		Y		Yes through its Annual report to Council. The Committee did recognise that it would be helpful if they made more recommendations than accepting reports as this would help with visibility.	Where appropriate the Committee to make recommendations rather than accepting reports.  The committee feels an annual review should be undertaken against the TOR to ensure all elements of work are covered.
2.4	Is the Committee recognised within the Council as an agent for improvement?		Y		It difficult to determine this (by lay members) Chair also has a question regarding this – area to explore with the appointment of the new chair.  It was also raised that refresher training for G&AC members could be beneficial as well as an awareness session for non G&AC members.	Refer to action 1.1 Develop the training available for the new members of the G&AC and an awareness session for non G&AC members.
<b>3.</b>	<b>Risk : Supporting arrangement for governance of risk and for effective arrangements to manage risk</b>					
3.3	Does the Committee periodically deep-dive into a specific risk/risk area to confirm that risk management and mitigation arrangements are fit for purpose?		Y		The Committee feel this should be done however recognise that there is a degree of sensitivity around this. There is also a cross over between G&AC and O&S.  G&AC do receive Red reports / Limited assurance reports in full and the Chief Officer / Services will also attend.	Invite individual managers to meeting re risk owners from the risk register to deepen own understanding and promote / awareness.  The committee would like to confirm the

No	Question	Agree	Agree & identified areas for improvement	Disagree	Response to Question	Action
					The review of risks is also picked up as part of the audit planning process.	escalation protocol for escalating matters from the Governance and Audit committee to Overview and Scrutiny committees and vice versa.
<b>4.</b>	<b>Assurance Framework : Advising on the adequacy of the assurance framework and considering whether assurance is deployed efficiently and effectively</b>					
4.4	Does the Committee have good relationships and able to share information with other parts of the assurance framework, eg Scrutiny, Internal Audit, Complaints		Y		Yes with Internal audit and there is an escalation process in place with the O&SCs. There is a Chairs and Vice Chairs Liaison group in place but feels this is the lowest priority for everyone. However appreciates that it has only just been reconvened as result of the pandemic.  Currently complaints is reported to CROSC however from April 2022 this will fall under the remit of the Committee. Training in this area has been identified by the members.	To arrange training for G&AC member on corporate complaints.
<b>5.</b>	<b>Internal and External Audit: Reinforcing the objectivity, importance and independence of internal audit and external audit and therefore the effectiveness of the audit functions.</b>					
5.4	Does the Committee ensure that internal and external audit recommendations are addressed and implemented by the organisation?		Y		This is always an area for improvement, however proportionality needs to be considered here.	The Internal Audit Manager to review alternative approaches for actions tracking with Management.

No	Question	Agree	Agree & identified areas for improvement	Disagree	Response to Question	Action
<b>6. Assurance Arrangements: Aiding the achievement of the Authorities goals and objectives through helping ensure appropriate governance, risk, control and financial assurance arrangements.</b>						
6.4	Do members of the Committee have strong working relationships with members of the Executive which provide the Committee with early warning of planned developments / projects, and enable the Committee to ensure that appropriate governance, risk, control and financial assurance arrangements are considered at an early stage?		Y		Strong working relationship is there however with the new arrangement for the Chair this will need to be considered carefully. The committee questioned the reference to early warnings. Since the session, the CIPFAs model TOR has since been reviewed and currently does not require the G&AC to be made aware of early warning.	Relationship of the future chair to be considered given the position will be a lay member.
6.5	Do the quarterly Treasury Management reports provide members with the information they need? Is there too much information or too little? Is there anything else that would be useful to include?		Y		Reports are comprehensive Treasury Management training sessions could be developed as the last one was complex. May be one put on internally. The committee also raised a point that external audit are placing more emphasis on value for money work and questioned whether this would be part of the G&AC remit.	The approach to delivering Treasury Management training to be review to reflect the feedback from the committee. Accountancy to liaise with external audit over the role of G&AC and value for money work
<b>7. Ethics and Values: Helping the Authority to implement the value of ethical governance, including effective arrangements for countering risks of fraud and corruption.</b>						
7.3	How does the Committee obtain assurance that values and ethical governance arrangements have been effectively communicated across the organisation and have been embedded?		Y		In terms of ethical values, this is an area the committee has not been involved in, in detail. An audit has been completed. The full report is to be shared with the G&AC for information. The Committee did highlight that it would be	Audit report on Ethical Values to be shared in full with the Governance and Audit Committee. Annual report from standards committee to be shared to the Governance and Audit

No	Question	Agree	Agree & identified areas for improvement	Disagree	Response to Question	Action
					useful to see the annual report from the Standards Committee for oversight.	Committee for oversight



## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Tuesday, 7 <sup>th</sup> December 2021
<b>Report Subject</b>	Overview & Scrutiny Annual Report 2020/21
<b>Report Author</b>	Head of Democratic Services

### **EXECUTIVE SUMMARY**

The Overview & Scrutiny Annual Report is drafted on an annual basis by the Officer team in consultation with the relevant Committee Chairs. The draft is then submitted to the Constitution & Democratic Services Committee for Member comments before being submitted to Council for formal approval.

The Constitution & Democratic Services Committee considered and approved the Annual Report at its meeting on 17<sup>th</sup> November.

The Annual Report provides the Council with assurance that the Overview & Scrutiny function is fulfilling its constitutional role.

### **RECOMMENDATIONS**

1	That the Council receives the Overview & Scrutiny Annual Report for 2020/21.
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## **REPORT DETAILS**

<b>1.00</b>	<b>THE OVERVIEW &amp; SCRUTINY ANNUAL REPORT</b>
1.01	Our Constitution requires the Overview & Scrutiny Committees to report annually to Council on their workings. This is done through the production of the annual Report
1.02	The Forward Work Programmes for Overview & Scrutiny Committees are considered and amended where necessary at each ordinary meeting of each of the Committees. Any updates are then included in the Corporate Forward Work Programme which is published with the Agenda for the monthly meeting of Cabinet.
1.03	At the meeting of the Constitution & Democratic Services Committee on 17 <sup>th</sup> November, the Overview & Scrutiny Annual Report for 2020/21 was approved.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	The Constitution & Democratic Services Committee considered and approved the Annual Report at the meeting on 17 <sup>th</sup> November 2021.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	No risks were identified during the preparation of the Report. Production of the report fulfils a constitutional requirement. No specific anti-poverty, environmental or equalities issues were identified.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Overview & Scrutiny Annual Report 2020/21.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Minutes of the Constitution & Democratic Services Committee 17 <sup>th</sup> November 2021



<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
7.01	<b>Contact officer:</b> Robert Robins, Head of Democratic Services <b>Telephone:</b> 01352 702320 <b>Email:</b> <a href="mailto:robert.robins@flintshire.gov.uk">robert.robins@flintshire.gov.uk</a>

<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
8.01	No technical terms have been used in this report.

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Overview & Scrutiny

Annual Report

2020/21

## Contents

Page	Title
3	Introduction by the Leader of the Council
4	Perspective from the Chief Executive
5 - 6	Scrutiny during the Covid response
7	Implementing the Changes to the Overview & Scrutiny Committee structure
8 - 9	The “Call-in” Process
10 - 11	Committee Membership
12 - 17	Topics considered by each Committee
18	Overview & Scrutiny Officer Support

DRAFT

Date	Approved By	Version
	Constitution and Democratic Services Committee	Draft
	Flintshire County Council	Final

## INTRODUCTION BY THE LEADER OF THE COUNCIL



At the 2019 Annual Meeting of Council, I gave an undertaking that our committee structure would be reviewed during the year. That review covered the number of committees, their memberships, the role of co-optees, and the functions and terms of reference of committees.

The work was carried out by consensus, through several Group Leaders meetings at which we were supported by the statutory officers. The recommendations from the review were considered and supported by Constitution & Democratic Services Committee at their January meeting and subsequently by Council in February.

The results should have been implemented from the 2020 Annual Meeting, in May. However, the pandemic meant that there was a pause between February and the holding of our Annual Meeting in September. At that time, we were able to implement the proposed changes.

We believe that the new structure, of five Overview & Scrutiny committees of twelve Members each has worked well since it started in September 2020. For a short period, between May and September, the Recovery Board, which was a cross-party vehicle for both decision making and elements of scrutiny had replaced our formal scrutiny processes. This was an innovative approach, arising out of necessity. It put us on a good footing to recommence our formal processes in autumn. In addition, I held very regular meetings with my fellow Group Leaders during the response phase. They provided an invaluable sounding board at a time when other democratic processes were in abeyance.

I would like to take this opportunity to thank everyone involved in the Overview & Scrutiny function, whether they be Members, Contributors or the supporting office team, for the work that they do to ensure that Overview & Scrutiny in Flintshire continues to flourish and add value.

**Councillor Ian Roberts**  
Leader of the Council

## PESPECTIVE FROM THE CHIEF EXECUTIVE



The Overview & Scrutiny Annual Report has traditionally had a forward written by the Leader of the Council and a 'perspective' contribution from the Chief Executive.

Members will be aware that I have been at Flintshire and occupied various roles since 2003. During that time have contributed to a number of Overview & Scrutiny meetings, predominantly through attendance at scrutiny committees covering Housing, Environment, Waste Management and Highways and more recently, Community, Housing & Assets Overview & Scrutiny Committee and Corporate Resources through my role in managing the Councils land assets and Capital programme.

I have always recognised the need for the Overview & Scrutiny Committee structure to be responsive to the Council's needs. When there is a concern that the 'fit' isn't right, we have reviewed the structure and made changes in response such as those carried out in 2002, 2005, 2010 and 2015, a five year pattern having developed. The most recent review provided us with the current 2020 structure. It transpired that Flintshire had amongst the largest number of overview & scrutiny committees in Wales, and a greater number of Members on those committees. With five committees of 12 Members each, we believe that the structure is now right for Flintshire, for the time being.

Larger organisations such as ours can never be still; they evolve constantly. As changes occur, we may need to make further changes to our Overview & Scrutiny committee structure to ensure that it remains responsive to the Council's needs, having the flexibility to deal with whatever issues arise.

It is important that we have rigorous Overview & Scrutiny function as part of the Council's executive arrangements. The contribution made over the last ten years has been important in influencing and constructively challenging and without this contribution from Scrutiny Members we would not have achieved what we have as a Council throughout some of the most challenging times in its history.

The Chief Officer Team and I are committed to ensure that both Cabinet and Overview and Scrutiny Members are supported to continue as effectively as they have always done.

**Neal Cockerton,**  
**Chief Executive**

## **SCRUTINY DURING THE COVID RESPONSE**

The onset of the Coronavirus pandemic meant that it became necessary for people to work from home wherever possible. In such circumstances, it was not possible to maintain the democratic process. Whilst arrangements were being made to hold 'Remote Attendance Meetings', which meant installing software onto I pads and training Members in its use, we also sought to retain an element of the democratic process in decision making.

The Welsh Government provided emergency powers under the 2020 coronavirus regulations to permit meetings to be held entirely remotely. This approach was so successful that the provision was subsequently incorporated into the Local Government & Elections (Wales) Act 2021.

### **Individual Cabinet Member decisions**

During the beginning of the pandemic from March 2020 it was necessary to suspend scrutiny arrangements for a few weeks while remote working arrangements were made and the Council tackled the immediate need for an operational response.

Maintaining a form of Scrutiny during the beginning of the pandemic was important, therefore for a temporary basis, 'individual Cabinet Member' decision making was introduced. In order to comply with the Government guidance designed to delay the spread of COVID 19, the following delegations to individual Cabinet Members were put in place:

- Cabinet Members may decide any matter that would normally be determined by the Cabinet acting collectively subject to complying with all the following conditions
  - a. that the decision to be taken is sufficiently urgent that it would prejudice the Council's and/or public's interests if it were not made; and
  - b. the decision to be taken falls within the Areas of Responsibility for that Cabinet Member as set out in the Appendix 1 ; and
  - c. that the Cabinet Member has consulted with the following people
    - i. the Leader of the Council or Deputy Leader of the Council
    - ii. any other Cabinet Member upon whose Areas of Responsibility the decision may impact;
    - iii. the Chief Executive and any relevant Chief Officer or Statutory Officer

In the first instance, the relevant Officer prepared a report which was sent to the relevant Cabinet Member, the Leader of the Council, the Committee Services Manager and the relevant Overview & Scrutiny Chair. The Facilitator/advisor to the appropriate Overview & Scrutiny Committee would then contact the Chair of that Committee to proactively seek their views on the report.

Before making a decision, via telephone conference, in accordance with the Scheme of Delegation, the relevant Cabinet Member should take into consideration the advice of all relevant Council Officers and other Cabinet Members where appropriate as well as the views of other Council Members if expressed in relation to the proposed decision.

The Head of Democratic Services would then supply a copy of the signed form to the Chair of the relevant Overview and Scrutiny Committee and the Record of Decision was published on the website and sent to all Members of the Council. The decision may be implemented on the expiry of five working days following publication of the Record of Decision.

### **Virtual Overview & Scrutiny Committee meetings**

In order to restore elements of democratic decisions making whilst still observing safe practices, such as social distancing, we made a decision to hold remote access meetings, using a software called Webex.

Following the Webex software being installed on all Member electronic devices and training provided to each Member, remote access Overview & Scrutiny Committee meetings were first held in September 2020 via Webex.

Guidance for all Members on conduct at remote access meetings was provided, which gave details of how Members should indicate that they would like to speak, how the Chair would address Officers and Members in the meeting and explaining that from time to time the officer advising the Chair would explain procedural points or suggest alternative wording for proposals, to assist the Committee.

The guidance also explained how votes would be taken at remote accessing meetings, explaining that if and when a vote was taken, the Chair would explain that only those who oppose the proposal(s), or who wish to abstain would need to indicate, using the chat function. The officer advising the Chair would indicate whether the proposals were carried.

If a more formal vote was needed, this would be by roll call – where each Councillor would be asked in turn (alphabetically) how s/he wishes to vote.

All meeting are live streamed onto the Council's website with a recording of the meeting also available shortly after the meeting on the Council's website. This has been a positive benefit for Overview & Scrutiny, as it allows members of the public and press to view Committee meetings in real time along with being able to view recordings at any time on the Council's website.

Holding remote access meetings was a new experience for all Officers and Members and Members were asked to be patient whilst Officers worked towards restoring full democratic decision making. Overview & Scrutiny Chairs and all Members of the Council have embraced remote accessing meetings, ensuring a positive experience for all involved. The experience will certainly inform our emerging multi-location meetings policy.



## IMPLEMENTING THE CHANGES TO THE OVERVIEW & SCRUTINY COMMITTEE STRUCTURE

In the last Overview & Scrutiny Annual Report, we reported on the Committee Review which was conducted during 2019. The review had been initiated by Leader, who referred to the need for it at the 2019 Annual Meeting.

At the outset, we conducted research with other Welsh principal councils, and listened to the views of our Members and officers. This enabled us to scope the review, which was conducted through meetings of the political group leaders, their deputies and the statutory officers. The aim of the review was to improve the committee structure, which had not been reviewed for several years and address a number of other concerns – Flintshire had amongst the largest number of overview & scrutiny committees in Wales, and a greater number of Members on those committees.

We needed to ensure that our Overview & Scrutiny committee structure was the right one for the Council in 2020/21 and beyond – bearing in mind that the last review of it had been conducted in 2014/15. There was consensus that the number of Members on some committees should be reduced: in the case of the overview & scrutiny committees, from 15 to 12. It was also agreed to reduce the number of Overview & Scrutiny Committees from six to five.

In 2015, as a result of a previous review of Overview & Scrutiny committees, we had set up the Organisational Change Overview & Scrutiny Committee. The committee was a significant factor in the safe transfer of assets from the Council to the community and in developing our alternative delivery models. As the work which it had been set up to do had been successfully completed, it was appropriate for the committee to cease with effect from the 2020 Annual Meeting of Council.

Going forward, we now have five Overview & Scrutiny committees. Together, they cover all of the Council's functions. These committees are:

- Community, Housing & Assets;
- Corporate Resources;
- Education, Youth & Culture,
- Environment & Economy and
- Social & Healthcare.

The 2020 Annual Meeting was delayed until 9<sup>th</sup> September, because of the Coronavirus. Therefore, we held some Overview & Scrutiny committee meetings from the previous structure during July. The first meeting of the new structure was Environment & Economy Overview & Scrutiny committee on 21<sup>st</sup> September.

## The “Call-in” Process

### **1. The Arrangements**

The arrangements for calling in a decision are to be found in paragraph 16 of the Overview & Scrutiny Procedure Rules contained within the Council’s Constitution. The legal authority is derived from section 21 (3) of the Local Government Act 2000.

The ability to call in a Cabinet decision is a significant power for non-executive members. It is not something which should be considered unless there is no alternative: if the power is over-used, or used in such a way as to be thought of as frivolous, its significance or importance would be lost.

### **2. Decisions of the Cabinet**

Following a meeting of the Cabinet, the record of the decisions made is published within two days. Copies are available at County Hall, and are sent to all Members of the County Council.

The decision record specifies that the decisions will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called in.

### **3. Calling in a Decision**

If the Chief Officer (Governance) or Head of Democratic Services receives a call in notice from the Chair of an Overview & Scrutiny Committee or at least four members of the Council, a call in meeting is arranged.

Either the Head of Democratic Services or one of the Overview & Scrutiny Facilitators notifies the decision takers (the relevant Cabinet members and Chief Officers) of the call-in, and then arranges a meeting of the appropriate committee within seven working days of the decision to call-in

### **4. The Call-in Meeting**

Call-in meetings are held at short notice (i.e. within seven working days of the call-in decision) and generally be the only item of business on the agenda. However, from time to time it is expedient to consider a call in at a meeting which has already been convened.

There is a suggested procedure for dealing with a call in. This is intended to make the meeting as simple and transparent as possible. This procedure is part of the agenda at each call in meeting, and the officer advising the committee will take members through it during the meeting.

## **5. The Call in decision**

At the end of a call in meeting, the committee must make a decision based on one of four options. Options 1 and 2 allow the decision to be implemented immediately Option 3 is to refer back to Cabinet for further consideration and Option 4 is to refer to Council. However, executive functions' are solely within the remit of the Cabinet. Thus Council can consider the issue, but not change the decision: it can only recommend to Cabinet that the decision be reconsidered.

## **6. Call in during 2020/21**

During the last municipal year, no Cabinet decisions were called in.

We made an amendment the Call in procedure, to ensure that it could be initiated during lockdown. To call in a Cabinet decision, instead of a call in notice signed by at least four Members of the Council, an email should be sent via a Flintshire.gov.uk email address to the Head of Democratic Services , stating the reason for call in. The first signatory should include the words 'call in' as the subject and should copy in the other proposed signatories. Those signatories should then email the Head of Democratic Services, using their Flintshire email addresses, saying 'I endorse the call in of record of Decision No XX'.

This ensures that there is an audit trail of signatories, in writing, of the call in electronically signed (and from their Flintshire email addresses) by all parties. The Head of Democratic Services will notify the decision taker of the call-in, and then arrange a meeting of the Committee within seven working days of the decision to call-in. (As usual, the last working day before Christmas day and the three non-public holiday days between Christmas and New Year are not be counted as working days).

## **7. End of the call in period**

When the call in period has expired, the Head of Democratic Services informs the Members of the Cabinet, the Chairs of the Overview & Scrutiny and appropriate officers.

**COMMITTEE MEMBERSHIP**  
**Membership of Overview & Scrutiny Committees 2020/21**

<p><b><u>Community &amp; Enterprise (Expired July 2020)</u></b></p> <p><b>Councillor Ian Dunbar (Chair)</b>  Councillor Sian Braun  Councillor Helen Brown  Councillor Dave Cox  Councillor Jean Davies  Councillor Ron Davies  Councillor Rosetta Dolphin,  Councillor Mared Eastwood,  Councillor Ray Hughes  Councillor Dennis Hutchinson  Councillor Brian Lloyd  Councillor Ted Palmer,  Councillor Kevin Rush  Councillor Paul Shotton  Councillor David Wisinger</p>	<p><b><u>Community Housing &amp; Assets</u></b></p> <p><b>Councillor Ian Dunbar (Chair)</b>  Councillor Helen Brown  Councillor Geoff Collett  Councillor Dave Cox  Councillor Ron Davies  Councillor Adele Davies-Cooke  Councillor Mared Eastwood  Councillor Veronica Gay  Councillor Ray Hughes (Vice Chair)  Councillor Dennis Hutchinson  Councillor Brian Lloyd  Councillor Kevin Rush</p>
<p><b><u>Corporate Resources</u></b></p> <p><b>Councillor Clive Carver (Chair)</b>  Councillor Haydn Bateman  Councillor Sean Bibby  Councillor Geoff Collett  Councillor Andy Dunbobbin  Councillor Mared Eastwood  Councillor Patrick Heesom  Councillor Richard Jones  Councillor Kevin Rush  Councillor Paul Shotton  Councillor Andy Williams  Councillor Arnold Woolley</p>	
<p><b><u>Education &amp; Youth Overview &amp; Scrutiny Committee (Expired September 2020)</u></b></p> <p><b>Councillor David Healey (Chair)</b>  Councillor Janet Axworthy  Councillor Sian Braun  Councillor Geoff Collett  Councillor Bob Connah  Councillor Paul Cunningham  Councillor Andy Dunbobbin  Councillor Gladys Healey  Councillor Kevin Hughes  Councillor Tudor Jones  Councillor Dave Mackie</p>	<p><b><u>Education Youth &amp; Culture Overview &amp; Scrutiny Committee</u></b></p> <p><b>Councillor David Healey (Chair)</b>  Councillor Janet Axworthy  Councillor Sian Braun  Councillor Bob Connah (from Dec 2020)  Councillor Paul Cunningham  Councillor Carol Ellis (from Nov - Dec 2020)  Councillor Gladys Healey  Councillor Joe Johnson  Councillor Tudor Jones  Councillor Dave Mackie  Councillor Ian Smith</p>

<p>Councillor Ian Smith Councillor Martin White Councillor David Williams</p> <p><b>Co-opted Members:</b> Lynne Bartlett <b>David Hytch (Vice Chair)</b> Wendy White Rebecca Stark</p>	<p>Councillor Martin White Councillor David Williams</p> <p><b>Co-opted Members:</b> Lynne Bartlett <b>David Hytch (Vice Chair)</b> Wendy White Rebecca Stark</p>
<p><b><u>Environment Overview &amp; Scrutiny Committee (Expired 13.7.20)</u></b></p> <p><b>Councillor Patrick Heesom (Chair)</b> Councillor Mike Allport Councillor Sean Bibby Councillor Chris Dolphin Councillor Andy Dunbobbin <b>Councillor David Evans (Vice Chair)</b> Councillor Veronica Gay, Councillor George Hardcastle Councillor Cindy Hinds Councillor Ray Hughes Councillor Dennis Hutchinson Councillor Joe Johnson Councillor Vicky Perfect Councillor Paul Shotton Councillor Owen Thomas</p>	<p><b><u>Environment &amp; Economy Overview &amp; Scrutiny Committee</u></b></p> <p><b>Councillor Rosetta Dolphin (Chair)</b> Councillor Sean Bibby Councillor Chris Dolphin Councillor David Evans <b>(Vice Chair)</b> Councillor George Hardcastle Councillor Patrick Heesom Councillor Cindy Hinds Councillor Kevin Hughes (from Oct 2020 – Feb 2021) Councillor Dennis Hutchinson Councillor Joe Johnson Councillor Vicky Perfect Councillor Paul Shotton Councillor Owen Thomas</p>
<p><b><u>Social &amp; Health Care</u></b></p> <p>Councillor Hilary McGuill <b>(Chair)</b> Councillor Mike Allport Councillor Marion Bateman(Sept 2022 - ) Councillor Paul Cunningham Councillor Jean Davies Councillor Rob Davies (May to Oct 2020) Councillor Andy Dunbobbin (May to Oct 2020) Councillor Carol Ellis Councillor Gladys Healey (Vice-Chair) Councillor Cindy Hinds Councillor Mike Lowe Councillor David Mackie Councillor Ian Smith (May - Oct 2020) Councillor Michelle Perfect Councillor Martin White (May to Oct 2020) Councillor David Wisinger Councillor David Williams (May to Oct 2020)</p>	

## TOPICS COVERED BY EACH COMMITTEE

### **COMMUNITY HOUSING & ASSETS OVERVIEW & SCRUTINY COMMITTEE**

#### **Friday, 25 September, 2020**

Appointment of Chair  
Appointment of Vice-Chair  
Emergency Situation Briefing  
Terms of Reference of the Committee  
Recovery Strategy

#### **Wednesday, 4th November, 2020**

Emergency Situation Briefing  
Forward Work Programme and Action Tracking  
Budget 2021/22 - Stage 1  
Recovery Strategy Update  
Phase 2 Homelessness - Covid 19 Response  
Sheltered Housing Review Update

#### **Wednesday, 16 December, 2020**

Emergency Situation Briefing  
Forward Work Programme And Action Tracking  
Strategic Housing And Regeneration Programme - Community Benefits  
Welfare Reform Update  
Housing Rent Income  
Anti-Social Behaviour Policy  
Recovery Strategy Update  
Mid-Year Performance Indicators for Recovery, Portfolio & Public Accountability Measures

#### **Wednesday, 20th January, 2021**

Forward Work Programme And Action Tracking  
Housing Revenue Account (HRA) 30 Year Financial Business Plan  
Welsh Government Consultation On The Proposed Housing Revenue Manual  
Housing Strategy Update  
Strategic Housing And Regeneration Programme (Sharp) Update Report  
Council Plan 2020/21  
North East Wales (New) Homes Business Plan 2020/2049

#### **Tuesday, 23 February, 2021**

Forward Work Programme and Action Tracking  
Housing Repairs Service Procurement of a Dynamic Resource Scheduling System and  
Review of the Team Leader job profile

#### **Wednesday, 10 March, 2021**

Forward Work Programme and Action Tracking  
Regeneration of Existing Stock  
Homelessness Update Report  
Recovery Strategy Update

**WEDNESDAY, 19TH MAY, 2021**

Forward Work Programme and Action Tracking  
NEWydd Cleaning and Catering

**CORPORATE RESOURCES OVERVIEW & SCRUTINY  
COMMITTEE**

**Monday, 28 September, 2020**

Appointment of Chair  
Appointment of Vice-Chair  
Emergency Situation Briefing  
Terms of Reference of the Committee  
Recovery Strategy  
Revenue Budget Monitoring 2020/21 (Month 4)  
Capital Programme Monitoring 2020/21 (Month 4)

**Thursday, 15th October, 2020**

Emergency Situation Briefing  
Recovery Strategy Update  
Revenue Budget Monitoring 2020/21 (Month 5)  
Action Tracking  
Forward Work Programme

**Monday, 2nd November, 2020 Special Meeting**

BUDGET 2021/22 - STAGE 1

**Thursday, 12 November, 2020**

Action Tracking  
Forward Work Programme  
Emergency Situation Briefing  
North Wales Economic Ambition Board - Final Growth Deal  
Recovery Strategy Update  
Mid-Year Performance Indicators for Recovery, Portfolio & Public Accountability Measures  
BUDGET 2021/22 - STAGE 1  
Revenue Budget Monitoring 2020/21 (Month 6) and Capital Programme Monitoring  
2020/21 (Month 6)  
Capital Programme 2021/22 - 2023/24  
Capital Strategy Including Prudential Indicators 2021/22 - 2023/24

**Thursday, 10th December, 2020**

Action Tracking  
Forward Work Programme  
Emergency Situation Briefing  
Recovery Strategy Update  
Council Plan 2020/21 Development Process  
Revenue Budget Monitoring 2020/21 (Month 7)  
Clwyd Pension Fund Update

Public Services Ombudsman for Wales Annual Letter 2019-20 and Complaints against Flintshire County Council 2020-21

**Thursday, 14th January, 2021**

Forward Work Programme

Action Tracking

Overview of Open Risks from the Emergency Period and Reconciliation of Emergency Grant Funding

Revenue Budget Monitoring 2020/21 (Month 8)

**Thursday, 11th February, 2021**

Action Tracking

Community Safety Partnership Annual Report

Forward Work Programme

Recovery Strategy Update

Council Plan 2021/22

Council Fund Revenue Budget 2021/22

Revenue Budget Monitoring 2020/21 (Month 9) and Capital Programme Monitoring 2020/21 (Month 9)

Annual Audit Summary for Flintshire County Council 2019/20

**Thursday, 11th March, 2021**

Action Tracking

Forward Work Programme

Flintshire Community Endowment Fund - Annual Report

Revenue Budget Monitoring 2020/21 (Month 10)

Review of the Corporate Complaints Policy

**EDUCATION YOUTH & CULTURE OVERVIEW & SCRUTINY COMMITTEE**

**Thursday 24 September 2020 2.00 pm**

Appointment of Chair

Appointment of Vice-Chair

Emergency Situation Briefing (Verbal)

Terms of Reference of the Committee

Recovery Strategy

**Thursday 5 November 2020 2.00 pm**

Emergency Situation Briefing (Verbal)

Forward Work Programme and Action Tracking

Budget 2021/22 - Stage 1

School Reserve Balances Year Ending 31 March 2020 and Protocol for Schools in Financial Difficulty

Recovery Strategy Update

Youth Services

Theatr Clwyd Transfer Proposal Report



**Thursday 17 December 2020 2.00 pm**

Emergency Situation Briefing (Verbal)  
Blended Learning  
Adult Community Learning  
Recovery Strategy Update  
Mid-Year Performance Indicators for Recovery, Portfolio and Public Accountability Measures  
Aura: Business Recovery Plan

**Thursday 28 January 2021 2.00 pm**

School Improvement and Examinations 2021 Update  
School Modernisation Update  
Schools Covid Lessons Learned & Risk Assessments  
Council Plan 2020/21

**Thursday 18 March 2021 2.00 pm**

Community Asset Transfer Update  
Update on Council Funding for Schools  
Self-Evaluation Report of Education Services  
Hwb Digital Programme  
School Attendance and Exclusions  
Recovery Strategy Update

**ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE**

**Monday, 13th July, 2020**

Renewal Of Public Space Protection Orders

**ENVIRONMENT & ECONOMY OVERVIEW & SCRUTINY COMMITTEE**

**Monday, 21 September, 2020**

Appointment of Chair  
Appointment of Vice-Chair  
Emergency Situation Briefing  
Terms of Reference of the Committee  
Recovery Strategy (Planning, Environment & Economy Portfolio)  
Recovery Strategy (Streetscene and Transportation Portfolio)

**Tuesday, 13th October, 2020**

Forward Work Programme and Action Tracking  
Emergency Situation Briefing  
Regeneration Overview  
Recovery Strategy Update (Planning, Environment & Economy Portfolio)  
Recovery Strategy Update (Streetscene and Transportation Portfolio)

**Tuesday, 10th November, 2020**

Emergency Situation Briefing  
Forward Work Programme And Action Tracking  
North Wales Economic Ambition Board - Final Growth Deal  
Budget 2021/22 - Stage 1  
Recovery Strategy (Planning, Environment & Economy Portfolio)  
Recovery Strategy Update (Streetscene and Transportation Portfolio)  
Mid-Year Performance Indicators for Recovery, Portfolio and Public Accountability Measures

**Tuesday, 8 December, 2020**

Emergency Situation Briefing  
Forward Work Programme and Action Tracking  
Update on the Mold to Broughton Cycle Scheme and the Development of the County's Core Cycle Network  
Recovery Strategy (Planning, Environment & Economy Portfolio)  
Recovery Strategy Update (Streetscene and Transportation Portfolio)  
Update on Alltami Depot Stores  
Feedback on Welsh Government Proposals to Introduce Corporate Joint Committees

**Tuesday, 12th January, 2021**

Forward Work Programme and Action Tracking  
Flintshire County Council Response to WG Transport Strategy Consultation

**Tuesday, 9th February, 2021**

Forward Work Programme and Action Tracking  
Council Plan 2020/21  
Fleet Electrification  
Planning Enforcement

**Tuesday, 9th March, 2021**

Forward Work Programme and Action Tracking  
Borderlands Line Train Services – Additional Services and Potential Impact on stops (Presentation)  
Recyclable Materials and the impact of the Pandemic on Volumes and Resale Values  
Economic Recovery  
Recovery Strategy (Streetscene And Transportation Portfolio)  
Recovery Strategy (Planning, Environment & Economy Portfolio)

**Wednesday, 12th May, 2021**

Forward Work Programme and Action Tracking  
Town Centre Regeneration  
Access Team Performance 2019/20 and 2020/21  
Ash Dieback Surveys Update  
Highway Asset Management Plan  
Forthcoming Active Travel Consultation Process

## **SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY COMMITTEE**

### **Thursday, 16th July, 2020**

Social Services Annual Report  
Support Provided to Flintshire Care Homes during the Covid-19 Pandemic

### **Tuesday, 22nd September, 2020**

Appointment of Chair  
Appointment of Vice-Chair  
Emergency Situation Briefing  
Terms of Reference of the Committee  
Recovery Strategy  
Care Inspectorate Wales (CIW) Annual Performance Review Letter 2019/20

### **Thursday, 22nd October, 2020**

Emergency Situation Briefing  
Forward Work Programme and Action Tracking  
Recovery Strategy Update  
Project Search Update

### **Wednesday, 11 November, 2020 (Special)**

Budget 2021/22 - Stage 1

### **Thursday, 3 December, 2020**

Emergency Situation Briefing  
Forward Work Programme and Action Tracking  
Mid-Year Performance Indicators for Recovery, Portfolio and Public Accountability Measures  
Safeguarding Adults and Children's Annual Report to include the "New Safeguarding Procedures"  
Community Transformation Project Update  
Supporting the Social Work Workforce  
Annual Report on the Social Services Complaints and Compliments Procedure 2019-20

### **Thursday, 21st January, 2021**

Forward Work Programme and Action Tracking  
Council Plan 2020/21  
Young Carers – NEWCIS Contract  
Marleyfield House Update  
Plas Yr Ywen (Holywell Extra Care)

### **Thursday, 4th March, 2021**

Forward Work Programme and Action Tracking  
Mockingbird – Update On The Programme  
Arosfa Update  
North Wales Dementia Strategy and the Flintshire Local Strategy  
Recovery Strategy Update

## OVERVIEW & SCRUTINY OFFICER SUPPORT

The support which Overview & Scrutiny enjoys from officers across the Council is essential to ensure its smooth and effective running.

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### **OVERVIEW & SCRUTINY SUPPORT**

The Scrutiny Team are:-

- ❖ Robert Robins – Head of Democratic Services  
(Supporting the Corporate Resources Overview & Scrutiny Committees).
- ❖ Margaret Parry-Jones – Overview & Scrutiny Facilitator  
(Principally supporting the Environment and Social & Health Care Overview & Scrutiny Committees)
- ❖ Ceri Shotton – Overview & Scrutiny Facilitator  
(Principally supporting the Community & Enterprise and Education & Youth and Overview & Scrutiny Committees).
- ❖ Janet Kelly – Democratic Services Support Officer  
(Now supporting Overview & Scrutiny as part of a wider role within the Democratic Services Team)

The team are an independent resource supporting the scrutiny function and its Members:

Advising on the strategic direction and development of the scrutiny function;

- Co-ordinating the work programmes for the six Overview & Scrutiny Committees;
- Advising, supporting and assisting in the development of scrutiny members;
- Undertaking research and information analysis to help inform reviews;
- Producing reports and presentations on behalf of Members;
- Offering independent advice and guidance in relation to policy development and performance management;
- Acting as a key contact point to Members, officers, external organisations and the public in relation to scrutiny matters; and facilitating task & finish groups

## Notices of Motion

### Flintshire County Council – 7<sup>th</sup> December 2021

#### (i) The Labour Group

##### Removal of the Universal Credit Uplift

That this Council supports the calls for the UK Government to reinstate the £20 per week enhancement to Universal Credit and to extend this support to legacy benefits.

This council also expresses its deep regret that the UK government did not apply this uplift to legacy benefits during the pandemic. The council recognises and welcomes the changes made to Universal Credit in the budget especially to the taper rate but expresses its concern that this will not impact people unable to work or legacy benefit claimants.

Council calls on the Leader to write to our two local Members of Parliament to invite their support for this motion.

#### (ii) Councillor Arnold Woolley

##### Local Electricity Bill

That this County Council takes note of and fully supports the aims of the Local Electricity Bill which was submitted to Parliament on 10<sup>th</sup> June of this year with support of 150 cross-party MPs and organisations such as NALC, The Eden Project, Forum For The future and Friends of the Earth as well 43 County & Local Authorities. Council wishes to urge progress into Enactment form as that could enable:

- 1) producers to sell electricity locally without going through the wholesale market and therefore having more control over the price; or
- 2) local opportunities such as the Milwr Tunnel Scheme to become viable and proceed.

Council thanks the presently 262 MPs of all parties who have signed up to support the Bill and urges all those MPs within the county who have not yet done so to kindly sign up to support the Bill.

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