



Herbert Warehouse
The Docks
Gloucester
GL1 2EQ

Wednesday, 13 May 2015

TO EACH MEMBER OF GLOUCESTER CITY COUNCIL

Dear Councillor

You are hereby summoned to attend a **MEETING OF THE COUNCIL** of the **CITY OF GLOUCESTER** to be held at the Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP on **Thursday, 21st May 2015** at **15:00** hours for the purpose of transacting the following business:

AGENDA

1. ELECTION OF COUNCILLORS

To note details of Councillors elected to the Council following the election of 7 May 2015 as set out below:-

Abbey

Laura Pearsall
(Conservative – 2016)

Barnwood

Tarren Randle
(Conservative – 2016)

Barton and Tredworth

Sajid Patel
(Conservative – 2016)

Hucclecote

Chris Etheridge
(Conservative – 2016)

Kingsholm and Wotton

Sebastian Field
(Liberal Democrat – 2016)

Longlevens

Kathy Williams
(Conservative – 2016)

Matson and Robinswood

Kate Haigh
(Labour – 2016)

Moreland

Neil Hampson
(Labour – 2016)

Quedgeley Fieldcourt

Deb Llewellyn
(Conservative – 2016)

Quedgeley Severnvale

Hannah Norman
(Conservative – 2016)

Westgate

Paul Toleman
(Conservative – 2016)

2. **APOLOGIES**

To receive any apologies for absence.

3. **ELECTION OF MAYOR**

To elect a Mayor for the Council year 2015/16.

4. **ELECTION OF SHERIFF AND DEPUTY MAYOR**

To elect a Sheriff and Deputy Mayor for the Council year 2015/16.

The Council will adjourn at this point in proceedings for refreshments and photographs and will reconvene at approximately 5.00 pm.

5. **MINUTES (Pages 9 - 24)**

To approve as a correct record the minutes of the Council Meeting held on 18 March 2015.

6. **DECLARATIONS OF INTEREST**

To receive from Members, declarations of the existence of any disclosable pecuniary, or non-pecuniary, interests and the nature of those interests in relation to any agenda item. Please see Agenda Notes.

7. **ANNOUNCEMENTS (COUNCIL PROCEDURE RULE 2(VII))**

To receive announcements from the Mayor and Corporate Directors.

8. **ELECTION OF LEADER OF THE COUNCIL**

To elect a Leader of the Council and to note the appointment of the Deputy Leader of the Council and Cabinet Members for 2015/16.

ISSUES FOR DECISION BY COUNCIL

9. **SUSPENSION OF COUNCIL PROCEDURE RULES**

To waive Council Procedure Rules to allow the relevant Officers to address the Council in respect of item 12 and 13 on the agenda.

10. **APPOINTMENT TO COMMITTEES, CONSULTATIVE FORUMS AND WORKING PARTIES AND NOMINATION FOR CHAIRS OF COMMITTEES AND VICE-CHAIRS FOR 2015/16**

To appoint Members to Committees, Consultative Forums and Working Parties and to nominate Chairs and Vice-Chairs of Committees as set out in the attached schedule.

Please note the schedule will be supplied as a supplement to the agenda when it is available.

11. **APPOINTMENTS TO OUTSIDE BODIES FOR 2015/16**

To appoint Members to Outside Bodies as set out in the attached schedule.

Please note the schedule will be supplied as a supplement to the agenda when it is available.

12. **ADOPTION OF THE CONSTITUTION FOR 2015-16 (Pages 25 - 116)**

To receive the report of the Monitoring Officer which seeks approval for changes to, and adoption of, the Council's Constitution for the municipal year 2015-16.

13. **COMMUNITY INFRASTRUCTURE LEVY - PRELIMINARY DRAFT CHARGING SCHEDULE (Pages 117 - 154)**

To receive the report of the Cabinet Member for Regeneration and Culture which seeks approval of the Community Infrastructure Levy – Preliminary Draft Charging Schedule, for public consultation purposes.

Yours sincerely



.....
Martin Shields
Corporate Director of Services and Neighbourhoods

NOTES

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area. For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or

- land in the Council's area and
- (b) either –
- i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose, “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

NOTE: the requirements in respect of the registration and disclosure of Disclosable Pecuniary Interests and withdrawing from participating in respect of any matter where you have a Disclosable Pecuniary Interest apply to your interests and those of your spouse or civil partner or person with whom you are living as a spouse or civil partner where you are aware of their interest.

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For further details and enquiries about this meeting please contact Tanya Davies, 01452 396125, tanya.davies@gloucester.gov.uk.

For general enquiries about Gloucester City Council's meetings please contact Democratic Services, 01452 396126, democratic.services@gloucester.gov.uk.

If you, or someone you know cannot understand English and need help with this information, or if you would like a large print, Braille, or audio version of this information please call 01452 396396.

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Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the Public and Press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

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- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building; gather at the assembly point in the car park and await further instructions;
- Do not re-enter the building until told by a member of staff or the fire brigade that it is safe to do so.

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COUNCIL

MEETING : Wednesday, 18th March 2015

PRESENT : Cllrs. Llewellyn (Mayor), Noakes (Sheriff & Deputy Mayor), James, Dallimore, Norman, Organ, Haigh, Gravells, Tracey, Smith, Hobbs, Lugg, C. Witts, Hanman, Lewis, Wilson, Ravenhill, S. Witts, Field, Williams, Brown, Dee, Taylor, Beeley, Hansdot, Gilson, Mozol, Randle, Toleman, Chatterton and Pullen

Others in Attendance

Martin Shields, Corporate Director of Services and Neighbourhoods

Ross Cook, Corporate Director

Sue Mullins, Head of Legal and Policy Development

Andrew Cummings, Management Accountant

Anthony Wilson, Head of Planning

Philip Ardley, Asset Management Consultant

Tanya Davies, Democratic and Electoral Services Manager

APOLOGIES : Cllrs. Porter, Hilton, McLellan, Bhaimia and Patel

91. MINUTES

91.1 **RESOLVED** – That the minutes of the Council meeting held on 26 February 2015 be approved and signed by the Mayor as a correct record.

92. DECLARATIONS OF INTEREST

92.1 Councillor Randle declared a disclosable pecuniary interest in agenda item 15, a report of the Cabinet Member for Communities and Neighbourhoods concerning the award of a contract for the upgrade of the CCTV system and provision of other services, as her husband was employed by the successful bidder and she would not take part of the debate or vote on the item.

93. PUBLIC QUESTION TIME (15 MINUTES)

93.1 Ms Kay Powell asked the Cabinet Member for Housing, Health and Leisure what the Council's purpose was in disposing of over 40,000 square metres of open space to Gloucester City Homes (GCH).

93.2 Councillor Organ (Cabinet Member for Housing, Health and Leisure) explained that the stock transfer was essential to the improvement of housing in the City, as well

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as improving surrounding areas and impacting on regeneration. He agreed that open spaces should not be compromised and advised that the aim was get it right for tenants by improving the stock, providing the right homes and combating homelessness.

93.3 Ms Powell asked for clarification regarding publication of the Council's intention to dispose of seven pieces of land to GCH and stated that open spaces should be retained for use by the general public.

93.4 Councillor Organ advised that much of the land identified formerly housed garages and was in need of regeneration. He emphasised the importance of providing homes for tenants and noted that there were other open spaces in the vicinity of the land in question.

94. PETITIONS AND DEPUTATIONS (15 MINUTES)

94.1 There were no petitions or deputations.

95. ANNOUNCEMENTS (COUNCIL PROCEDURE RULE 2(VII))

Mayor

95.1 The Mayor announced that a concert in aid of the civic charities would take place at 6.00pm on 19 April 2015 at The Salvation Army on Eastgate Street.

Leader of the Council

95.2 Councillor James (Leader of the Council) drew Members' attention the information circulated by Marketing Gloucester Limited and asked Members to encourage residents to sign up for a Residents' Card, which would entitle them to various offers within the City, including many during the forthcoming Residents' Weekend.

95.3 Councillor James announced that the Council had been successful in its bid for Housing Zone Status, which would unlock access to central government support and funding for the regeneration of City centre brownfield sites. He thanked Anthony Hodge, Anthony Wilson, Helen Chard and the City MP Richard Graham for their work on the bid.

95.4 Councillor James paid tribute to Councillor Norman Ravenhill, who would be standing down at the forthcoming local elections.

Leader of the Labour Group

95.5 Councillor Haigh (Leader of the Labour Group) paid tribute to Councillor Matthew Gilson, who would be standing down at the forthcoming local elections.

Members of the Cabinet

95.6 Councillor Organ announced that the transfer of housing stock to GCH had legally been completed. He paid tribute to all of those involved and wished GCH all the best for the future.

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Chairs of Committees

- 95.7 Councillor Lugg (Chair of the Overview and Scrutiny Committee) reminded Members of the Overview and Scrutiny Committee that the meeting on 23 March 2015 would start at the earlier time of 6.15pm with a training session and that there would be no pre-meeting.

Head of Paid Service

- 95.8 Martin Shields (Head of Paid Service) announced that staff and Members had raised £450 for Comic Relief and congratulated all involved.

96. SUSPENSION OF COUNCIL PROCEDURE RULES

- 96.1 Moved by Councillor James (Leader of the Council and Cabinet Member for Regeneration and Culture) and seconded by Councillor Dallimore (Deputy Leader of the Council and Cabinet Member for Communities and Neighbourhoods) –
- 96.2 **RESOLVED** - That Council Procedure Rules be suspended to allow the relevant officers to address the Council in respect of agenda items 10, 11 and 13.

97. APPOINTMENT OF MANAGING DIRECTOR AND HEAD OF PAID SERVICE

- 97.1 Council considered a report of the Leader of the Council concerning the joint appointment of a Managing Director (Head of Paid Service) for the City Council and Commissioning Director for Gloucestershire County Council.
- 98.1 Councillor James moved the recommendations set out in the report.
- 97.2 Councillor Dallimore seconded the motion.
- 97.3 Councillor James noted that the Council had previously agreed to the appointment of a joint post with the County Council in view of the limited senior management capacity over recent months and he paid tribute to Martin Shields, Corporate Director of Services and Neighbourhoods for the work he had done covering the role and added that he was pleased to have appointed Ross Cook to the vacant Director post on an interim basis. He announced that Jonathan McGinty had been offered the position of Managing Director and had accepted; he would in the Council in the summer.
- 97.4 Councillor Haigh stated that the appointment process had been extensive and the decision unanimous.
- 97.5 Councillor Dallimore thanked those involved in the process and welcomed the involvement of community groups.
- 97.6 Councillor James thanks Councillors Haigh, Hilton and Norman, as well as the community groups and stakeholders for their involvement in the appointment process.

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97.7 RESOLVED –

- (1) Jonathan McGinty be appointed as Managing Director and Head of Paid Service for Gloucester City Council with a start date to be confirmed.
- (2) It be noted that Jonathan McGinty is also appointed as Commissioning Director for Gloucestershire County Council.
- (3) Authority be delegated to the Acting Head of Paid Service, Gloucester City Council, in consultation with Group Leaders and the Chief Executive, Gloucestershire County Council, to agree appropriate joint governance arrangements and enter into any necessary agreements.
- (4) The Monitoring Officer be instructed to make any consequential amendments to the Constitution.

98. CITY PLAN - PROGRAMME AND BUDGET

98.2 Council considered a report of the Cabinet Member for Regeneration and Culture seeking endorsement of the progress of the City Plan programme and associated additional budget requirements of £141,000 over the next three financial years.

98.3 Councillor James moved the recommendations set out in the report.

98.4 Councillor Dallimore seconded the motion.

98.5 RESOLVED –

- (1) That the contents of this report be noted; and
- (2) That the City Plan future budget requests, included in the budget proposals for 2015/16, be noted.

99. TREASURY MANAGEMENT STRATEGY

99.1 Council considered a report of the Cabinet Member for Performance and Resources seeking approval of the Treasury Management Strategy.

99.2 Councillor Norman (Cabinet Member for Performance and Resources) moved the recommendations set out in the report.

99.3 Councillor James seconded the motion.

99.4 Councillor Norman explained that money received from central government as a result of the stock transfer would be used to repay market debt, but that because early repayment would incur a substantial charge, the market would be monitored to identify the most prudent time to clear the debt.

99.5 Councillor Smith noted that the report did not contain a risk table and expressed concern about the level of risk within the strategy; in particular she noted the cost of borrowing increasing and the impact of the anti-austerity political movement.

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99.6 Andrew Cummings, Management Accountant, agreed to explore whether a risk table could be provided. He explained that the challenge was in repaying the debt without incurring a substantial early repayment fee, so the short term plan was to hold on to the money received from the government as a result of the stock transfer. In respect of the ratio of financing costs to net revenue stream, he advised that this had increased due to the purchase of land at Kings Quarter, but that the Council received a rental income to offset the cost.

99.7 Councillor Wilson stated the decision to hold on to the housing stock transfer money was prudent and that overall he was satisfied with the strategy.

99.8 **RESOLVED –**

- (1) That the Treasury Management Strategy at Appendix 1 be approved;
- (2) That the authorised borrowing limit be approved at:-
 - a) 2015/16 £45m
 - b) 2016/17 £35m
 - c) 2017/18 £35m
- (3) That the prudential indicators set on in section two of the strategy be approved.
- (4) That authority is delegated to s151 Officer in consultation with the Cabinet Member for Performance and Resources to make decisions on Treasury Management from 17th March 2015 to the 1st April 2015 outside of the 14/15 Treasury Strategy as a result of the stock transfer.

100. PAY POLICY STATEMENT

100.1 Council considered a report of the Cabinet Member for Performance and Resources seeking approval of the Council's Pay Policy Statement for 2015/16.

100.2 Councillor Norman moved the recommendations set out in the report.

100.3 Councillor James seconded the motion.

100.4 **RESOLVED –** That the Pay Policy Statement for 2015/16 attached as Appendix 1 to the report be approved.

101. INTERNAL AUDIT SHARED SERVICE

101.1 Council considered a report of the Cabinet Member for Performance and Resources concerning proposals to form an Internal Audit and Risk Management Shared Service between Gloucester City Council, Stroud District Council and Gloucestershire County Council.

101.2 Councillor Norman moved the recommendations set out in the report.

101.3 Councillor James seconded the motion.

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- 101.4 Councillor Norman explained that the shared service was an opportunity to build on the existing partnership with Stroud District Council to share resources and achieve efficiencies. He advised that the Council's audit functions would be delegated to the County Council and staff would TUPE and be managed there.
- 101.5 Councillor Wilson welcomed the proposal. He stated that it would create an extra layer of independence for the audit service, in addition to a cost saving.
- 101.6 Councillor Smith asked what prevented the new partnership being transferred to a private company.
- 101.7 Councillors Williams, Gravells, Brown and Tracey declared personal interests as they were also County Councillors.
- 101.8 Councillor Norman advised that outsourcing remained an option in the future, but that as the existing partnership functioned well, building on the shared service was the preferred option. He explained that the proposal would provide the opportunity to take advantage of economies of scale, increase available expertise, share best practice, and implement succession planning.
- 101.9 **RESOLVED –**
- (1) Agrees to the creation of a Shared Internal Audit and Risk Management Service with effect from 1 April 2015 ("the Commencement Date) or such other date as is agreed between Gloucester City Council, Stroud District Council, and Gloucestershire County Council on the basis set out in this report;
 - (2) Delegates this Council's Internal Audit Function to Gloucestershire County Council in accordance with the provisions of Section 101, of the Local Government Act 1972, Sections 19 and 20 of the Local Government Act 2000 and all other enabling powers subject to (6) below;
 - (3) Agrees to enter into an Administrative Collaboration Agreement, under S101 of the Local Government Act 1972 with the partner authorities;
 - (4) Delegates authority to the Corporate Director Services and Neighbourhoods, in consultation with the Cabinet Member for Performance and Resources, to approve the terms of the Administrative Collaboration Agreement;
 - (5) Agrees to the transfer of staff to Gloucestershire County Council as Host Authority on the terms set out in the Administrative Collaboration Agreement from the Commencement Date;
 - (6) Agrees to the formation of an Internal Audit and Risk Management Shared Services Board involving the Section 151 officers from each of the participating authorities, to oversee the implementation and ongoing monitoring of the s101 Agreement; and

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- (7) Authorises the Monitoring Officer to make any consequent changes to the Council's Constitution to reflect the shared services arrangements and delegation of the internal audit service function to the Head of the Internal Audit and Risk Management Shared Service at Gloucestershire County Council.

102. REVIEW OF ANTI-FRAUD AND CORRUPTION POLICIES

- 102.1 Council considered a report of the Audit, Risk & Assurance Manager on behalf of the Corporate Governance Group seeking approval for revisions to the Anti-Fraud and Corruption policies the Council has in place.
- 102.2 Councillor Wilson (Chair of Audit and Governance Committee) moved the recommendations set out in the report.
- 102.3 Councillor Hobbs (Vice Chair of Audit and Governance Committee) seconded the motion.
- 102.4 Councillor Wilson advised that the Strategic Risk Register had identified a need to review the Anti-Fraud and Corruption policies.
- 102.5 Councillor Smith asked whether the Council still had its own in-house benefit fraud investigation team.
- 102.6 The Corporate Director of Services and Neighbourhoods advised that benefit fraud was currently undertaken by Civica Revenues and Benefit. He agreed to provide a written response to all Members regarding forthcoming legislative changes.
- 102.7 **RESOLVED** – That the policies and plan in Appendices A to E of the report be approved.

103. ANIMAL WELFARE ACT 2006 POWERS

- 103.1 Council considered a report of the Chair of the Licensing and Enforcement Committee concerning the powers available to the Council under the Animal Welfare Act 2006.
- 103.2 Councillor Randle (Chair of Licensing and Enforcement Committee) moved the recommendations set out in the report.
- 103.3 Councillor Dallimore (Cabinet Member for Communities and Neighbourhoods) seconded the motion.
- 103.4 Councillor Tracey welcomed the proposals, but expressed disappointment that the legislation did not include any provisions relating to the welfare of horses.
- 103.5 Councillor Field stated that the welfare of horses was an important issue and that there was a Bill going through Parliament aimed at giving local Councils more powers to intervene.

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103.6 Councillor Randle explained that there was no duty on the Council to use the powers, but that it empowered officers to promote the five animal welfare needs. She advised that it was unlikely to impact on officers' workloads because the RSPCA would continue to conduct investigations into animal welfare matters.

103.7 **RESOLVED –**

- (1) the use of the powers available under the Animal Welfare Act 2006 be approved;
- (2) that the Terms of Reference for the Licensing and Enforcement Committee be amended to include 'Undertaking matters in relation to the Animal welfare Act 2006 (save to the extent that such responsibility has been delegated to an Officer of the Council)';
- (3) authority be delegated to the Corporate Director of Services and Neighbourhoods to exercise the Council's powers under the Animal Welfare Act 2006;
- (4) the specific delegations to Officers as set out in Appendix 1 to the report be approved.

104. CONTRACT AWARD - UPGRADE OF CCTV SYSTEM, CAMERA IO NETWORK, MAINTENANCE, PUBLIC WIFI AND 4G COVERAGE

104.1 Council considered a report of the Chair of the Licensing and Enforcement Committee concerning award of the contract for the upgrade of the city centre CCTV system, camera IP network, maintenance, public WiFi and 4G coverage.

104.2 Councillor Dallimore (Cabinet Member for Communities and Neighbourhoods) moved the recommendations set out in the report.

104.3 Councillor James seconded the motion.

104.4 Councillor Dallimore explained that upgrading the CCTV system was important for keeping residents safe, which was identified as a priority in the City Vision. Following the approval of a motion to explore the provision of free WiFi in the City centre, it made sense to combine this with the CCTV upgrade, along with 4G technology which would provide better network coverage. She advised that these technologies were key to the development of the City and would attract businesses and visitors. She explained that the inclusion of public WiFi in the contract meant that it was necessary to increase the budget for the project.

104.5 Councillor Wilson welcomed the proposals for public WiFi and stated that it was key to Gloucester being seen as a modern tourist destination.

104.6 Councillor Hobbs suggested that the CCTV network should be used to enable residents and visitors to log on and see the City through the cameras as they do in other cities.

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- 104.7 Councillor James stated that the proposals represented a major investment in the safety of residents and visitors, as well as promoting Gloucester as a modern City.
- 104.8 Councillor Dallimore thanked Members for supporting the project and undertook to investigate whether the CCTV cameras could be accessed by residents and visitors to the City.
- 104.9 **RESOLVED –**
- (1) The contract for the upgrade of the city centre CCTV system, camera IP network, maintenance, public WiFi and 4G coverage be awarded to British Telecommunications plc (BT) and for this to commence on 1 April 2015 for a period of five years with an option to extend to ten years, subject to satisfactory delivery of service during the initial five year period.
 - (2) An additional £27,000 capital sum is agreed to cover the capital costs of this project.
 - (3) An increase to the revenue budget, as set out in the financial implications, is agreed

105. QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12)

Written questions to Cabinet Members

- 105a.1 As a supplementary question to his written question Councillor Field asked the Leader of the Council whether the amount of recycling collected had increased or decreased since changes had been made to the service.
- 105a.2 Councillor James confirmed that recycling rates had increased because the service was now concentrating on items that could not be collected from the doorstep.
- 105a.3 As a supplementary question to his written question Councillor Field asked the Leader of the Council whether his response adequately addressed residents' concerns about the provision of toilet facilities in the area of the rugby stadium
- 105a.4 Councillor James advised that he had attended a meeting of the Neighbourhood Partnership, where the Rugby Club had made it clear that the available facilities were adequate. He reported that there were 13 traders in the community toilet scheme and that appropriate signposting was important. He also advised that a semi-permanent toilet block would be installed in Kings Square in advance of the Rugby World Cup.
- 105a.5 As a supplementary question to his written question Councillor Field asked the Leader of the Council whether it was likely that Arts Council be open to supporting the Guildhall once recommendations from the Review of Cultural Services had been implemented.

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- 105a.6 Councillor James advised that discussions with the Arts Council about funding opportunities would be wide-ranging.
- 105a.7 **RESOLVED** – That the written questions submitted and corresponding responses be noted.

Leader and Cabinet Members' Question Time

- 105b.1 Councillor Haigh asked the Cabinet Member for Communities and Neighbourhoods whether she supported the City MP and Councillor Patel's calls for an increased police presence at Barton Street Station, given that she had previously supported proposals to reduce the police presence.
- 105b.2 Councillor Dallimore advised that she understood the strength of feeling about the Barton Street Station and that it was an important part of community life. She explained that she was supportive of the community, but that the location of police station was a matter for the Police and Crime Commissioner.
- 105b.3 Councillor Field asked the Leader of the Council whether he agreed that, after the expense and delays, the automatic bollards installed in the City centre should be working as expected.
- 105b.4 Councillor James advised that although the City Council had contributed to the cost of the automatic bollards, their operation was a matter for the County Council. The intention was to create a pleasant shopping environment and café culture. He reported that an error in the system that had caused an incident with a car had been corrected and advised that individuals should report highways issues to the County Council.
- 105b.5 Councillor Field asked the Leader of the Council if he believed that the Council had got good value for money from the investment.
- 105b.6 Councillor James explained that the project was a long term investment and if the aims are achieved it will have been money well spent in the City centre.
- 105b.7 Councillor Haigh asked the Leader of the Council what the plans were for the relocation of the Tourist Information Centre (TIC), given that the preferred site, 26 Westgate Street, was due to be sold.
- 105b.8 Councillor James advised that 26 Westgate remained the preferred site and that discussions would continue with the new owner.
- 105b.9 Councillor Haigh stated that refurbishment costs were estimated at £750,000 and asked whether a fully costed proposal would be brought forward before moving forward.
- 105b.10 Councillor James explained that the intention was to lease the ground floor of the building and that if estimated costs deviated from the budget already set aside, revised proposals would be brought forward.

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- 105b.11 Councillor Field asked the Leader of the Council if a response had been received from Richard Graham MP regarding the sky lanterns motion recently approved by full Council.
- 105b.12 Councillor James undertook to check with the Cabinet Member for Environment on his return.
- 105b.13 Councillor Taylor asked the Leader of the Council to comment on what the Council was doing to celebrate English Tourism Week.
- 105b.14 Councillor James advised that the Cherry and Whites Challenge would be taking place, which was fitting in the year of the Rugby World Cup, and he thanked the Tourist Information Centre staff for their involvement. He noted that the Visitor Economy Strategy recently approved by Cabinet demonstrated the breadth of tourist activities on offer and the ambitions for the future.
- 105b.15 Councillor Toleman asked the Leader of Council to report on progress at the former RAFA Club site in Spa Road.
- 105b.16 Councillor James advised that as targets had been met on a number of sites on the original regeneration hitlist, the former RAFA Club site had been added. He understood that the site would be converted into residential apartments.
- 105b.17 Councillor Chatterton asked the Leader of the Council what measures would be taken to ensure that the BHS store on Eastgate Street stayed open.
- 105b.18 Councillor James stated that it was important not to scaremonger. He advised that the new owners of BHS would be considering a variety of options in relation all BHS stores; the Council would remain in contact with the new owners and encourage them to keep the store open.
- 105b.19 Councillor Hobbs referred to a recent audit which identified a high level of inaccuracies in benefits assessments and asked the Cabinet Member for Performance and Resources what he was doing to ensure the Council received value for money for Civic Revenues and Benefits and whether higher targets would be put in place.
- 105b.20 Councillor Norman advised that he would be taking a full involvement in the processes moving forward.
- 105b.21 Councillor Hobbs asked that the matter be prioritised as it affected both individuals and the Council.
- 105b.22 Councillor Norman gave assurances that the matter was in hand.
- 105b.23 Councillor Mozol asked the Leader of the Council why the retailer in the former Marks and Spencer store had never opened for business.
- 105b.24 Councillor James advised that the Council had no involvement in shop trading hours, but that he understood the shop did open sporadically. He agreed that it was not ideal, but that the shop had a short-term lease and the Council would

COUNCIL
18.03.15

continue discussions with Mark and Spencer to try and encourage a more appropriate use for the premises.

- 105b.25 Councillor Lewis asked the Leader of the Council to comment on why the Labour Group did not put forward their proposal for free parking in the City Centre after 3.00pm as part of the Council's budget agreed in February.
- 105b.26 Councillor James commented that the proposal would require charges before 3.00pm to be increased.
- 105b.27 Councillor Toleman asked the Leader of the Council if he was aware of the problem of 'chuggers' and what the Council intended to do about it.
- 105b.28 Councillor James confirmed that the Council had a agreement in place with the Fundraising Regulatory Authority (FRA) to limit the activities of chuggers and that he had asked officers to have discussions with the FRA about imposing tighter restrictions. He noted the importance of ensuring that chuggers did not distract from or disrupt important events in the City centre or prevent a pleasant shopping experience.
- 105b.29 Councillor Tracey asked the Leader of the Council when the City centre plants were watered.
- 105b.30 Councillor James confirmed that the new planters were installed by the County Council, but that he understood them to contain reservoirs.
- 105b.31 Councillor Tracey asked that steps be taken to ensure the plants were properly watered.
- 105b.32 Councillor James agreed to ask officers to investigate.

106. NOTICES OF MOTION

(1) Notice of Motion from the Labour Group

- 106.1 Moved by Councillor Pullen and seconded by Councillor Hobbs:

"This Council believes that young people are important and recognises the positive contribution that they make to our City.

Young people have ideas, views and opinions, not only about things that are important to them personally, but about issues that affect their communities, their City and the wider world.

Young people have a contribution to make to the life and development of this City, yet there is no process or structure that enables this Council to communicate with and learn from the views that young people have.

In order to value young people and benefit from the opinions and ideas they have, this Council is asked to establish a Gloucester City Youth Council.

COUNCIL
18.03.15

Such a body would be important as not only would young people be able to influence the future direction this City but also have an impact on issues that matter to them and their City now”.

106.2 The motion was put to the vote and was carried.

(2) Notice of Motion from the Conservative Group

106.3 Moved by Councillor Taylor and seconded by Councillor James:

“This Council:

- (1) recognises the importance that residents and businesses in Gloucester place on having high-speed broadband availability;
- (2) supports the continued significant investment designed to 'retro-fit' its availability to homes and businesses throughout the City as quickly as possible;
- (3) notes with concern that brand new properties, even on large scale developments, both residential and employment, are being built and sold without a ready superfast broadband capability;
- (4) therefore resolves to work with businesses, developers, potential suppliers of broadband capability to make it a requirement for new developments, especially on large scale residential developments, to be able to access superfast broadband from the day they are first sold.
- (5) if necessary will call on the Government to empower Councils through legislation to make this a statutory requirement of the planning process, to ensure ready access to superfast broadband.”

106.4 The motion was put to the vote and was carried.

(3) Notice of Motion from the Conservative Group

106.5 Moved by Councillor Randle and seconded by Councillor Dallimore:

“This Council:

- (1) believes that Gloucester should be a pet-friendly city;
- (2) notes the excellent work done by the Council and its partners to promote responsible dog ownership, including the provision of dog bins and its partnership with the Dogs Trust to promote micro-chipping in advance of new legislation requiring it;
- (3) notes the positive role in society that pet owners can play through initiatives like Paws on Patrol;

COUNCIL
18.03.15

- (4) notes the cost to the council taxpayer of irresponsible pet owners such as collecting stray dogs and cleaning up dog mess;
- (5) calls upon dog owners to act responsibly in their own interests and the interests of society as a whole and notes that the Council will use whatever statutory powers it has to take action against owners who break the law”.

106.6 The motion was put to the vote and was carried.

(4) Notice of Motion from the Conservative Group

106.7 Moved by Councillor Field and seconded by Councillor Wilson:

“This Council notes that several games during the 2015 Rugby World Cup will be hosted in Gloucester.

Being a Rugby World Cup Host City is a tremendous opportunity for our City, but also a risk.

To ensure a lasting legacy for Gloucester, this Council needs to work with residents and partners to ensure that the World Cup goes off without a hitch, and that people go away with a positive impression of Gloucester.

This Council therefore resolves:

To consult extensively with residents, particularly of Kingsholm and Westgate, to find out their concerns and hopes for the World Cup.

To keep members of the Council fully informed with regular updates.

To encourage residents to get into the spirit of the World Cup with street parties and community events.

To ensure that the streets of Gloucester are spotless before the World Cup, and to ensure adequate toilet facilities etc.

To ensure that there is an economic and physical legacy from the World Cup in terms of the benefits of extra money spent in Gloucester, and an improved physical environment.

To ensure a cultural and sporting legacy by commemorating the World Cup and securing more sporting facilities for Gloucester”.

106.8 The motion was put to the vote and was carried.

107. EXCLUSION OF PRESS AND PUBLIC

107.1 Moved by Councillor James and seconded by Councillor Dallimore –

107.2 **RESOLVED** that the press and public be excluded from the meeting during the following item of business on the grounds that it is likely, in view of the nature of

**COUNCIL
18.03.15**

business to be transacted or the nature of the proceedings, that if members of the press and public are present during consideration of these items there will be disclosure to them of exempt information as defined in Schedule 12A of the Local Government Act 1972 as amended.

Minute No.	Description of Exempt Information
108	Paragraph 3: information relating to the financial or business affairs of any particular person (including the Authority holding that information).

108. RETAIL-LED REGENERATION AT KINGS QUARTER

- 108.1 Council considered a report of the Cabinet Member for Regeneration and Culture concerning retail-led regeneration at Kings Quarter.
- 108.2 Councillor James (Cabinet Member for Communities and Neighbourhoods) moved the recommendations set out in the report.
- 108.3 Councillor Dallimore seconded the motion.
- 108.4 **RESOLVED** – That the recommendations in the exempt report be approved.

Time of commencement: 19:00 hours

Time of conclusion: 22:20 hours

Chair

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Gloucester City Council

Meeting:	Council	Date:	21 May 2015
Subject:	Adoption of the Constitution for 2015-16		
Report Of:	Monitoring Officer		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Sue Mullins, Monitoring Officer		
	Email: sue.mullins@gloucester.gov.uk	Tel:	39-6110
Appendices:	Extracts from Constitution 2014 – 15 showing proposed changes for the Constitution 2015 -16		

1.0 Purpose of Report

1.1 To approve changes to and adopt the Council's Constitution for the municipal year 2015 - 2016.

2.1.1 Recommendations

2.1 Council is asked to **RESOLVE** that, subject to the changes shown in Appendix 1 and highlighted in this report, the Constitution be adopted for the municipal year 2015 - 2016.

3.0 Background and Key Issues

3.1 The Constitution sets out how the City Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

3.2 The Council's Constitution was extensively reviewed in 2009 and amendments to that Constitution have been approved annually since then.

3.3 It is good practice to review the Council's Constitution on an annual basis at least. It is also important to review how the Constitution has functioned and supported the work of the Council.

3.4 Appendix 1 highlights amendments that are either proposed or which have already been approved. A number of the amendments reflect in-year changes already agreed by Council. Where the amendment has already been agreed, details of the relevant decision-maker and date the decision was made is shown in the comment box to the side of the text.

3.5 Proposed deletions are shown as 'struck through' text (e.g. ~~struck through~~) and additions are shown in **bold underlined font**.

3.6 A summary of the main changes is as follows:

- a) Article 3, Council Procedure Rule 7 and the Access to Information Procedure Rules – updated to take account of the Openness of Local Government Regulations 2014.
- b) Article 4, Cabinet Portfolios and Meetings of the Council (Partnerships and Shared Services) – updated following Council decision on 20 November 2014 regarding the Airport to delegate the Council’s shareholder functions to the Leader and approval of the Terms of Reference for the Gloucestershire Airport - Shareholder Forum;
- c) Article 13, Meetings of the Council (Partnerships and Shared Services) and Scheme of Delegation – updated to reflect the delegation of legal functions to Tewkesbury Borough Council (One Legal) and the Joint Monitoring and Liaison Group Terms of Reference;
- d) Codes and Protocols – inclusion of the Independent Person and Members’ Working Groups Protocols. Council is also asked to note that revisions to the Council’s Anti-Fraud and Corruption Policies were approved by the Audit and Governance Committee on 16 March 2015 and these revised policies will also be incorporated into the Constitution for 2015-16;
- e) Scheme of Delegations – minor amendments to reflect changes in Officer responsibilities, ensure consistency and reflect legislative changes.

4.0 Alternative Options Considered

4.1 There are no alternative options relevant to this matter.

5.0 Reasons for Recommendations

5.1 The Council Procedure Rules require the Scheme of Delegation, forming part of the Constitution, to be approved at the Annual Meeting.

6.0 Future Work and Conclusions

6.1 The approved Constitution for 2015-16 will be published online and made available to all Councillors, members of the public and staff as soon as practicable following its adoption by the Council.

6.2 The current provisions relating to Head of Paid Service responsibilities may need to be amended following the arrival of the Council’s Managing Director later in the year.

6.3 Legislation requires the Council to keep its Constitution up-to-date and it is good practice to carry out an annual review of the Constitution. This will allow the Council to ensure that the Constitution continues to meet the needs of the Council.

7.0 Financial Implications

7.1 There are no financial implications arising from this report.

(Financial Services have not been consulted in the preparation this report.)

8.0 Legal Implications

- 8.1 Section 37 of the Local Government Act 2000 requires the Council to have and keep up-to-date a Constitution, setting out various matters prescribed by the Secretary of State, the Council's Standing Orders, Code of Conduct and any other matters the Council considers appropriate.

(One Legal has been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

- 9.1 Regular consideration of the Council's Constitution enables the Council to ensure that its governance arrangements are appropriate and up-to-date.

10.0 People Impact Assessment (PIA):

- 10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

- 11.1 There are no community safety implications.

Sustainability

- 11.2 There are no sustainability implications.

Staffing & Trade Union

- 11.3 There are no staffing implications.

Background Documents: None.

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CONSTITUTION

2015-2016

Approved by Council on [21 May 2015]
to take effect on [21 May 2015]

Comment [s1]: Date subject to Council confirmation

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Comment [s2]: Inserted to take account of functions delegated to other local authorities

[Protocol for the Independent Person](#)

Planning and Development - Code of Practice
Probity In Licensing and Enforcement - Code of Practice
Internal Audit Charter
Anti Fraud and Corruption Strategy
Whistleblowing Policy
Protocol on Recording at Meetings
[Members' Working Groups Protocol](#)

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Part 2 - Articles of the Constitution

Article 3 – Citizens and The Council

3.01 Citizens' Rights

Citizens have the following rights. The rights to information and to participate are explained in more detail in the Access to Information Rules in Part 4 of this Constitution:

(a) **Voting and Petitions**

Citizens on the electoral roll for the area have the rights to vote and sign a petition to request a referendum for an elected Mayor, providing that such a referendum cannot be held less than ten years from any previous such referendum.

(b) **Information**

Citizens have the right to:

- (i) Attend, record and report on meetings of the Council, Council ~~and its committees~~ and Cabinet except where personal, confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Cabinet when key decisions are being discussed or decided;
- (iii) find out from the Forward Plan what key decisions will be taken by the Leader, Cabinet or Individual Cabinet Members and when;
- (iv) see reports and background papers, and any records of decisions made by the Council, the Leader, Cabinet or individual Cabinet Members;
- (v) inspect the Council's accounts and make their views known to the external auditor;
- (vi) contact their any Councillor or Cabinet Member about any matter of concern to them; and
- (vii) obtain a copy of the Constitution (also available on the Council's website www.gloucester.gov.uk).

Comment [s3]: Updated to take account of the Openness of Local Government Regulations 2014

(c) **Participation**

Citizens have the right to:

- (i) participate in the Council's question time;
- (ii) take part in deputations and present petitions/calls for action to the Council;
- (iii) contribute to investigations by the Overview and Scrutiny Committee.

(d) **Complaints**

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme, if they think that the Council has not followed its procedures properly;
- (iii) the Monitoring Officer about a breach of the Councillors' Code of Conduct if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct (Part 5 of this Constitution).

3.02 Citizens' Responsibilities

Citizens must not be violent, abusing or threatening to Councillors or Officers and must not wilfully harm things owned by the Council, Councillors or Officers.

Part 2 - Articles of the Constitution

Article 4 – The Full Council

4.01 Definitions

(a) **Policy Framework**

The policy framework means the following plans and strategies to be approved by the Full Council:-

- Plans and Strategies
- Council's Corporate Plan
- Best Value Performance Plan
- Sustainable Community Strategy
- Crime and Disorder Reduction Strategy
- Development Plan Documents
- Housing Strategy(ies)
- Housing Investment Programme
- Climate Change Policy
- Licensing Policy Statement
- Gambling Policy – Statement of Principles
- Sex Establishment Licensing Policy
- Cultural Strategy
- Airport Strategy **(except Airport shareholder functions delegated to the Leader)**
- Joint Waste Strategy

Comment [s4]: Approved by Council –
20 November 2014

including any amendments to, replacement of or updates to any such plans and strategies, save for minor textual or other changes which are unlikely to have a substantial impact or effect on the Policy Framework plans or strategies and which are in accordance with the Council's approved budget.

(b) **Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council's borrowing requirements, the control of its capital expenditure and the setting of virement limits.

(c) **Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

4.02 Functions of the Full Council

Only the Council shall exercise the following functions:

- (a) adopting and approving changes to Parts 1 – 4 inclusive of the Constitution;
- (b) approving adopting or making changes that are likely to have a substantial impact or effect on the Policy Framework, the budget and any application to the Secretary of State in respect of any Housing Land Transfer;
- (c) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Leader or Cabinet function which is covered by the Policy Framework or the

Part 2 - Articles of the Constitution

budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget;

- (d) appointing and removing the Leader of the Council;
- (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (f) appointing representatives to outside bodies unless the appointment is a Leader or Cabinet function or has been delegated by the Council;
- (g) agreeing a Code of Conduct for Members;
- (h) adopting an allowances scheme under Article 2.05 (see also Part 6 of this Constitution);
- (i) changing the name of the area;
- (j) conferring the Freedom of the City;
- (k) confirming the appointment of the Head of Paid Service;
- (l) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or private Bills;
- (m) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- (n) all other matters which by law must be reserved to Council.

4.03 Council Meetings

There are three types of Council meetings

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings (special);

and they shall be conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

4.04 Responsibility for Functions

The Council shall maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Leader or Cabinet.

Part 2 - Articles of the Constitution

Article 13 – Finance, Contracts and Legal Matters

13.01 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

13.02 Contracts

Every contract made by the Council will comply with the Contract Standing Orders and Procurement Rules set out in Part 4 of this Constitution.

13.03 Legal Proceedings

Tewkesbury Borough Council (One Legal) is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where Tewkesbury Borough Council (One Legal) considers that such action is necessary to protect the Council's interests.

13.04 Authentication of Documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Policy Development or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £50,000 entered into on behalf of the Local Authority in the course of the discharge of an executive function shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the Council attested by at least one officer as detailed below.

13.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of Tewkesbury Borough Council (One Legal). A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of Tewkesbury Borough Council (One Legal) should be sealed. The affixing of the Common Seal will be attested by the Mayor, a Corporate Director, the Head of Legal and Policy Development, the Head of Finance or Tewkesbury Borough Council (One Legal).

Part 3 - Responsibility for Functions

3.2 Cabinet Portfolios

Individual Cabinet Members are empowered to make all executive decisions in respect of their own portfolio area of responsibility. Decision making by individual Cabinet Members applies only to executive functions that have been delegated to the Cabinet.

The allocation of portfolios to Cabinet Members in 2013/14 and their delegated executive functions will be as follows: -

A. Leader of the Council and Cabinet Member for Regeneration and Culture

The Cabinet Member is responsible for all matters relating to the Council's affairs in respect of the Regeneration and Culture portfolio. In particular, and subject to the Council's Executive Arrangements, the Cabinet Member is responsible for and may make decisions about:

- Regeneration
- Planning
- Marketing Gloucester
- Museums, heritage and monuments
- Culture
- Guildhall
- Festivals & Events
- Tourism/TIC
- Economic Development
- Markets and Street Trading
- Property & Asset Management
- City Centre Management
- Car Parking
- Street naming and numbering
- All matters within the Terms of Reference for Gloucestershire Airport Shareholder Forum, except any decisions which are not within the Council's approved Budget or which are inconsistent with the Council's Money Plan.

Comment [s5]: Approved by Council –
20 November 2014

B. Cabinet Member for Communities and Neighbourhoods

The Cabinet Member is responsible for all matters relating to the Council's affairs in respect of the Communities and Neighbourhoods portfolio. In particular, and subject to the Council's Executive Arrangements, the Cabinet Member is responsible for and may make decisions about:

- Community Engagement
- Neighbourhood Strategy
- Gloucester Partnership
- Crime and Disorder
- Voluntary sector and grants
- Play areas
- Children and Young People
- Shopmobility
- Community Cohesion
- Advice Services
- Emergency Planning and flood resilience
- Equalities (external)

C. Cabinet Member for Environment

The Cabinet Member is responsible for all matters relating to the Council's affairs in respect of the Environment portfolio. In particular, and subject to the Council's Executive Arrangements, the Cabinet Member is responsible for and may make decisions about:

Part 3 - Responsibility for Functions

- Streetcare partnership
- Neighbourhood Management
- Recycling
- Climate Change
- Environmental Enforcement
- Waste
- Parks and Countryside Unit
- Crematorium and Cemeteries

D. Cabinet Member for Housing, Health and Leisure

The Cabinet Member is responsible for all matters relating to the Council's affairs in respect of the Housing & Health portfolio. In particular, and subject to the Council's Executive Arrangements, the Cabinet Member is responsible for and may make decisions about:

- Environmental Health
- Housing & GCH
- Licensing
- Leisure/Aspire client role/sports development

E. Cabinet Member for Performance and Resources

The Cabinet Member is responsible for all matters relating to the Council's affairs in respect of the Performance and Resources portfolio. In particular, and subject to the Council's Executive Arrangements, the Cabinet Member is responsible for and may make decisions about:

- Finance
- Policy & Performance
- PR/Communications
- Business Transformation and Technology (client side)
- Customer Services, Contact Centre and website
- Personnel
- Procurement
- Revenues and Benefits (client side)
- Equalities (internal)

Part 3 - Responsibility for Functions

Meetings of the City Council

Type of Meeting	Meeting	Page
Executive (Article 7)	The Cabinet	20
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	Organisational Development Committee	29
Member / Officer Working Groups	Constitutional and Electoral Working Group	29
	Equality Champions Group	30
	ICT Working Group	31
Partnerships and Shared Services (Article 10)	Employee Forum	32
	Safer Gloucester Partnership (Gloucester Community Safety Partnership)	34
	Grants and Community Services Forum	35
	Gloucestershire Police and Crime Panel	36
	Gloucestershire Economic Growth Joint Committee.....	37
	Gloucestershire Joint Waste Committee	39
	Gloucestershire Airport – Shareholder Forum	42
One Legal – Joint Monitoring and Liaison Group	44	
Representation on Outside Bodies and Community Bodies including Forums	(Please see Part 6 Schedule 1)	

Deleted: 11

1. The Cabinet

The Cabinet shall have the functions, powers and responsibilities delegated to it by the Leader which are set out below and in Article 7 of this Constitution.

Membership: 5 (Quorum 2 one of whom must be the Leader or Deputy Leader)

Comprising: The Leader (appointed by Council) and 4 other Cabinet Members (appointed by the Leader). The Leader must also appoint one of the Cabinet Members as Deputy Leader of Council to act in the absence of the Leader.

The Leader has agreed the following 5 Portfolios for 2014/15:-

Regeneration and Culture
Communities and Neighbourhoods
Environment

Part 3 - Responsibility for Functions

- Normal rules as to declarations of interest to be applied in accordance with the Gloucestershire County Council Code of Conduct. The Chair has the right to decide whether observers declaring an interest can observe the meeting or should be asked to leave
- Except as otherwise provided by the Local Government Acts 1972 and 1985, all questions shall be decided by a majority of the votes of the voting members present, the Chair having the casting vote in addition to his/her vote as a member of the Committee.

(f) Administration

- The secretary/clerk shall keep proper accounts of the money received and expended by the Gloucestershire Joint Committee for the administration of the Committee and shall apportion the expenses of the Committee between the councils in proportion to the population of each council in the GFirst area.
- This Terms of Reference and including the functions of the Committee may be amended at any time by the unanimous agreement of the voting members of the Committee.

(g) Constitution

The Constitution of Gloucestershire County Council shall apply to the Committee.

(h) Scrutiny Arrangements

Decisions made by the Committee shall be subject to scrutiny ~~by the Gloucestershire Economic Growth Scrutiny Committee.~~

Deleted: the

Deleted: arrangements of each local authority (unless and until Joint Scrutiny arrangements have been established).

19. Gloucestershire Joint Waste Committee

The Gloucestershire Joint Waste Committee shall have the functions, powers and responsibilities set out below.

Membership: 10 (Quorum 4) [political proportionality rules do not apply].

Quorum: 4 Members. Including at least one member appointed by each of the partner authorities. No business shall be transacted unless quorum is reached. If quorum is not reached within 30 minutes of the start of the meeting, (or if quorum ceases to be present during a meeting), the meeting shall be adjourned to the same time and venue within five working days of the meeting or to a date determined by the Chair.

Comprising: Two members from each local authority (Cheltenham Borough Council, Cotswold District Council, Gloucester City Council, Gloucestershire County Council and Forest of Dean District Council), one of which will be a member of the partner authority's Executive.

Each member shall remain in office until removed or replaced by his or her appointing partner authority, or in the case of an executive member, until he or she ceases to be a member of the executive of the appointing partner authority.

Frequency

of Meetings: 4 meetings per annum and at other such times as required

The committee will meet formally in public session on a quarterly basis with informal meetings, workshops and visits arranged as and when required. The committee may appoint working groups, comprising Gloucestershire Joint Waste Committee members; officers from the Administering Authority, and officers of any of the partner authorities, to consider specific matters and to report back to the committee with recommendations. Each partner authority may also send any of its officers to committee meetings to support its members or anyone invited to observe at meetings.

Part 3 - Responsibility for Functions

(a) Role

The aims of the Gloucestershire Joint Waste Committee are to:

- (i) [Provide a shared decision making body from which to improve services, deliver savings and minimise costs;](#)
- (ii) [Ensure a fair distribution of savings between partners and their council tax payers;](#)
- (iii) [Provide and improve good customer service within the bounds of the resources available;](#)
- (iv) [Undertake operations in an environmentally sustainable manner, and](#)
- (v) [Identify and share initiatives and best practice amongst partner authorities.](#)

[Subject to the retained functions set out in paragraph 4 below, the statutory functions delegated to the Committee relating to the collection, management, disposal, treatment, or recycling of waste street cleansing are as follows:](#)

Environmental Protection Act 1990 Part II	
Section 34	Duty of Care - to prevent the unlawful deposit or treatment of waste in your control
Section 45	Duty to collect waste in your area and to make arrangements to collect, to collect commercial waste where requested.
Section 46	Authority to serve notice on householders to use prescribed receptacles for waste and to put them out for collection
Section 47	Authority to provide commercial customers with receptacles
Section 48	Duty to deliver waste collected to specific places (as specified by the WDA)
Section 51	Duty to arrange for disposal and duty to provide HRCs
Section 52	Duty to pay recycling credits
Section 55	Duty to make arrangements to recycle waste

Waste and Emissions Trading Act 2003	
Section 9	Duty not to exceed allowances
Section 12	Duty to maintain records of biodegradable waste sent for treatment/disposal
Section 31	Power to make directions to WCAs as to separation of waste
Section 32	Duty to have in place a Joint Strategy for waste

Part 3 - Responsibility for Functions

<u>Waste Minimisation Act 1998</u>	
<u>Section 1</u>	<u>Power to take steps to minimise waste</u>
<u>Household Waste and Recycling Act 2003</u>	
<u>Section 1</u>	<u>Duty to collect at least two types of recyclable waste</u>
<u>Environment Act 1995</u>	
<u>Section 108</u>	<u>Powers to take action to investigate pollution incidents or where harm to human health has been caused by pollution</u>
<u>Section 109</u>	<u>Powers to take action to prevent pollution or harm to human health</u>
<u>Clean Neighbourhoods & Environment Act 2005</u>	
<u>Part 2</u>	<u>Abandoned Vehicles</u>
<u>Part 3</u>	<u>Litter and Refuse</u>
<u>Part 4</u>	<u>Graffiti</u>
<u>Part 5</u>	<u>Waste</u>
<u>Local Government Act 1972</u>	
<u>Section 111</u>	<u>Powers to act as a local authority In so far as its use is calculated to facilitate or is incidental or conducive to the discharge of any of the functions referred to in paragraphs (a) to (h) listed below</u>
	<u>(a) European Community Strategy for Waste Management 1989 (as reviewed in 1996);</u>
	<u>(b) EU Directive 757 4427 EEC as amended by Directive 917 1567 EEC and adapted by Directive 967 3507 EEC on Waste (The Framework Directives on Waste);</u>
	<u>(c) Environmental Protection Act 1990;</u>
	<u>(d) Public Health Act 1936;</u>
	<u>(e) Anti-Social Behaviour Act 2003;</u>
	<u>(f) Clean Neighbourhoods and Environment Act 2005;</u>
	<u>(g) Refuse Disposal (Amenity) Act 1978 (insofar as this relates to abandoned vehicles, public safety and amenity);</u>
	<u>(h) Environmental Protection (Waste Recycling Payments) Regulations 1992 (as amended 1994)</u>
<u>Localism Act 2011</u>	
<u>Section 1</u>	<u>Power of General Competence</u>

The functions retained by the individual partner authorities include:

Part 3 - Responsibility for Functions

- (i) Authorising changes to the Inter Authority Agreement, (agreed framework for the committee);
- (ii) Budget setting;
- (iii) Service changes;
- (iv) Collection and disposal methods and policy changes to such collection and disposal methods;
- (v) Procurement decisions in respect of the functions;
- (vi) Enforcement proceedings or other legal action in respect of the functions;
- (vii) Corporate media communications

(b) Host Authority

The Committee will be hosted under local government arrangements by Gloucestershire County Council. The Host Authority will provide Secretary/Clerk, Section 151 and Monitoring Officer roles of the Committee.

(c) Chair

A Chairman and Vice Chairman will be elected at the first committee meeting, and annually thereafter at the Annual General Meeting.

(d) Substitutes

Where a substitute member takes the place of a committee member who is an executive member of the appointing partner authority, the substitute member must also be a member of the executive. The substitute member shall have the same rights of speaking and voting at meetings as the member for whom the substitution is made.

(e) Voting

One member one vote.

(g) Constitution

The Constitution of Gloucestershire County Council shall apply to the Committee.

(h) Scrutiny Arrangements

Decisions made by the committee shall be subject to the scrutiny arrangements of the relevant partner authority.

20. Gloucestershire Airport – Shareholder Forum

The Gloucestershire Airport Shareholder Forum shall have the functions, powers and responsibilities set out below.

Membership : 8 (Quorum 4) Cheltenham Borough Council and Gloucester City Council

Comprising: Four representatives (1 voting Member and 3 officers) from each of Cheltenham Borough Council and Gloucester City Council

[XX] representatives from the Airport company shall also be entitled to attend and speak at Forum meetings but shall have no voting rights

Requirement: Two representatives, comprising 1 Member and 1 officer from each of Cheltenham Borough Council and Gloucester City Council, must be present for meetings to be quorate.

Comment [s6]: Terms of Reference approved by Council – 20 November 2014

Deleted: 19

Comment [s7]: Note – awaiting confirmation of number from Airport but likely to be 4.

Part 3 - Responsibility for Functions

Frequency of	<u>4 meetings per annum, subject to review, and special meetings may be called if necessary.</u>
Location	<u>The location of Shareholder Forum meetings shall alternate between Cheltenham Borough Council offices, Gloucester City Council offices and Gloucestershire Airport offices.</u>
Chair	<u>Meetings shall be chaired by a shareholder Member representative and the Chair will alternate annually between the Cheltenham Borough Council and Gloucester City Council shareholder Members. The Chair of a meeting shall not have a casting vote.</u>
Support	<u>Support for arranging Shareholder Forum meetings, producing agendas and minutes and any other reasonable support shall be provided by the shareholding Council of the Chair of the relevant meeting. Each shareholder is responsible for ensuring that agendas and minutes of the Shareholder Forum and records of decisions taken by shareholder Members are published in accordance with each shareholder's own processes</u>
Voting	<u>All decisions requiring shareholder approval must be unanimous and may only be taken by the shareholder Member representative of each Council.</u>
Role:	<u>The Gloucestershire Airport Shareholder Forum has been established to provide a forum for the shareholding Councils to approve and oversee the performance of the Airport company and to enable the Airport's management to seek shareholder approval, where required.</u> <ol style="list-style-type: none"><u>1. To approve the Airport Strategy.</u><u>2. To review the Airport Strategy, as and when required.</u><u>3. To receive and approve the Airport Business Plan each year.</u><u>4. To review the Airport Business Plan, as and when required.</u><u>5. To receive and approve the Airport Budget each year, provided such Budget is within the financial framework of both shareholding Councils.</u><u>6. To review the Airport Budget, as and when required.</u><u>7. To monitor performance of the Airport company against the approved Airport Strategy, Business Plan and Budget and to request any necessary remedial action where performance is not in accordance with the approved Airport Strategy, Business Plan or Budget.</u><u>8. To receive requests from the Airport company for any funding not within the approved Budget and to refer any such requests supported by the Shareholder Forum to each respective Council for decision.</u><u>9. To receive requests from the Airport company for greater commercial freedom and to refer any such requests supported by the Shareholder Forum to each respective Council for decision</u>

Part 3 - Responsibility for Functions

10. To review and make recommendations to the Airport company on the Memorandum, Articles of Association and Shareholders' Agreement
11. To report on Airport company performance to each shareholding Council at least annually.
12. To provide a forum for communication between the Airport company and the shareholders, in particular on matters which impact the airport strategy and business plan delivery.

21. One Legal – Joint Monitoring and Liaison Group

Deleted: 20

1. PURPOSE

To oversee the performance and development of the Shared Legal Service on behalf of Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council (the 'Councils').

2. MEMBERSHIP AND FREQUENCY OF MEETINGS

- (1) The Joint Monitoring and Liaison Group will consist of :-
 - 2 Members from Gloucester City Council
 - 2 Members from Cheltenham Borough Council
 - 2 Members from Tewkesbury Borough Council
 - 1 Officer from Gloucester City Council
 - 1 Officer from Cheltenham Borough Council
 - 1 Officer from Tewkesbury Borough Council
- (2) The Joint Monitoring and Liaison Group will receive reports from the Council Solicitor and the Lead Lawyers and other senior officers of the Councils as necessary to properly fulfil its overall purpose.
- (3) The quorum of the Joint Monitoring and Liaison Group will be 6 with at least 1 Member from each Council and 1 Officer from any one of the Councils in attendance.
- (4) The Chairman of the Joint Monitoring and Liaison Group will be a Member of Gloucester City Council or Cheltenham Borough Council.
- (5) The Vice-Chairman of the Joint Monitoring and Liaison Group will be a Member of Tewkesbury Borough Council.
- (6) The Joint Monitoring and Liaison Group may invite any Members or persons to attend its meetings but such persons will not be entitled to vote.
- (7) The Joint Monitoring and Liaison Group shall meet at least quarterly.
- (8) The following substitution rules shall apply:-
 - The number of substitutions shall be equal to the number of absentees from each Council and/or Political Group;
 - Substitutes will have all the powers of Joint Monitoring and

Part 3 - Responsibility for Functions

Liaison Group members;

- The Leader of the relevant council will notify the Council Solicitor 1 hour in advance of the meeting;
- In respect of an officer substitution the Chief Executive or Managing Director of the relevant Authority will provide the notification;
- Substitutions will be announced at the beginning of the meeting;
- The Member of the Joint Monitoring and Liaison Group for whom substitution has been made will not be able to vote if attending the meeting.

3. TERMS OF REFERENCE

- (1) To review and monitor the performance of the Shared Legal Service and to make recommendations for service improvements.
- (2) To monitor the delivery of the Shared Legal Service in accordance with the s101 Agency Agreement.
- (3) To determine any disputes or differences that arise between the Councils in accordance with the s101 Agency Agreement.
- (4) To consider and make recommendations to Tewkesbury in respect of any termination of, or appointment to, the role of Council Solicitor.
- (5) To monitor on a quarterly basis the 5 year Financial Plan set out in the s101 Agency Agreement.
- (6) To consider at the expiration of the Financial Plan a new Financial Plan for the remainder of the Shared Legal Service arrangement and to make recommendations to the respective Councils accordingly.
- (7) To approve and monitor Service Standards and Client reporting protocols and to propose improvements as appropriate.
- (8) To receive reports on improvements or changes to service delivery and to recommend for approval of major changes to the service delivery, to the respective Councils as necessary.
- (9) To receive reports on cases where conflicts between the interests of the Councils have arisen or are likely to arise.
- (10) To receive reports on any potential expansion of the Shared Legal Service including increased shared working with other Councils or other public bodies and to make recommendations to the respective Councils accordingly.

Part 3 - Responsibility for Functions



Officers' Scheme of Delegation

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Part 3 - Responsibility for Functions

The key responsibilities of all Corporate Directors are to: -

Provide direction, leadership and effective management in respect of their service area.

Contribute to Corporate Strategies and Policies of the City Council.

Work in Partnership with the wider community.

Ensure customer focused outcomes.

Lead and encourage effective Overview and Scrutiny.

Prepare for Civil Emergencies and Business Contingency.

1. General Provisions

- 1.1 The Officer Delegation Scheme confers on the Head of Paid Service and Corporate Directors of Gloucester City Council, extensive powers to carry out Council functions, both Executive and Non-Executive.
- 1.2 The Head of Paid Service and Corporate Directors do not have delegated authority to take "Key" Decisions unless specifically authorised to do so by the Leader, Cabinet or Individual Cabinet Members, or if the Head of Paid Service or Corporate Director is taking action under urgency powers in accordance with paragraph 6 below.
- 1.3 The Head of Paid Service and Corporate Directors are not required to exercise all delegations personally and may delegate powers to other Officers of the City Council, either as shown in this scheme or by a personal delegation meeting the required criteria. Each Corporate Director is responsible for maintaining a register of such delegations and for notifying the Head of Legal and Policy Development of any delegations made.
- 1.4 All powers, responsibilities and duties must be exercised with professionalism and due diligence and be in accordance with current Legislation, Procedural Rules, Financial Regulations, Contract Standing Orders, Council Policies and decision-making processes.
- 1.5 If a matter is sensitive, contentious or doubtful then the officer should ensure they consult with the relevant Statutory Officers, Cabinet Member and Leader and/or Deputy Leader of the Council as deemed appropriate in the circumstances.
- 1.6 Each Corporate Director shall have the power in relation to the following to:-

Policy and Service Provision

- 1.7 Deal with all routine matters (not the subject of a report) of his/her Directorate and manage the resources assigned to him/her within the policies and corporate framework set by the Council and in accordance with legislation.
- 1.8 Contribute to the development of Corporate Strategies, Policies and Plans and the collective management of the Authority.
- 1.9 Ensure all key decisions are identified and dealt with in accordance with the Cabinet Procedure Rules, Overview and Scrutiny Procedure Rules, and the Budget and Policy Framework Procedure Rules (see Part 4).
- 1.10 To respond to national policy or other consultation documents, in consultation with the relevant Cabinet Portfolio Holder.

Legal Matters [Note. One Legal to be involved from earliest stage]

- 1.11 To authorise legal proceedings, in consultation with the One Legal in respect of offences under Acts, Regulations, bylaws or orders within the remit of the relevant Corporate Director or Head of Paid Service, subject to any relevant enforcement policy or guidance.

Personnel, Staffing and Employee Relations

Deleted: Legal Services

Deleted: Head of Legal and Policy Development,

Part 3 - Responsibility for Functions

- 1.12 To implement the Council's Personnel Policies and procedures in respect of:
- Recruitment Procedures, including advertisement of vacant posts
 - Selection, interviewing and appointment of staff (except where reserved for Council)
 - Appointment of temporary staff and casual workers
 - Appointment of Consultants, Technical and Specialist assistance
 - Training and attendance at Conferences and Seminars
 - Staff Appraisal and Development processes
 - Leave, Flexitime and Overtime
 - Grievance and Disciplinary matters
 - Allowances, accelerated increments, Career Grades, Honoraria, acting-up payments
- within the approved establishment of the Directorate, National Joint Conditions of Service and subject to appropriate budgetary provision.
- 1.13 To approve payment under the Council's approved Removal and Disturbance Allowance Scheme, and in relation to the granting of any extension of the temporary accommodation allowance beyond 6 months, subject to consultation with the Corporate Director of Resources.
- 1.14 To suspend and / or dismiss staff and employees in accordance with the appropriate code and conditions of service and to perform all appropriate duties as to their discipline, efficiency and welfare.
- 1.15 To authorise individual officers to perform the various functions required by the Criminal Procedure and Investigations Act 1996, after consultation with the Head of Legal and Policy Development.
- 1.16 To sign any notice, order or other document which the Local Authority is authorised or required to give or make or issue under any enactment that is specifically delegated by Council or of a kind falling within the Corporate Directors area of responsibility.

Financial and Contractual Matters

- 1.17 To ensure effective use of the Council's Financial Systems including the Budget building processes, Cost Centre Management, Creditors and Debtors and Audit systems.
- 1.18 To ensure compliance with Financial Regulations, Contracts Standing Orders, Procurement Rules and the Internal Audit Charter and Anti-Fraud and Corruption Strategy.
- 1.19 To incur expenditure from approved revenue estimates and capital programmes, including making virements, within the limits and Controls set down in Financial Regulations.
- 1.20 To submit bids in respect of external funding such as government grants, European funding, and other such funding bids or grants, subject to prior consultation with the Head of Finance and where appropriate, the relevant Cabinet Member and / or Leader of the Council.
- 1.21 To spend externally funded grants in accordance with any grant or other conditions imposed on the Council by the relevant funding body.
- 1.22 To seek and accept the most advantageous tenders and quotations for the supply of goods, materials, and services, and for approved projects, schemes and works in accordance with the provisions of Financial Regulations, Contract Standing Orders and Procurement Rules.
- 1.23 To enter into procurement arrangements for the provision of goods, services and works for the execution of the Council's day to day affairs, subject to compliance with the Council's Financial Regulations, Contract Standing Orders and Procurement Rules.
- 1.24 To settle Contractors' Claims and accept additional cost reports in line with thresholds set out in Contract Standing Orders.

Part 3 - Responsibility for Functions

- 1.25 To authorise payment of revenue grants to voluntary organisations from within approved budgets and within policy.
- 1.26 The following delegations (1.27 to 1.32) require the Head of Paid Service or Corporate Director to maintain a written record of decisions taken and the reasons for those decisions, (such record to be available for inspection by any Member of Council). If the matter is sensitive, contentious or doubtful then the officer should consult the relevant Cabinet Member and Leader and/or Deputy Leader of the Council.

In respect of Property Matters:

- 1.27 The granting or taking of leases, the completion of agreements, licences, registrations, consents, easements, wayleaves, terms for the sale and purchase of land or properties, the approval of rent reviews and renewals of leases which on the advice of One Legal, and the Asset Manager, are lawful and are either in line with inflation or the tone of the property market.
- 1.28 Where land is no longer required by the Council for the purpose for which it is held, the Gloucester Leadership Team may agree the form or method of disposal of such property, subject to the agreement of local Members. In all cases, outline planning consent for its beneficial use shall be obtained (see Contract Standing Orders, Section 16 – Land and Property).
- 1.29 The letting of land and premises under the control of the relevant Service.

Deleted: the Head of Legal and Policy Development

In respect of Tenders and Quotations:

- 1.30 The acceptance of the most advantageous tenders or quotations for the supply of goods or equipment or the execution of works within the approved estimates.
- 1.31 The acceptance of the most advantageous tender for a capital scheme.
- 1.32 The acceptance of the highest tenders or quotations for the disposal of land, goods or equipment not required.

Miscellaneous

- 1.33 The serving of notices and making of orders in relation to their service area responsibilities, in consultation with One Legal.
- 1.34 The taking of action in respect of civil emergencies and business continuity, including participating and contributing to the Emergency Plan.
- 1.35 To seek permission for the carrying out of development in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992.
- 1.36 To sign any documents that may be required in the course of the Council's business, where power to sign such documents is not already delegated under this Constitution.

Deleted: the Head of Legal and Policy Development

2. Responsibilities as Proper Officer Regarding Background Papers

- 2.1 Any officer presenting a report to the Council or any of its Committees, shall be the Proper Officer in relation to the provisions of Section 100D of the Local Government Act 1972 (as amended by section 97 (1) of the Local Government Act 2000). Where two or more officers present such a report jointly, the first officer named shall be the Proper Officer for these purposes.
- 2.2 In the event of a designated Proper Officer being absent or otherwise unable to act, any person(s) designated by them may deputise and shall be empowered to exercise the powers set out in Section 100D of the 1972 Act as amended, provided that where such powers relate to matters requiring professional skills and/or qualifications only such persons who possess those skills and/or qualifications shall be authorised to deputise in relation to such powers.

Part 3 - Responsibility for Functions

3. Sub-delegation of Statutory; General; Proper Officer; or Specific Powers

- 3.1 The Head of Paid Service or Corporate Directors **may**, in addition to the standing sub-delegations recorded in this Constitution, personally sub-delegate any of their responsibilities, powers or functions to a named person who is an employee of the City Council provided the sub-delegation criteria can be met and that the delegation given is lawful. The Head of Legal and Policy Development will hold a record of such personal delegations.

4. Planned and Unplanned Absence of Head of Paid Service

In the planned absence of the Head of Paid Service, a Head of Service will be selected on a rota basis and will be authorised to act as Deputy Head of Paid Service to exercise any of the powers delegated to the Head of Paid Service. The rota will be maintained by the Monitoring Officer and held with the Executive Support Team and the powers restored to the Head of Paid Service on return.

- 4.1 If such absence is unplanned and, consequentially, a personal delegation is not possible, then the Monitoring Officer will consult with the Leader, the Mayor and the Leaders of the opposition Groups in order to instigate an urgent action. The action may result in either confirming "planned absence" arrangements or filling the position with an interim arrangement. The urgent action shall be communicated to all Members by the Monitoring Officer and reported formally to the next Council meeting.

5. Consequential and Supplemental Provisions

- 5.1 Any reference in any enactment or statutory provision passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972; or in any instrument made before 26 October 1972; or in any Order made under Section 254 of the Local Government Act 1972, to the: -

- (a) Clerk or Town Clerk of a local authority in the capacity as Clerk, Town Clerk, Solicitor or Legal Officer;
- (b) The Treasurer or Finance Officer;
- (c) Surveyor, Planning Officer or Engineer;
- (d) Cemeteries Superintendent;
- (e) Medical Officer of Health;
- (f) Markets Superintendent;
- (g) Sanitary Inspector or Public Health Inspector or Chief Sanitary Inspector or Chief Public Health Inspector
- (h) Or any other officer

of a local authority, which, by virtue of any provision of the said Act, is to be construed as a reference to the appropriate Proper Officer of the Council for that function.

- 5.2 The Consultant in Communicable Disease Control, being a registered medical practitioner, is hereby authorised and appointed to do anything on behalf of the Council in relation to any matter arising under a function transferred to the said Council on the 1 April 1974, under the Local Government Act 1972, which, prior to that date, could be done by the Medical Officer of Health by virtue of his being a registered medical practitioner on behalf of the Gloucester Corporation.

6. Urgent matters

- 6.1 Where urgent matters arise and there is insufficient time to convene a meeting of the Council, or it would be disproportionate to do so in relation to the scale of the decision required, executive power is vested in the Head of Paid Service, in consultation with the Group Leaders (or, in their absence, with the Deputy Leader(s)) to deal with such matters and to give instructions provided that no decisions shall be made or instructions issued which are contrary to another resolution of the Council or to established practice.

Part 3 - Responsibility for Functions

- 6.2 Where urgent matters arise and there is insufficient time to convene a meeting of the Cabinet or relevant Committee or Sub-Committee, executive power is vested in the appropriate Corporate Director, in consultation with the Chair, Vice-Chair (or in their absence, their nominees who should, if possible, be members of the appropriate Committee) to deal with such matters and to give instructions provided that no decisions shall be made or instructions issued which are contrary to any resolutions of the Council, Committee, Sub-Committee or to established practice. In the case of Sub-Committees, the Chair of the parent Committee shall also be consulted.
- 6.3 Where urgent matters arise and neither the Head of Paid Service nor a Corporate Director is contactable, executive power is vested in the relevant Head of Service, in consultation with the Leader (or, in their absence, with the Deputy Leader(s)) or the relevant Chair (or in their absence, Vice-Chair) and in consultation with the Monitoring Officer and Head of Finance, to deal with such matters and to give instructions provided that no decisions shall be made or instructions issued which are contrary to any resolutions of the Council, Committee, Sub-Committee or to established practice. In the case of Sub-Committees, the Chair of the parent Committee shall also be consulted.
- 6.4 Where action is taken under 6.1 or 6.2 above, a report of that action, together with an explanation of the circumstances which made it necessary, shall be reported to the next meeting of the Council or Committee.

Part 3 - Responsibility for Functions

Head of Paid Service

A. General Powers

1. The Head of Paid Service is authorised to discharge any function of Full Council, a Committee of the Council or of the Executive in relation to: -
 - Overall corporate management and operational responsibility (including overall management responsibility for all officers).
 - Overall responsibility for the delivery of the Council's objectives and priorities.
 - Provision of professional advice to all political parties in the decision making process.
 - Responsibility for providing and maintaining a comprehensive system of formal record keeping to meet various legislative requirements and to maintain an accurate record of Council's decision-making processes.
 - Representing the Council on partnership and external bodies (as required by statute or the Council).

with exception of those matters where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to Full Council, a Committee of the Council or the Executive for consideration.

2. The Head of Paid Service is responsible for all matters considered to be sensitive, contentious or doubtful, and will consult the Leader, Deputy Leader or relevant Cabinet Member and other statutory officers as appropriate, and take urgent actions as necessary.
3. The Head of Paid Service is hereby delegated and empowered to deputise for any Corporate Director or other Manager in their absence or their inability to act. This includes undertaking their responsibilities as Proper Officer and dealing with all matters including sensitive, contentious, non-contentious, doubtful, or urgent matters.

B. Proper Officer Responsibilities

The post of Head of Paid Service is hereby responsible for carrying out the following "Proper Officer" functions as prescribed by legislation: -

Section	Legislation	Function
Section 270 (3)	Local Government Act 1972	Appointment of Proper Officers.
Section 4(2)	Local Government and Housing Act 1989	Duty to report to Council, where the Officer considers it appropriate, on the manner in which the discharge of the Council's functions is co-ordinated, the number and grades of staff required for the discharge of the Council's functions, the organisation of the Council's staff and the appointment and proper management of the Council's staff.
145 and 176	Local Government Act 2000 Local Government Act 1972	Officer who may defray expenses of any Members making official and courtesy visits, receptions and entertainment of distinguished persons visiting the Borough.
	Criminal Justice And Police Act 2001	Delegated power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items). (To be exercised by the Head of Paid Service in consultation with the relevant Corporate Director)

Part 3 - Responsibility for Functions

	Regulatory Enforcement and Sanctions Act 2008	
Schedule 14 para. 25(7)	Public Health Acts 1875 – 1925	Certification of resolution under Public Health Acts 1875 – 1925.
Section 191	Local Government Act 1972	Appointing officer
Sections 17 and 37	Crime And Disorder Act 1998	Having regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons (<i>Duty on all Corporate Directors</i>)
	Emergency Workers (Obstruction) Act 2006	Action / enforcement provisions

C. Specific Powers

The Council delegates the following specific powers to the Head of Paid Service or his/her nominees subject to prior consultation with the relevant Cabinet Member and Leader and/or Deputy Leader of the Council in relation to sensitive, contentious or doubtful matters:

1. To determine and recommend to Council an appropriate Senior Management Structure i.e Corporate Director Level.
2. In accordance with the Officer Employment Procedure Rules (see Part 4), and in relation to the appointment of Corporate Directors and Statutory Officers, to arrange a Panel of Council Members including at least one Cabinet Member to select and appoint Corporate Directors. (Any such appointment shall be reported to Council.)
3. To determine requests for early retirement and voluntary redundancy including lump sum compensation in accordance with Council policy and after consultation with the Head of Finance and the Head of Human Resources and Organisational Development **and the Leader of the Council.**
4. To approve the commissioning of independent advice and support where specialist advice or guidance is considered necessary upon any matter.
5. The power to make payments or provide other benefits in cases of maladministration etc. pursuant to Section 92 of the Local Government Act 2000.
6. The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.
7. To authorise requests for investigations under the Regulation of Investigatory Powers Act 2000 and to maintain a register of investigations authorised under the Act.

Comment [s8]: Requested by Leadership – January 2015

D. Sub-delegation

In addition to the sub-delegations detailed below, which are standing sub-delegations to specific posts, the Head of Paid Service may make further sub-delegations which must fulfill the following criteria:-

- (a) Be formally offered to and accepted by a named officer.

Part 3 - Responsibility for Functions

- (b) Be offered only if the Head of Paid Service is satisfied that the delegation of powers is commensurate with the qualification, training, experience and competence of the named officer.
- (c) Be limited for a specific period and / or for a specific purpose.
- (d) Be made in writing with sufficient detail to ensure clear understanding and any limitations of the delegated powers.
- (e) Be recorded in a register held by the Monitoring Officer.
- (f) All matters under this delegation, which may be interpreted, as being sensitive, contentious or doubtful be subject to prior consultation with the relevant Cabinet Member and Leader and/or Deputy Leader of the Council.

Deleted: Head of Legal and Policy Development

Part 3 - Responsibility for Functions

Corporate Director of Resources

A. General Powers:

1. The Corporate Director of Resources is authorised to discharge any function of Full Council, a Committee of the Council or of the Executive in relation to:
 - Finance, Accountancy and Audit
 - Client role for Housing, Streetcare, Leisure, Revenues and Benefits, Investigations and Welfare Rights and ICT, Communications and Payroll
 - Procurement
 - ~~Payroll~~
 - Creditors/Debtors
 - Corporate Governance and Risk Management
 - Use of Resources Framework
 - Human Resources and Organisational Development
 - Gloucestershire Airport
 - Performance Management and Review
 - Business improvement
 - ~~Legal and Democratic Services~~, including Electoral Administration and Civic Support
 - Communications and Marketing
 - Economic Development
 - Building Design
 - Property management
 - Housing Strategy
 - Off Street Parking and Car Parking

with exception of those matters where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to Full Council, a Committee of the Council or the Executive for consideration.

2. The Corporate Director of Resources is responsible for all matters considered to be sensitive, contentious or doubtful, and will consult the Leader, Deputy Leader or Executive Member and statutory officers as appropriate, and take urgent actions as necessary.
3. The Corporate Director of Resources is hereby appointed Deputy District Emergency Co-ordinator.

B. Proper Officer Responsibilities:

The Corporate Director of Resources is hereby appointed the Proper Officer in relation to: -

Section	Legislation	Function
	Criminal Justice And Police Act 2001	Delegated power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items) <i>(To be exercised by the Head of Paid Service in consultation with relevant Corporate Director).</i>

Part 3 - Responsibility for Functions

Sections 17 and 37	Crime And Disorder Act 1998	Having regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons (Duty on all Corporate Directors).
	The Local Government and Housing Act 1989	
Section 8	Representation of The People Act 1983	The Registration Officer for the purpose of the registration of electors.
Section 28	Representation of The People Act 1983	Discharge of Returning Officers functions.
Section 35	Representation of The People Act 1983	The Returning Officer at an election of Councillors.
Section 83 (1)	Local Government Act 1972	The officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act.
Section 83 (3)(b)	Local Government Act 1972	The officer before whom a declaration of acceptance of office of Chair of Council or Deputy Chair of Council may be made.
Section 84	Local Government Act 1972	The officer to whom written notice of resignation of elected office shall be delivered.
Section 86	Local Government Act 1972	The officer to declare any vacancy in any office under the Section.
Section 89 (1)(b)	Local Government Act 1972	The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough.
Sections 3 and 4	The Local Authorities (Referendums) (Petitions and Directions) England Regulations 2000	The Officer responsible for the publication of the verification number and checking the validity of any subsequent petition on whether the Authority should operate Executive arrangements which involve an elected Mayor.
Section 100 (4)	Local Government and Public Involvement in Health Act 2007 Sustainable Communities Act 2007	On behalf of Council, to undertake Community Governance Reviews in accordance with the 2007 Act and to receive petitions in respect of Community Governance Reviews. To consult, make and implement reviews in accordance with legislation and guidance.
Section 99 + Schedule 12 4(2)(b) and 4(3)	Local Government Act 1972	To give notice and send summonses in respect of any Council meeting.

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Section 100	Local Government Act 1972	To give public notice of any meeting to which the public are entitled to attend, provide copies of the agenda and facilities for the press.
Section 100B (2)	Local Government Act 1972	The power to exclude from Committees, Sub-Committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded.
Section 100B (7)(c)	Local Government Act 1972	The authority to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration.
Section 100C (2)	Local Government Act 1972	The officer to prepare a written summary of proceedings of committees, sub-committees, Council or the Executive from which the public were excluded.
Section 100D (1)(a)	Local Government Act 1972	The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive. (See also General provisions regarding Background papers).
Section 100D (5)	Local Government Act 1972	The Officer to determine which documents constitute background papers and Section 100H - ability to charge for the provision of such documents.
Section 100G	Local Government Act 1972	To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like.
Section 225 (1)	Local Government Act 1972	The officer to receive and retain statutory documents on behalf of the Authority.
Section 233	Local Government Act 1972	The officer to receive documents required to be served on the Authority.
Section 248	Local Government Act 1972	The officer responsible for the keeping of the roll of Freemen of the City.
Schedule 12 - paragraphs 4(2)(b) and 4(3)	Local Government Act 1972	The officer responsible for the receipt of notices regarding address to which summons to meetings is to be sent.
Schedule 14 - paragraph 25(7)	Local Government Act 1972	The officer responsible for the certification of true copies of resolutions.
Section 2	Local Government And Housing Act 1989	The officer to hold on deposit the list of politically restricted posts and Section 2 - provision of certificates as to whether a post is politically restricted.
Sections 15 to 17	Local Government And Housing Act 1989 Local Government (Committees and Political Groups) Regulations 1990	The officer to receive notices relating to the membership of political groups.
	Local Government Act 2000	The officer responsible for ensuring a proper record is made of Executive decisions.

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	Local Government Act 2000	To make payments of relevant allowances in accordance with the Council's Members' allowances scheme.
	Civil Evidence Act 1995	To certify Council records for the purposes of admitting the document in evidence in civil proceedings.
Section 88 (2)	Local Government Act 1972	The officer by whom a meeting of the Council for the election of the vacant office of Chair person of the Council may be convened.
Section 96	Local Government Act 1972	The officer to whom general notices and recording of disclosures of interests under Section 94 should be given.
	Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	The Proper Officer in relation to the 2012 Regulations.

C. Specific Powers:

1. To withhold or reduce grant instalments to voluntary organisations, such power to include the withholding or reduction of a new year's grant by any underspend in the previous year.
2. To exercise the functions of the Council in relation to ICT and Procurement.
3. To exercise the functions of the Council in relation to matters relating to e-government.
4. The determination of the maximum rate of recovery for Housing Benefit overpayments.
5. To authorise the use of directed surveillance and the use of covert human intelligence sources for partnership operations and in connection with the prevention and detection of crime against the authority in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA).
6. To exercise the functions of the Council in relation to the Council's employment policies; organisational development, employee relations, and corporate personnel matters after consultation with the relevant Cabinet Member.
7. To action staff salaries following re-evaluation of posts in accordance with the Council's job evaluation procedures.
8. To revise existing employment policies and terms and conditions following consultation with the Employee Forum and the Organisational Development Committee.
9. To approve and vary the Council's ICT policies, in consultation with the Cabinet Member for Performance and Resources and the Chair of the Audit and Governance Committee.
10. To act as the Council's Senior Information Risk Officer.
11. To determine appeals in respect of compensation claims for listed land (assets of community value) in consultation with the Cabinet Member for Performance and Resources and the Head of Regeneration and Economic Development.
12. To accept or reject expressions of interest submitted under the community right to challenge, in accordance with the legislation and in consultation with the relevant Cabinet Member and the Monitoring Officer.
13. The appointment of Council representatives to outside bodies and organisations after consultation with the Leader and Deputy Leader of the Council and Group Leaders.

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14. To act as lead officer in respect of the work of the Independent Members' Remuneration Panel and to implement the Council's decisions, including advertising changes to the Members' Allowances Scheme and publishing an annual summary.
15. To have overall responsibility for Freedom of Information including training, public information and determining exemptions where necessary.
16. To exercise the functions of the Council in relation to the Council's democratic and electoral services including those specified in paragraph D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, excluding paragraphs D1, D6, D15 and D17.
17. To exercise the functions of the Council in relation to the strategies and policies regarding information management.

D. Sub-delegations:

In addition to the sub-delegations detailed below, which are standing sub-delegations to specific posts, the Corporate Director of Resources may make further sub-delegations which must fulfill the following criteria: -

1. be formally offered to and accepted by a named officer;
2. be offered only if the Corporate Director of Resources is satisfied that the delegation of powers is commensurate with the qualification, training, experience and competence of the named officer;
3. be limited for a specific period and / or for a specific purpose;
4. be made in writing with sufficient detail to ensure clear understanding and any limitations of the delegated powers;
5. be recorded in a register held by the Head of Legal and Policy Development;
6. any matters under this delegation, which may be interpreted, as being sensitive, contentious or doubtful be subject to prior consultation with the relevant Cabinet Member and Leader and/or Deputy Leader of the Council.

E. Sub-delegation to Head of Legal and Policy Development

1. ~~All non-contentious or urgent matters relating to the Legal, Democratic, Electoral Corporate and Civic Support and the Client Side for Communications and Marketing Services.~~
2. To deputise, in the absence of the Corporate Director of Resources, in matters relating to the activities of the service group.
3. To make appointments to fill vacancies occurring during the municipal year upon any committee, forum, working party etc., or organisation to which the Council normally makes appointments, after consultation with the Group Leaders.

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Comment [s9]: Change to reflect delegation of legal functions (Cabinet – 15 October 2014) and delivery of communications functions by Gloucestershire County Council (Cabinet decision – 25 March 2015)

F. Sub-delegation to Head of Regeneration and Economic Development

1. All non-contentious or urgent matters relating to the Council's non-housing corporate property, facilities management of the Docks offices, capital projects, property maintenance, Off-street Parking, Economic Development and City Centre Management.
2. To approve the provision, maintenance and disposal of the Council's administrative and operational buildings.
3. To carry out internal reviews of any decision to list an asset under Section 92 of the Localism Act 2011.
4. In relation to Car Parking and subject to the service level/agency agreement with the Highway Authority (Gloucestershire County Council), to negotiate and complete any

Part 3 - Responsibility for Functions

necessary service level agreements, agency arrangements, contracts with service providers (e.g. parking monitoring, ticketing) and the creation of an appropriately expanded and refocused City Council based parking service.

5. To approve grants and loans within the Economic Development budget provisions after consultation with the relevant Cabinet Member.
6. To approve Funding bids for regeneration, after consultation with the Head of Finance and the relevant Cabinet Member.

G. Sub-delegation to Head of Finance (S151 Officer)

The Head of Finance is hereby appointed the Proper Officer in relation to: -

Section	Legislation	Function
Section 115 (2)	Local Government Act 1972	The officer to whom money properly due from officers shall be paid.
Section 146 (1) (a and b)	Local Government Act 1972	The officer to make statutory declarations and issue any certificate with regard to securities held by local authority companies.
S151 and Sections 113 and 114	Local Government Act 1972 Local Government Finance Act 1988	The officer to be responsible for the proper administration of the Authority's financial affairs (and to issue a report to Members if there is or is likely to be unlawful expenditure or an unbalanced budget).
210(6) and (7)	The Local Government Act 1972	In relation to Treasurer or Finance Officer.
Section 228(3)	Local Government Act 1972	Inspection of accounts.
	Local Government Act 2003	Requirement to report to Council annually on the robustness of estimates and financial reserves.
Regulation 6	Accounts and Audit Regulations 2011	Requirement to provide adequate and effective system of internal audit of its accounting records and of its system of internal control. Also to provide for internal auditors to have access to, and be supplied with, any documents, information, or explanations necessary for the purpose of the audit.
Section 116 -	Local Government Finance Act 1988	Notification to the Council's auditor of any meeting to be held under Section 15 of the 1988 Act (meeting to consider any report of the Chief Finance Officer under Section 114).
Section 139A	Local Government Finance Act 1988	Provision of information to the Secretary of State in relation to the exercise of his powers under this Act as and when required.
	Local Government (Contracts) Act 1997 and Regulations	Certification of relevant powers to enter into contracts (Authorised and Appointed jointly with the Head of Legal and Policy Development).
	The Local Authority (Capital Finance and Accounting) (England) Regulations 2003	

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Specific Powers:

1. All non-contentious or urgent matters relating to the financial and procurement services of the Council.
2. To be the Officer responsible for the administration of the Council's financial affairs pursuant to S151 of the Local Government Act 1972, Section 112 of the Local Government Finance Act 1988 and the Local Government Finance Act 1992. To ensure Best Practice in Financial Management and to implement robust and effective financial procedures and processes to ensure best use of resources.
3. To annually review the effectiveness of the system of internal audit and control, and provide a report to the Audit and Governance Committee in support of the Annual Governance Statement.
4. To review Financial Regulations, Contract Standing Orders and Procurement Rules in accordance with Legislation, CIPFA Guidelines and accounting best practice.
5. To maintain an internal audit system on behalf of the Council pursuant to Regulation 5 of the Accounts and Audit Regulations 2011.
6. To prepare the Council's Annual Statement of Accounts in accordance with Legislation, this Constitution and CIPFA Guidelines and accounting best practice and to recommend those accounts to Audit and Governance Committee.
7. To recommend to Council and Cabinet matters in respect of the Virement Statement Policy and Strategy.
8. To approve and/or recommend virements in accordance with the Council's Virement Policy.
9. To approve the Council's short-term financial investments.
10. To write off irrecoverable debts of less than £10,000 and to make recommendations to the Cabinet Member for Performance and Resources in respect of debts in excess of £10,000, but below £100,000. Irrecoverable debts greater than £100,000 will be the subject of a report to Council.
11. To liaise with both internal and external Auditors.
12. To lead the annual review of the 3 Year Money Plan.
13. To lead the Annual Review of the Treasury Management Strategy / Plan and Annual budget setting process.
14. To lead the Annual Review of the Short-Term Investment Strategy.
15. To develop, implement and review the Council's Procurement Strategy and Policies.
16. To fix the local average rate of interest as defined in Section 438 of the Housing Act 1985.
17. To calculate the annual Council Tax base for the City Council.
18. To administer the Council's Concessionary Fares Scheme in line with national and local policies and legislation.
19. To determine claims for compensation for listed land (assets of community value) in consultation with the Cabinet Member for Performance and Resources and the Asset Manager.

H. Sub-delegation to Audit, Risk and Assurance Manager

1. All non-contentious or urgent matters relating to the Internal Audit Service.
2. To undertake all duties and responsibilities of the Head of Internal Audit required by legislation and CIPFA guidance.

I. Sub-delegation to Business Improvement Manager

Part 3 - Responsibility for Functions

1. All non-contentious or urgent matters relating to the Business Improvement Service, the Client side for Revenues and Benefits and the Client side for IT.
2. The negotiation and approval of performance through business improvement plans and annual reports for Gloucester City Homes, Aspire, Enterprise and Civica.
2. To monitor performance and negotiate any necessary changes or improvements in respect of the Revenues and Benefits services.
3. In consultation with the Head of Finance, to write-off irrecoverable debts (including overpayments of benefit) of up to £5,000.
4. To impose sanctions in Benefit Fraud cases.
5. To represent the Council in the Magistrates' Court and in the County Court and, in respect of Housing and Council Tax Benefit Appeals, to represent the Council at Hearings of the Appeals Service.
6. To grant discretionary housing payments.
7. To decide whether or not to recover an overpayment of Housing Benefit or Council Tax benefit, having regard to the circumstances of the individual.
8. To represent the Council in the County Court in debt recovery proceedings.
9. To administer on behalf of the Council, any Tax and National Non-domestic Rates schemes including the service of all necessary notices and the issue and conduct of all necessary proceedings.
10. To determine applications for Discretionary Rate Relief made pursuant to Section 47 of the Local Government Finance Act 1988 provided that all appeals against such determinations shall be determined by the Head of Finance.
11. To determine applications for remittance in full or part on the grounds of hardship, pursuant to Section 49 of the Local Government Finance Act 1988, provided that all appeals against such determinations shall be determined by the Head of Finance.
12. To determine locally defined Council Tax discounts in accordance with S13A of the Local Government Finance Act 1992.
13. To sign and serve completion notices under Schedule 4A of the Local Government Finance Act 1988 as amended for Non Domestic Rates and under Section 17 of the Local Government Finance Act 1992 for Council Tax.
14. To represent the Council at Valuation Tribunals and to authorise other Officers to attend and represent the Council at such Valuation Tribunals.
15. To determine applications received under the provisions of Section 44A of Schedule 5 of the Local Government Finance Act 1988 (Non Domestic rates – partly occupied Properties).
16. In consultation with the Head of Legal and Policy Development to authorise specific officer(s) to attend Magistrates' and County Court on behalf of the Council on matters relating to the Revenues, Fees and Charges Services.
17. To approve the removal of goods where distraint has taken place by authorised certificated bailiffs in respect of Council Tax. In relation to Business Rates this power is deferred to the bailiff company.
18. To liaise with Gloucester City Homes in respect of the functions of the Council as Local Housing Landlord and in accordance with the Council's Housing Strategy and Policies.
19. To lead the development and implementation of the Council's ICT Strategy and associated policies including provision of services to external partners.
20. To be responsible for a robust ICT Systems Infrastructure including System and Data Security, Integrity including Systems of protection from intrusion.

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21. To maintain an Asset Management Register of all ICT related equipment, including hardware, firmware, software, licenses and any intellectual rights.
22. To be responsible for all internet and intranet facilities, including on-line services, data quality and content copyright.
23. To be responsible for Data quality matters in consultation with the Head of Legal and Policy Development.

J. Sub-delegation to Asset Manager

1. To enter into negotiations for the sale of freehold, short and long leasehold and licence interests in Council land and buildings.
2. To approve the acquisition and disposal of property acquired for the general benefit, improvement and development of the City, in accordance with the Council's policies and financial provisions made for the purpose, after consultation with the Head of Finance and relevant Cabinet Member, Leader and/or Deputy Leader of the Council.
3. To approve the appropriation of land and/or buildings from one Council purpose or function to another and the terms thereof.
4. To maintain an Asset Register of all property, land and other significant asset ensuring individual Asset Management Plans and corporate working through a Corporate Asset Management Group.
5. To engage specific expertise and assistance as and when required in respect of surveys for individual Asset Management Plans and financial and environmental evaluations.
6. To ensure statutory testing is undertaken as required by legislation and to maintain records relating to each property asset of the Council.
7. To act as a Construction, Design and Management Contract Co-ordinator.
8. To determine nominations for the inclusion of local assets on the Council's list of assets of community value.
9. To manage the letting of accommodation at the North Warehouse, such authority to including determination of "free uses".
10. To make such Orders as are appropriate and required in relation to public car parking, in consultation with the Cabinet Member for Regeneration and Culture.

~~K. Sub-delegation to Communications and Marketing Service Manager~~

- ~~1. All non-contentious or urgent matters relating to internal and external communications, promotions, and marketing of the city.~~
- ~~2. To deputise, in the absence of the Corporate Director of Resources, in matters relating to communications and marketing.~~

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Comment [s10]: Service delivery delegated to Gloucestershire County Council; Client-side role with Head of Legal and Policy Development– Cabinet decision 25 March 2015

Part 3 - Responsibility for Functions

Corporate Director of Services and Neighbourhoods

A. General Powers:

1. The Corporate Director of Services and Neighbourhoods is authorised to discharge any function of Full Council, a Committee of the Council or of the Executive in relation to:
 - Homelessness and Allocations
 - Environmental Health
 - Regulatory Services
 - Cemeteries and Crematoria
 - Customer Services
 - Community Safety
 - Business Continuity Planning
 - Emergency Planning
 - Safeguarding Children
 - Policy and Partnerships including Community, Strategy, Engagement and Equalities
 - Health and Wellbeing
 - Museums
 - Shopmobility
 - Facilities management (including catering)
 - Street trading
 - Markets
 - Guildhall
 - Tourist Information Centre (TIC)
 - Streetcare
 - Marketing Gloucester
 - Development Control
 - Building Control
 - Client – Housing
 - Client – Shared Legal Service (One Legal)

with exception of those matters where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to Full Council, a Committee of the Council or of the Executive for consideration.

2. The Corporate Director of Services and Neighbourhoods is responsible for all matters considered to be sensitive, contentious or doubtful, and will consult the Leader, Deputy Leader or relevant Cabinet Member and statutory officers as appropriate, and take urgent actions as necessary.
3. The Corporate Director of Services and Neighbourhoods is hereby appointed District Emergency Coordinator.

B. Proper Officer Responsibilities:

1. The Corporate Director of Services and Neighbourhoods is hereby appointed the Proper Officer in relation to: -

Part 3 - Responsibility for Functions

Section	Legislation	Function
Section 138	Local Government Act 1972 (as amended by Local Government and Housing Act 1989)	Authority to exercise powers of the Council in cases of emergency.
	Public Health (Control Of Diseases) Act 1984	Corporate Director – Services and Neighbourhoods to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and as Proper Officer for notifiable diseases.
	Public Health (Infectious Diseases) Regulations 1988	Reporting of notifiable diseases.
	Food Safety (General Food Hygiene) Regulations 1995 Food (England) Regulations 2006 General Food Regulations 2004	
	The Milk And Dairies (General) Regulations 1959	
17 and 37	Crime And Disorder Act 1998	Having regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons and Youth Justice System. (Duty on all Corporate Directors)
4	Regulatory Enforcement and Sanctions Act 2008	Lead Officer for the authority having regard to guidance and advice of the Local Better Regulation Office regarding Enforcement and Regulatory Powers.
Section 210 (6) and (7)	Local Government Act 1972	Transitional powers with respect of Charities.
Section 20	The Party Wall Act 1996	Appointing officer
	The Building Act 1984	Action / enforcement provisions
	Building Regulations 2010 (as amended)	Action / enforcement provisions
Section 37	The Public Health Amendments Act 1890	Action / enforcement provisions
Section 20	The Building (Approved Inspectors, etc.) Regulations 2010	Action / enforcement provisions
	The Building (Local Authority Charges) Regulations 2010	Appointing officer

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subject to delegated powers in respect of Building Control matters being exercised only, where appropriate, in consultation with a qualified Building Control officer.

- The Corporate Director of Services and Neighbourhoods is authorised to enforce the provisions of the Environmental Protection Act 1990 where the City of Gloucester is the waste collection authority (Part II), principal litter authority (Part IV), waste collection authority (Part VIII).

C. Specific Powers:

- The Corporate Director of Services and Neighbourhoods has specific powers, legislative and delegated in respect of the following Legislation, Orders and Regulations. In addition, the Corporate Director of Services and Neighbourhoods will ensure compliance with all statutory amendments or modification of the legislation, orders and regulations or that have any effect by virtue of the European Communities Act 1972.
- To exercise, through Service Managers and professional officers, all enforcement, inspection, and legislative functions including issuing, transferring, varying statutory notices consents and licences and the refusal of a consent or licence.
- To deal with all other statutory and non-statutory matters and functions within the purview of the Directorate including matters relating to the following legislation (as amended):-

GCC Ref	Sub-Delegation Ref	Legislation
1.	E	Agriculture Act 1986
2.	E	Animal Boarding Establishments Act 1963
3.	CS	Anti Social Behaviour Act 2003
4.	E	Breeding and Sale of Dogs (Welfare) Act 1999
5.	E	Breeding of Dogs Act 1973, 1991
6.	E	Building Act 1984
7.	E	Caravan Sites Act 1968
8.	E	Caravan Sites and Control of Development Act 1960
9.	L	Charities Act 2006
10.	E	Clean Air Act 1993
11.	E & CS	Clean Neighbourhood and Environment Act 2005
12.	E	Consumers, Estate Agents and Redress Act 2007
13.	E F	Contaminants in Food (England) Regulations 1997, 2007, 2010
14.	E	Control of Dogs Order 1992
15.	E	Control of Pollution Act 1974, and (Amendment) Act 1989
16.	E	Criminal Damage Act 1971
17.	E CS L	Criminal Justice and Public Order Act 1994
18.	E CS L	Criminal Justice and Police Act 2001 (Sections 12-16 and 19-20)
19.	E CS L	Criminal Procedure and Investigation Act 1996
20.	E	Dangerous Wild Animals Act 1976
21.	E	Defective Premises Act 1972
22.	E	Dogs (Fouling Land) Act 1996 and Dogs (Fouling of Land) Regulations 1996
23.	E	Energy Act 1976
24.	E	Environment Act 1995
25.	E	Environmental Damage (Prevention and Remediation) Regulations 2009
26.	E	Environmental Protection Act 1990 (as amended) where the Council is the Enforcing Authority (Part I) or the local authority (Parts III and VII) including: <ul style="list-style-type: none"> Sections 6 and 7 - Granting of authorisations and conditions Sections 8 and 12 - Revocation of authorisations Sections 10 and 11 - Variation of authorisation and conditions Section 13 - Enforcement Notices

Comment [s11]: Requested by Officer
- 6 March 2015

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		<ul style="list-style-type: none"> • Section 14 - Prohibition Notices • Section 34 –Duty of care etc. as respects waste • Section 34A – Fixed penalty notices for certain offences under Section 34 • Section 46 – receptacles for household waste • Section 47 – Receptacles for commercial or industrial waste • Section 80 - Abatement Notices • Section 81 - Statutory Nuisance - Supplementary Provisions • Section 88 - Fixed Penalties re Litter • Section 99 - Shopping and Luggage Trolleys • Sections 149 and 150 - Control of Dogs • Schedule 1 Part 1 - Applications for authorisation further information • Part 2A
27.	E	European Communities Act 1972
28.	E	Farm and Garden Chemical Act 1967
29.	E	Food and Environment Protection Act 1985 (Part I) (Part III)
30.	E F	Food Safety Act 1990 (as amended)
31.	E F	Food Hygiene (England) Regulations 2006 (as amended): <ul style="list-style-type: none"> • Regulation 6 Hygiene Improvement Notices • Regulation 8 Hygiene Emergency Prohibition Notices • Regulation 9 Remedial Action Notices and Detention Notices • Regulation 12 Sampling • Regulation 14 Powers of Entry • Regulation 27 Certify food failing to meet food safety requirements
32.	L	Gambling Act 2005
33.	E F	General Food Regulations 2004
34.	E	Hazardous Waste (England and Wales) Regulations 2005
35.	E	Health Act 2006 <ul style="list-style-type: none"> • Section 9 and Schedule 1 – Fixed penalties • Section 10 and Schedule 2 – Powers of Entry
36.	E	Health and Safety at Work etc Act 1974 To exercise the power of an Inspector specified in: - <ul style="list-style-type: none"> • Sections 20 and 25 of the 1974 Act; • Any Health and Safety Regulations and Sections 21 and 22 of the 1974 Act; • The provision of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that schedule and of the Regulations; • Orders or other instruments of a legislative character made of having effect under any provision so specified, as in force. • To institute proceedings pursuant to Section 38 of the 1974 Act.
37.	E	Highways Act 1835, 1864, 1980 and 1990
38.	E	Home Safety Act 1961
39.	L	House to House Collections Act 1939 and Regulations 1947
40.	E	Housing Act 1985
41.	E	Housing Act 1996
42.	E	Housing Act 2003
43.	E	Housing Act 2004
44.	E	Housing Grants Construction and Regeneration Act 1996
45.	E	Imported Food Regulations 1997
46.	E	Land Drainage Act 1976, 1991, 1994
47.	E	Environmental Impact Amendment (Local Drainage Improvement Works) Regulations 1994
48.	E	Law of Property Act 1925
49.	L	Licensing Act 2003
50.	L	Local Government (Miscellaneous Provisions) Act 1976, and 1982
51.	E	Local Government Act 1972 and 1985

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52.	E	Local Government Act 2003
53.	E	Local Government and Housing Act 1989
54.	E	The Mobile Homes Act 2013
55.	E	National Assistance Act 1948
56.	E	New Roads and Street Works Act 1991
57.	E	Noise Act 1996
58.	E	Noise and Statutory Nuisance Act 1993
59.	E F	Official Feed and Food Controls (England) Regulations 2009 (as amended) as an Authorised Officer for the purpose of that Act to execute and enforce the Import Provisions in its area in relation to food (Regulation 24) and entitled to act on these matters below: <ul style="list-style-type: none"> Regulation 30 Notice to detain, destruct, special treatment, re-dispatch and other appropriate measures Regulation 35 Procurement of samples Regulation 36 Analysis of samples Regulation 37 Powers
60.	L	Pedlars Act 1871
61.	E	Pet Animals Act 1951
62.	L	Police, Factories etc. (Miscellaneous Provisions) Act 1916
63.	E	Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended)
64.	E	Pollution Prevention and Control Act 1999
65.	E	Prevention of Damage by Pests Act 1949
66.	E F	Products of Animal Origin (Disease Control) (England) Regulations 2008 as amended as an Authorised Officer for the purpose of the Act and entitled to act on these matters below Part 4 Regulation 17 Powers of Inspectors
67.	E F	Products of Animal Origin (Import and Export) Regulations 1996 as amended as an Authorised Officer for the purpose of that Act and entitled to act on these matters below: <ul style="list-style-type: none"> Regulation 6(2) Power of Entry Regulation 6(3) Enforcement Powers Regulation 13(2) Inspection and checking of imports under Part III Intercommunity trade Regulation 16(1) Consignments posing a risk to health and illegal consignments Regulation 16(3) Notice to prohibit the movement Regulation 16(4) Notice for destruction
68.	E F	Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (as amended) as an Authorised Officer for the purpose of that Act and entitled to act on these matters below: <ul style="list-style-type: none"> Regulation 8(1) Power of Entry Regulation 8(2) Detention Notice Regulation 24(2) Re-dispatch/Dispose Regulation 25 Seizure Consignment/Dispose Notice dangerous to health
69.	E	Public Health (Control of Diseases) Act 1984
70.	E	Public Health Act 1875, (Amendment Act 1890), 1936
71.	E	Public Health Acts 1936 and 1961
72.	E	Refuse Disposal (Amenity) Act 1978, Section 3(1)
73.	E	Regulatory Enforcement and Sanctions Act 2008
74.	CD (S&N)	Regulation of Investigatory Powers Act 2000
75.	E	Regulatory Reform (Housing Assistance) (England and Wales) 2002
76.	E	Reservoirs Act 1975
77.	E	Riding Establishment Acts 1964 and 1970
78.	E	Rights of Way Act 1990
79.	E	Rivers (Prevention of Pollution) Act 1951
80.	E	Rivers Pollution Act 1876
81.	E	Road Traffic Regulations Act 1984

Comment [s12]: Requested by officer – 6 March 2015

Part 3 - Responsibility for Functions

82.	L	Scrap Metal Dealers Act 2013
83.	E	Slaughter of Animals Act 1958
84.	E	Slaughter of Poultry Act 1967
85.	E	Slaughterhouses Act 1974
86.	E	The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (from 1 October 2015)
87.	E	The Smoke-free (Premises and Enforcement) Regulations 2006
88.	E	The Smoke-free (Penalties and Discounted Amounts) Regulations 2007
89.	E	The Smoke-free (Exemptions and Vehicles) Regulations 2007
90.	E	The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
91.	E	The Smoke-free (Signs) Regulations 2007
92.	E	Sunbeds (Regulation) Act 2010
93.	E	Sunday Trading Act 1994
94.	E	Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, SI 1988, No. 1199
95.	E	Town and Country Planning (Environmental Impact Amendment) (England and Wales) Regulations 1999
96.	E	Town and Country Planning Act 1971
97.	E	Town and Country Planning Act 1990
98.	E	Town and Country Planning General Development Order 1995
99.	L	Town and Police Clauses Acts 1847 and 1889
100.	E F	The Trade in Animals and Related Products Regulations 2011
101.	E F	The Transmissible Spongiform Encephalopathies Regulations 2010
102.	L	Transport Acts 1980, 1981 and 1985
103.	L	Vehicles (Crime) Act 2001
104.	L	The Motor Salvage Operators Regulations 2002
105.	E	Waste Management Licensing Regulations 1994
106.	E	Water Act 1989
107.	E	Water Act 2003
108.	E	Water Industry Act 1991
109.	E	Water Resources Act 1991 (particularly Section 105)
110.	E	Waterworks Clauses Act 1847
111.	E	Weeds Act 1959 c54
112.	E	Wildlife and Countryside Act 1981
113.	E	Zoo Licensing Act 1984

4. To exercise the functions of the Council in relation to matters relating to Customer Services.
5. To approve funding bids for initiatives and work relating to services and neighbourhoods which may or may not involve match funding in consultation with the Head of Finance and the relevant Cabinet Member.
6. To authorise the use of directed surveillance and the use of covert human intelligence sources for partnership operations and in connection with the prevention and detection of crime against the authority in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA).
7. The determination of expenditure under the approved youth policy, neighbourhood partnerships, community strategy and anti-poverty budgets, after consultation with the relevant Cabinet Member.
8. The allocation and distribution of supplementary grants to voluntary, charitable and not for profit organisations in the City in addition to those approved annually by the Council, after consultation with the Cabinet.
9. The approval of Funding bids for Community Development which may or may not involve match funding, in consultation with the Head of Finance and the relevant Cabinet Member.

Part 3 - Responsibility for Functions

10. The determination of applications for funding by voluntary and community groups within the budget and scheme of funding approved by Council current at the time in consultation with the relevant Cabinet Member.
11. The determination of development grants within the budget limits set by Council.
12. In the absence of the Corporate Director of Services and Neighbourhoods, each Head of Service within the Directorate will take full responsibility for their area of service and, where a Head of Service is also absent, then, providing that other Heads of Service within the Directorate are qualified, trained, experienced and competent, they may deputise for the Head of Service in their absence.
13. All non-contentious or urgent matters relating to Customer Services, Leisure, Cemeteries and Crematoria, Community Development and Partnerships.
14. The management and approval of the provision and uses of the Council's disused burial grounds.
15. The preparation of tender bids for non-construction related housing contracts.
16. To approve the transfer of mortgage property on marital break-up or death or other family arrangements after consultation with the Head of Legal and Policy Development. On transfer of the mortgage the Head of Finance will also be consulted.
17. To exercise the Council's functions in respect of Safeguarding Children.
18. To approve minor amendments to Scrap Metal Dealer licensing policy following consultation with the Chair of Licensing and Enforcement Committee.
19. Subject to prior consultation with One Legal, to take the following action under the provisions of the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Building and Conservation Areas) Act 1990:
 - (i) The service of Completion Notices, Planning Contravention Notices, Enforcement Notices, Breach of Condition Notices, Notices of Intended Entry, Section 215 Notices and Requisitions for Information.
 - (ii) To serve Notices and exercise the Council's powers of removal and obliteration in respect of unauthorised advertisements (Sections 224 and 225 A – K).
 - (iii) To serve, and unless objections are received, confirm Tree Preservation Orders.
 - (iv) To serve Tree Replacement Notices under Section 207.
 - (v) To serve Stop Notices and Temporary Stop Notices (Sections 183 and 171E to 171H).
 - (vi) To serve Listed Building Enforcement notices under S.38 of the Planning (Listed Building and Conservation Areas) Act 1990.
 - (vii) To serve notices requiring urgent works to unoccupied Listed Buildings under S.54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
20. To deal with all matters relating to temporary road closures, including giving public notice.
21. The approval of the provision of recreational leisure, sporting activities, exchanges and entertainment
22. To vary charges for the hiring or letting of all leisure facilities within defined total financial targets.
23. The determination of all sports grant applications under £5,000 in value, after consultation with the relevant Cabinet Member.
24. To determine plans under the Building Act 1984, and Regulations and associated legislation, the determination of relaxations and type relaxations under the Building Regulations and to approve the Building Regulation system and type approvals under the Local Authority National Type Approval Consortium scheme.

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Part 3 - Responsibility for Functions

25. To exercise the powers and functions of the Council relating to charging of fees under the Building (Local Authority Charges) Regulations 2010 and Planning Legislation.
26. To set fees as required under the Building (Local Authority Charges) Regulations 2012.
27. To determine what is a County matter pursuant to Schedule 1 of the Town and Country Planning Act 1990 and any amending legislation and to comment on such matters, subject to consultation with the Planning Committee in any case of doubt.
28. To determine details submitted pursuant to Conditions.
29. To determine minor variations of a non-controversial nature to approved plans.
30. To determine applications for non-material amendments submitted under Section 96A of the Town and Country Planning Act 1990.
31. To provide a screening opinion under Regulation 5, require an environmental statement under Regulation 7, provide a scoping opinion under Regulation 13, and carry out all publicity and other action pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
32. To determine planning applications which are subject to prior agreements under Section 106 of the Town and Country Planning Act 1990
33. To determine jointly with One Legal the wording of, and completion of agreements under Section 106 of the Town and Country Planning Act 1990.
34. To determine applications pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, for certificates of lawfulness of existing or proposed use or development.
35. To serve notices under Section 35 and 36 of the Building Act 1984 and under the Building Regulations 2010.
36. To take appropriate action under and to enforce the provisions of the Building Act 1984, the Building Regulations 2010 (as amended), Section 37 of the Public Health Amendments Act 1980, Section 20 of the Building (Approved Inspectors, etc.) Regulations 2010 (as amended), and section 317 of the Housing and Regeneration Act 2008.
37. To take appropriate action under and enforce the provisions of Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (enabling works to be undertaken to secure unoccupied or vacant premises, the securing of dangerous structures and the boarding up of premises at work).
38. To take appropriate action in respect of Dangerous Buildings under Sections 77 and 78 of the Building Act 1984.
39. The determination of all forms of planning and other applications, and all forms of consent and other notifications (except as set out in paragraph 30 below) submitted under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 including:
 - Outline planning and reserved matters applications and any subsequent amendments.
 - Renewals of planning permission and any subsequent amendments.
 - Removal/variation of planning conditions.
 - Advertisement consent.
 - Lawful Development Certificates.
 - Demolition Consent.
 - Responses to proposals for Development by Government Departments under Circular 02/2006 – Crown Application of the Planning Acts.
 - Representations on applications for Goods Vehicle Operating Licences.

Deleted: the Head of Legal and Policy Development

Part 3 - Responsibility for Functions

- Listed Building Consent.
 - Conservation Area consent.
 - Responses to consultations from neighbouring local authorities.
40. With the exception of proposals falling within 40.1 below and taking into account the provisions of 40.2 below, the Corporate Director of Services and Neighbourhoods, who may delegate the authority to the Head of Planning and Development Control Service Manager, be authorised to determine all applications and submissions for Planning permission, approval of reserved matters, advertisement consent, certificates of lawful use or development, prior approval applications, Listed Building Consents, Conservation Area Consents, all consents relating to trees, consultations with other authorities and any similar applications made under the principal Planning Acts and associated legislation.
1. The following types of application are not to be approved under delegated powers:
 - (i) Applications submitted by or on behalf of the City Council, or for development on Council owned land or where the Council has a direct interest, except where no objections are received.
 - (ii) Applications submitted by a serving Member or Officer of the Council.
 - (iii) Applications, which constitute a significant departure from the most up to date Local Plan that is formally approved and adopted by the Council for Development Control purposes.
 - (iv) Applications for 50 or more new houses/flats.
 - (v) Applications which entail more than 1000 square metres of gross floor space.
 - (vi) Buildings or structures which exceed 15 metres in height.
 - (vii) Applications where Officers are recommending an agreement under S.106 of the Town and Country Planning Act 1990 with the exception of Agreements which relate to the collection and administration of contributions for open space which accord with Local Plan policy and associated Supplementary Planning Guidance.
 - (viii) Applications which are accompanied by an Environmental Statement.
 - (ix) Applications for change of use to hot food takeaway, except where no objections are received.
 - (x) Applications for a change of use to Class A2(c) within the Town and Country Planning (Use Classes) Order 1987, where the Officer recommendation is for approval.
 - (xi) Applications for the demolition of a listed building.
 - (xii) Applications for the development that significantly affects the setting of a grade 1 or 2* Listed Building or a Scheduled Ancient Monument.
 - (xiii) Applications for the removal of trees protected by a Tree Preservation Order (except where exempted by the Act) where there are objections received.
 2. The following provisos apply:
 - (i) Decisions must pay due regard to the provisions of the Local Plan, other local Planning Guidance, all relevant legislation, national Planning Policy Guidance, Circulars, Regulations and all other relevant material considerations.
 - (ii) All Councillors will be notified of all applications received through the weekly list.
 - (iii) Only the relevant Ward Members where the application site is located plus Members in adjacent Wards where the application might have an impact, the Chair or Vice Chair of the Planning Committee or the Party Spokespersons are able to refer an application to Committee.

Part 3 - Responsibility for Functions

- (iv) Any Councillor wishing to refer a planning application to Committee must submit a pro-forma request slip within 28 days of the consultation period commencing. If the request slip is not submitted within this timescale then the application cannot be referred to Committee except in exceptional circumstances (for example, an application is particularly controversial or significant) and where it is agreed by one of the following; the Corporate Director of Services and Neighbourhoods, the Head of Planning, the Development Control Service Manager, the Chair of the Planning Committee or Party Spokespersons.
- (v) The Corporate Director of Services and Neighbourhoods, the Head of Planning and the Development Control Service Manager will use their discretion to refer any matter to the Planning Committee which would raise sensitive issues, or where it would be otherwise be beneficial for the decision to be made by Members

NOTE:

The exercise of delegated power by the Corporate Director of Services and Neighbourhoods, the Head of Planning and/or the Development Control Service Manager pursuant to paragraphs 39 and 40 above shall be reported regularly to the Planning Committee.

- 41. The expenditure of Government grants related to provision of services required to assist with Council's statutory homelessness duties as permitted by legislation.

D. Sub-delegations:

In addition to the sub-delegations detailed below, which are standing sub-delegations to specific posts, the Corporate Director of Services and Neighbourhoods may make further sub-delegations which must fulfill the following criteria:

- (a) be formally offered to and accepted by a named officer;
- (b) be offered only if the Corporate Director of Services and Neighbourhoods is satisfied that the delegation of powers is commensurate with the qualification, training, experience and competence of the named officer;
- (c) be limited for a specific period and / or for a specific purpose;
- (d) be made in writing with sufficient detail to ensure clear understanding and any limitations of the delegated powers;
- (e) be recorded in a register held by the Head of Legal and Policy Development;
- (f) any matters under this delegation, which may be interpreted, as being sensitive, contentious or doubtful be subject to prior consultation with the relevant Cabinet Member and Leader and/or Deputy Leader of the Council.

E. Sub-delegation to Head of Neighbourhood Services

- 1. To deal with all non-contentious or urgent matters relating to the Council's Climate Change, Nature and Biodiversity, Landscape and Public Realm Design, Environmental Enhancement Schemes, Clean Neighbourhoods and Environment , and Community Regeneration.
- 2. To exercise the City Council's responsibilities regarding highways, sewers and sewerage, residual traffic management, local public transport, agency agreements with the County Council other functions, not related to highways.
- 3. To liaise with the County Council on those matters referred in paragraph (a) and other functions not related to highways.
- 4. To exercise the Council's powers in respect of street furniture and informative signs.

Part 3 - Responsibility for Functions

5. To deal with matters in respect of tree planting, felling and lopping (open spaces and public areas).
6. To confirm road traffic regulation orders where no objection(s) has been received, in agreement with the Highways Agency.
7. The making of agreements for the execution of highway works.
8. To exercise the Council's powers relating to the removal of things so deposited in the highways as to be a nuisance.
9. To exercise the Council's powers relating to obstruction of Highways.
10. The implementation of temporary traffic regulation schemes and orders.
11. To respond to consultations upon the Statutory Waste Management Strategy, after consultation with the relevant Cabinet Member.
12. In relation to the Environmental Protection Act 1990 (Control of Dogs), the power to adjust the recovery charges for the collection of stray dogs as and when necessary and the discretion to waive or reduce the charge in relation to genuine cases of hardship, the unemployed, senior citizens and persons on state benefit.
13. The management and approval of the provision and uses of the Council's country parks, parks, playing fields, allotments and open spaces.
14. To enter into allotment tenancy agreements, subject to such agreements being in a form approved by One Legal.
15. All non-contentious or urgent matters relating to the Landscape and Public Realm Design.
16. All matters relating to the consent, retention or removal of Hedgerows; and the planting, felling and lopping of trees (private land).

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F. Sub-delegation to Head of Public Protection

1. All non-contentious or urgent matters relating to Environmental Health and Regulatory Services including Private Sector Housing and Commercial Services, Housing Standards, Adaptation Grants for the Disabled, Public and Environmental Health, Food Safety and Hygiene, Drainage, Flood Protection, Pollution and Noise Control, Contaminated Land, Licensing, Pest Control, Dog Control, Health and Safety at Work, Caravan and Camping, Park Homes, Shops and Sunday Trading, Emergency Planning and Business Continuity, Private Sector Housing assistance including grants and loans, Empty Homes Strategy, Markets, Shopmobility.
2. All urgent, sensitive and contentious licensing and enforcement matters in consultation with the Corporate Director of Services and Neighbourhoods and the Chair, Vice Chair and Spokespersons of the Licensing and Enforcement Committee.
3. To deal with all non-contentious or urgent matters relating to community safety including:
 - (a) The consideration and making of designated public place orders pursuant to Sections 12-16 of the Criminal Justice and Police Act 2001.
 - (b) All matters relating to the issue of Anti-Social Behaviour Orders and Anti-Social Behaviour Contracts as well as those matters relating to Criminal Related Anti-Social Behaviour Orders, within the policies and procedures of the Council.
 - (c) All matters relating to the issuing and serving of Crack-House Closure Orders.
 - (d) All matters relating to the issuing of Public Dispersal Orders and Alcohol Disorder.
4. The Head of Public Protection, is hereby appointed the Proper Officer in relation to: -

Part 3 - Responsibility for Functions

Section	Legislation	Function
	Food Safety Act 1990	All purposes relating to and including authority to authorise such other officer(s) as the Head of Public Protection deems appropriate to exercise the powers under the Food Safety Act 1990.
13(2)(a) and 69(2)(a) 304 of Part 15	Licensing Act 2003 and Gambling Act 2005	Authorised person as defined by, and responsible to the Council for carrying out its responsibilities as a Licensing Authority under the Acts.
204(3)	Local Government Act 1972	

The Head of Public Protection is hereby authorised to: -

5. Enforce the provisions of the Environmental Protection Act 1990 where the City of Gloucester is the enforcing authority (Part I), or a local authority (Part III and Part VIII).
6. Sub-delegate to specific officers powers to exercise the specific provisions, powers and functions of the legislation marked "E", "L", "F" and "CS" in the table of Legislation detailed in paragraph 3. C (Specific Powers) above and will abide by any modification or re-enactment, new legislation and /or regulations made thereunder or that have any effect by virtue of the European Communities Act 1972.
7. Enforce the provisions of the legislation marked "E" in the table of Legislation detailed in paragraph 3.C: "Specific Powers" above and will abide by any modification or re-enactment, new legislation and/or regulations made thereunder or that have any effect by virtue of the European Communities Act 1972.
8. Sign documents confirming that such officers mentioned in "G" below are duly authorised to act in any capacity determined by the Manager within the purview of Public Protection.
9. Exercise the functions of the Council in respect of Environmental Health.
10. Take action where housing does not meet the standards laid down in current legislation and statutory housing codes
11. Exercise the functions relating to health and safety at work specified in Paragraph 3 of Schedule to the Functions Regulations.
12. Approve arrangements for the disposal of the dead pursuant to the provisions of the Public Health (Control of Diseases) Act 1984.
13. Deal with all matters relating to business continuity and emergency planning.
14. Make discretionary and mandatory house renovation grants and approve action for breach of grant conditions (in consultation with One Legal).
15. Determine the allocation of regeneration budgets in consultation with the relevant Cabinet Member, Leader and/or Deputy Leader of the Council.
16. Set the fees for Housing in Multiple Occupation (HMO) Licences, under the Housing Act 2004, in consultation with the Cabinet Member for Housing and Health.

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F. Sub-delegation to Head of Planning

1. All non-contentious or urgent matters relating to the Local Development Framework, Heritage and Conservation, Archaeology, Monuments, Development Control, Building Control, Planning Policy, and Housing Strategy.
2. All matters relating to footpaths and Bridleways.

Part 3 - Responsibility for Functions

3. To engage consultants and experts in respect of research, inquiries and appeals in accordance with Contract Standing Orders.
4. The Corporate Director of Services and Neighbourhoods has additionally delegated powers under the Proper Officer provisions relating to the Head of Planning in respect of Development Control and Building Control (in consultation with a qualified Building Inspector).
5. To exercise the functions of the Council as Housing Landlord in accordance with the Council's Housing Strategy and Policies.

G. Sub-delegation to Environmental Health Staff

1. The Corporate Director of Services and Neighbourhoods and the Head of Public Protection hereby delegate to those officers as shown in the table at paragraph 3.C above ("the Table of Sub-Delegations) providing that the delegation is commensurate with the qualification, training, experience and competence of the postholder, all the necessary powers in respect of the legislation marked "E" in the Table of Sub-Delegations detailed in paragraph 3.C Specific Powers above.
2. Every officer shown in the Table of Sub-Delegations will be issued with a warrant determining the powers and responsibilities required under the legislation.

H. Sub-delegation to Food Licensing and Markets Manager

1. As the authorised person as defined by Sections 13(2)(a) and 69(2)(a) of the Licensing Act 2003 and section 304 of Part 15 of the Gambling Act 2005, to be responsible to the Council for carrying out its responsibilities as a Licensing Authority.
2. To appear, as witness on behalf of the Council, in the Magistrates' Court in respect of the Licensing Act 2003, the Gambling Act 2005 and that legislation shown marked "L" and "F" in the Table of Sub-Delegations (Specific Powers) above in consultation with One Legal.
3. To exercise the Council's right of entry to premises under section 179 of the Licensing Act 2003 and section 317 of Part 15 of the Gambling Act 2005, in order to investigate licensable activities.
4. To issue Personal and Premises Licences and Club Premises Certificates in accordance with the Licensing Act 2003 and deal with minor variations to Premises Licences and Club Premises Certificates as prescribed by legislation; except in those cases reserved for the Licensing and Enforcement Committee. i.e. where there is an objection or a Member requests a particular issue to be considered by the committee.
5. To issue Premises Licences and Permits in respect of the Gambling Act 2005.
6. To receive notification of temporary events where there are no objections received from the Chief Constable of Gloucestershire Constabulary. However, if an objection is received within the due time, authority is hereby given to serve a Counter Notice and / or arrange an urgent meeting of the Licensing and Enforcement Sub-Committee (Licensing and Gambling) as appropriate under the legislation.
7. To issue to fit and proper persons Hackney Carriage and Private Hire Licences where there are no criminal records revealed by the Criminal Records Bureau (CRB) or by the Driver and Vehicle Licensing Agency (DVLA) in respect of spent or unspent motoring offences.
8. To suspend Hackney Carriage and Private Hire Licences and, if necessary, to arrange a meeting of the Licensing and Enforcement Sub-Committee (Enforcement), as appropriate under the legislation with powers to revoke licenses.
9. In relation to the powers and functions, the issue, transfer or variation of statutory notices, consents and licences, and the refusal of a consent or licence.

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Part 3 - Responsibility for Functions

10. The consideration and approval of street collection permits, House to House Collections, Small Society Lotteries, Gaming Machine permits, Amusements (with prizes) and other licences as provided for within legislation.
11. The consideration and making of Designated Public Place Orders pursuant to Sections 12-16 of the Criminal Justice and Police Act 2001.
12. The determination of Licensing Fees in consultation with the Head of Finance.
13. To suspend Premises Licences and Club Premises Certificates following non-payment of annual fees under section 55A and 92A of the Licensing Act 2003.
14. The determination of non-contentious applications for Scrap Metal Dealer licences.
15. To vary standard fees and charges in the Market Service for business start up purposes.
16. The approval, withdrawal or refusal of applications for street trading consents including variation of charges within overall financial targets.

I. Sub-delegation to Building Control Services Manager

1. The Corporate Director of Services and Neighbourhoods has delegated powers under the Proper Officer provisions relating to the Building Control Services Manager, in respect of Building Control matters.
2. To exercise the powers to serve notices under Sections 35, 36, 77 and 78 of the Building Act 1984, subject to maintaining a record of such notices and ensuring the Corporate Director of Services and Neighbourhoods and the Head of Planning are kept informed.
3. To enforce and exercise the powers to set, amend and revise the building control fees in relation to all building control matters covered under the Building (Local Authority Charges) Regulations 2010, subject to consultation with the Corporate Director of Services and Neighbourhoods and the Head of Planning, regarding any changes required at the annual review.

J. Sub-delegation to Consultant in Communicable Disease Control

1. The CCDC, being a registered medical practitioner, is hereby appointed the Proper Officer in relation to Sections 11, 35(1) and (2) and 36 of the Public Health (Control of Diseases) Act 1984, and Section 47 of the National Assistance Act 1948.
2. In the event of the CCDC being absent or otherwise unable to act, any registered medical practitioner for the time being acting as his Deputy is hereby appointed the Proper Officer.

K. Sub-delegation to Cemeteries and Crematorium Service Manager

1. To approve Deeds of Grant in respect of sale of burial rights at the Council's cemeteries.
2. To approve arrangements for the disposal of the dead pursuant to the provisions of the Public Health (Control of Diseases) Act 1984.
3. To take action to enforce the provisions of the Council's cemetery byelaws and cemeteries rules and regulations.

L. Sub-delegation to Commercial Services Manager

1. All non-contentious or urgent matters relating to Cultural Services including matters and services concerning the Guildhall, the City Museum and Art Gallery; Folk Museum, Blackfriars and the Tourist Information Centre.
2. The approval of the provision of cultural and tourist activities, entertainment and events.
3. To make acquisitions of Museum exhibits within the current Collections Development Policy.
4. To purchase artefacts within approved budgets up to a sum of £5,000 and above £5,000 after consultation with the relevant Cabinet Member.

Part 3 - Responsibility for Functions

5. The determination of all arts grant applications under £5,000 after consultation with the relevant Cabinet Member.

M. Sub-delegation to Development Control Services Manager

1. The Corporate Director of Services and Neighbourhoods has delegated powers under the Proper Officer provisions relating to the Development Control Services Manager, in respect of Planning matters.
2. To exercise the powers to serve notices and issue decisions, as set out in Section C paragraphs 27, 28, 29, 30, 31, 32, 33, 34, 39 and 40 above, at all times keeping the Chief Executive and the Head of Planning advised on contentious and sensitive matters.
3. To agree minor variations to agreements under Section 106 of the Town and Country Planning Act 1990, in consultation with the Chair of Planning Committee.

N. Sub-delegation to Environmental Planning Service Manager

1. In consultation with the relevant Cabinet Member to approve and sign-off historic building grants and repairs to monument grants.
2. To clean-up, maintain and otherwise keep in good order, historic monuments and historic buildings.
3. To make and, unless objections are received, confirm, Tree Preservation Orders under the Town and Country Planning Act 1990 (as amended).

O. Sub-delegation to Housing Services Manager

1. To Tender for complementary work as permitted by legislation.
2. To deal with the selection of Tenants and the allocation of permanent accommodation in the discharge of the Council's obligations.
3. To make such arrangements as are considered necessary to discharge the Council's functions in relation to homeless persons.
4. The allocation of permanent accommodation in "left in occupation" cases.
5. To determine appeals as required under the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999 under part VII of the Housing Act 1996 (Homelessness) in consultation with the Head of Legal and Policy Development.

P. Sub-delegation to Housing Strategy and Enabling Manager

1. To approve applications from Council tenants for the purchase of their dwellings within the right to buy procedure.
2. To liaise with Gloucester City Homes in respect of the functions of the Council under the Housing Stock Transfer and in accordance with the Council's Housing Strategy and Policies.
3. To approve the purchase or sale (a share or outright), of any dwelling, as may be required, in accordance with:-
 - (a) supporting priorities identified in the Housing Strategy;
 - (b) assisting a household threatened with homelessness, where other options are demonstrated not to be feasible;
 - (c) regeneration priorities supported by the Council;
 - (d) offers arising from Statutory Provision or Lease including 'Right to Buy', 'Right of First Refusal';
 - (e) the acquisition and disposal strategy of the Council.

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Part 3 - Responsibility for Functions

and, in consultation with the Asset Manager, approve the purchase of dwellings for Affordable Housing initiatives including the use of commuted sums where within budget;

4. To approve the purchase of dwellings purchased under the Council's Right to Buy and Shared Ownership Scheme for onward lease or sale where within budget.
5. To prepare tender documents for Housing Needs Assessments or complementary research as permitted by legislation.
6. To prepare tender briefs and assess bids in accordance with 'Best Value' principles, to select Registered Providers for development opportunities or preferred partner assessment.
7. To prepare tender documents for and procure services to assist with the Council's Statutory duties under Homelessness legislation.
8. In accordance with the Council's priorities, to influence Section 106 negotiations by advising Planning Officers of requirements for Affordable Housing on housing development sites.
9. To provide responses to the Homes and Communities Agency regarding RSL stock disposals.

Part 3 - Responsibility for Functions

Head of Legal and Policy Development (Monitoring Officer)

A. General:

All non-contentious or urgent matters relating to the legal services of the Council and in relation to fulfilling the role of Monitoring Officer and Legal adviser to the Council

B. Proper Officer Responsibilities:

1. The Head of Legal and Policy Development is hereby appointed the Proper Officer in relation to: -

Section	Legislation	Function
Section 5	Local Government and Housing Act 1989	The officer to be designated Monitoring Officer (see also Monitoring Officer's Protocol in Part 5 of the Constitution).
Section 19	Land Charges Act 1975	The officer to act as Local Registrar as defined in Section 3 of the Land Charges Act 1975 and to administer the Council's Land Charges Register.
Section 41	Local Government (Miscellaneous Provisions) Act 1976	The officer to certify copies of any resolution, order, report or minutes of proceedings of the Council as evidence in any legal proceedings.
Section 16	Local Government (Miscellaneous Provisions) Act 1976	Notices requiring details of interest in land.
Section 29	Localism Act 2011	To establish and maintain the Members' Register of Interests and ensure it is available for public inspection.
Section 100F (2)	Local Government Act 1972	The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection.
Section 234 (1) and (2)	Local Government Act 1972	The officer to authenticate documents on behalf of the Council.
Section 229 (5)	Local Government Act 1972	The officer to certify photographic copies of documents.
Section 236 (10)	Local Government Act 1972	The officer responsible for forwarding Council byelaws to the County Council.
Section 223	Local Government Act 1972 County Courts Act 1984	Authorising officers to attend court and appear on behalf of the Council under the Local Government Act 1972 and the County Courts Act 1984.
Section 238	Local Government Act 1972	The officer to certify printed copies of byelaws.
	Local Government (Contracts) Act 1997 and Regulations	Certification of relevant powers to enter into contracts. (Authorised and appointed jointly with the Head of Finance).
	Freedom of Information Act 2000	Determination of appeals against refusal to provide information.
Section 1 (1)	Data Protection Act 1998	To act as the Council's Data Controller.
	Local Government Act 2000	To ensure that copies of the constitution are available for inspection.

Part 3 - Responsibility for Functions

2. The Head of Legal and Policy Development is hereby designated as the Council's Data Protection Officer pursuant to the Data Protection Act 1998.
3. The Head of Legal and Policy Development as "Monitoring Officer" is hereby designated the qualified person for the purposes of determining whether disclosure of particular information under the Freedom of Information Act 2000 would be likely to prejudice the effective conduct of public affairs.
4. The Monitoring Officer is hereby empowered to correct punctuation, typographical, grammatical and clerical errors in the Constitution. In addition the Monitoring Officer may also approve and update references to legislation or where officer titles and responsibilities change due to organisational re-organisation and to correct minor amendments and adjustments to the Constitution which lead to greater clarity but which do not affect the meaning of the Articles and Rules of the Constitution.
5. The Monitoring Officer is also empowered to amend the Scheme of Delegation in order to reflect the current political management structure of the Council and to reflect appointments as Proper Officer (appointed by Head of Paid Service).
6. The Monitoring Officer is empowered to appoint a Deputy Monitoring Officer.

C. Specific Powers:

1. To authorise solicitors and legal staff to represent the City Council in legal proceedings.
- ~~2. After consultation with the appropriate Manager the institution, conduct, defence or settlement of legal proceedings.~~
- ~~3. To approve jointly with the Corporate Director of Regeneration agreements under Section 106 of the Town and Country Planning Act 1990.~~
- ~~4. To approve jointly with the Corporate Director of Regeneration the form, content and service of any "Stop Notice" under the Town and Country Planning Act 1990.~~
- ~~5. To advise on the form, content and service of any "Stop Notice or Closure Notice" as appropriate.~~
- ~~6. To approve jointly with the relevant Manager agreements under Section 33 of the Local Government (Miscellaneous Provisions) Act 1982.~~
- ~~7. To initiate all appropriate enforcement action under the provisions of Part V of the Criminal Justice and Public Order Act 1994 regarding unauthorised encampments.~~
- ~~8. To act as legal advisor to the Licensing Committee and its Sub-Committees.~~
- ~~9. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.~~
10. To receive complaints of failure to comply with the Council's Code of Conduct.
11. To determine, following consultation with the Council's Independent Person, whether or not a Code of Conduct complaint merits formal investigation.
12. To interview such Officers and Members as is necessary to fulfil the role of Monitoring Officer and to conduct such investigations as are required under the Members' Code of Conduct.
13. To seek to resolve Code of Conduct complaints without formal investigation wherever possible.
14. To seek resolution of Code of Conduct complaints without formal hearing following an investigation finding of breach of the Code of Conduct, in consultation with the Council's Independent Person.

Part 3 - Responsibility for Functions

15. To refer Code of Conduct complaints to the Audit and Governance Committee in accordance with the Council's standards arrangements.
16. To grant dispensations to Councillors and co-opted Members from the requirements relating to interests set out in the Members' Code of Conduct or other Council codes and protocols where:
 - (a) so many Members of the decision-making body have Disclosable Pecuniary Interests in a matter that it would impede the transaction of the business and render the meeting inquorate; or
 - (b) without a dispensation, no Member of the Cabinet would be able to participate in the matter and the Cabinet meeting would be inquorate as a result.
17. ~~The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.~~
18. To determine matters and to grant such consents as may be necessary or appropriate in relation to Gloucestershire Airport Company Limited, after consultation with the Cabinet Member for Regeneration and Culture.
19. To approve jointly with the relevant Manager the issuing of a formal caution by the Investigating Officer, in accordance with the Council's guidance on the issuing of formal cautions.
20. ~~To take and train Trainee Solicitors.~~
21. To maintain and coordinate the Register of complaints made to the Local Government Ombudsman.
22. To make discretionary and Mandatory house renovation grants and approve action for breach of grant conditions jointly with the Public Protection Manager.
23. To determine appeals as required under the allocation of Housing Homelessness (Review Procedures) Regulations 1999 under part VII of the Housing Act 1996 (Homelessness) in consultation with the Housing Services Manager.
24. To authorise non-Legal Services staff to appear in the Magistrates' Court in connection with applications for judicial approval of RIPA authorisations, in consultation with the relevant Corporate Director.

D. Sub-delegations:

In addition to the sub-delegations detailed below, which are standing sub-delegations to specific posts, the Head of Legal and Policy Development may make further sub-delegations which must fulfill the following criteria: -

- (a) Be formally offered to and accepted by a named officer.
- (b) Be offered only if the Head of Legal and Policy Development is satisfied that the delegation of powers is commensurate with the qualification, training, experience and competence of the named officer.
- (c) Be limited for a specific period and / or for a specific purpose.
- (d) Be made in writing with sufficient detail to ensure clear understanding and any limitations of the delegated powers.
- (e) Be recorded in a register held by the Head of Legal and Policy Development.
- (f) Any matters under this delegation, which may be interpreted, as being sensitive, contentious or doubtful be subject to prior consultation with the relevant Cabinet Member and Leader and/or Deputy Leader of the Council.

Part 3 - Responsibility for Functions

Audit, Risk and Assurance Manager

A. General Powers

1. The Audit, Risk and Assurance Manager is authorised to discharge any function of Full Council, a Committee of the Council or of the Executive in relation to the Internal Audit Service of the Council with exception of those matters where this constitution has directed that the delegated authority should not be exercised and that the matter should be referred to Full Council, a Committee of the Council or of the Executive for consideration.
2. The Audit, Risk and Assurance Manager is responsible for all Internal Audit matters considered to be sensitive, contentious or doubtful, and will consult with the Head of Finance (S151 Officer), Head of Paid Service, Head of Legal and Policy Development (Monitoring Officer) on such matters.
3. The Audit, Risk and Assurance Manager will provide an objective assessment of the adequacy and effectiveness of internal control, risk management and governance arrangements.

The Audit, Risk and Assurance Manager will prepare and deliver an Annual Audit Work Programme, based on Risk Assessment.

B. Legislation, Guidance and Good Practice

CIPFA Code of Practice for Internal Audit in Local Government in the United Kingdom 2006.
Code of Practice on Local Authority Accounting in the United Kingdom 2006.

C. Specific Powers

1. To provide a written report to those charged with governance timed to support the Annual Governance Statement. This annual report must:-
 - include an opinion on the overall adequacy and effectiveness of the organisation's control environment;
 - disclose any qualifications to that opinion, together with the reasons for the qualification;
 - present a summary of the audit work from which the opinion is derived, including reliance based on work by other assurance bodies;
 - draw attention to any issues the Audit, Risk and Assurance Manager, judges particularly relevant to the preparation of the Annual Governance Statement;
 - compare the work actually undertaken with the work that is planned and summarise the performance of the Internal Audit function against its performance measures and targets;
 - comment on compliance with CIPFA Code of Practice for Internal Audit in Local Government and communicate the results of the Internal Audit Quality Assurance Programme.
2. Jointly with the Head of Finance to ensure that members of the Audit and Governance Committee receive appropriate and timely training pursuant of their responsibilities.
3. To receive and prepare reports on breaches of Financial Regulations and Contract Standing Orders and to carry out investigations where appropriate.
4. To recommend amendments to Financial Regulations, Contract Standing Orders, Procurement Rules, and the Audit Strategy.
5. The Head of Finance, the Audit, Risk and Assurance Manager and their authorised representatives shall have authority to: -

Part 3 - Responsibility for Functions

- (i) enter at all reasonable times on to any premises or land under the control of, or used by, the Council;
 - (ii) have access to all records, documents, contracts and correspondence, including data relating to any financial or other transaction of the Council;
 - (iii) have access to records belonging to partner organisations when required and receive such explanations as are necessary concerning any matter under examination;
 - (iv) require any employee of the Council to produce cash, stores, or other property under their control.
6. The Audit, Risk and Assurance Manager shall be informed of all suspect or detected fraud, corruption or improprieties so that he/she can consider the adequacy of the relevant controls and evaluate the implications of fraud and corruption for his / her opinion on the internal control environment.
7. To liaise with external Auditors and, where appropriate, Inspectors.

D. Sub-delegations:

In addition to the sub-delegations detailed below, which are standing sub-delegations to specific posts, the Audit, Risk and Assurance Manager may make further sub-delegations which must fulfill the following criteria: -

- (a) Be formally offered to and accepted by a named officer;
- (b) Be offered only if the Audit, Risk and Assurance Manager is satisfied that the delegation of powers is commensurate with the qualification, training, experience and competence of the named officer.
- (c) Be limited for a specific period and / or for a specific purpose.
- (d) Be made in writing with sufficient detail to ensure clear understanding and any limitations of the delegated powers.
- (e) Be recorded in a register held by the Head of Legal and Policy Development.
- (f) Any matters under this delegation, which may be interpreted, as being sensitive, contentious or doubtful be subject to prior consultation with the relevant Cabinet Member and Leader and/or Deputy Leader of the Council.

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Part 3 - Responsibility for Functions

Delegated Functions

Tewkesbury Borough Council (One Legal)

1. Authority to sign any document which is necessary to any legal procedure or proceedings on behalf of Gloucester City Council
2. To keep Gloucester City Council's Common Seal in a safe place
3. To attest the affixing of Gloucester's the Common Seal in addition to the Mayor, a Corporate Director, the Head of Legal and Policy Development or the Head of Finance
4. After consultation with the appropriate Manager the institution, conduct, defence or settlement of legal proceedings.
5. To approve jointly with the Corporate Director of Services and Neighbourhoods agreements under Section 106 of the Town and Country Planning Act 1990.
6. To approve jointly with the Corporate Director of Services and Neighbourhoods the form, content and service of any "Stop Notice" under the Town and Country Planning Act 1990.
7. To advise on the form, content and service of any "Stop Notice or Closure Notice" as appropriate.
8. To approve jointly with the relevant Manager agreements under Section 33 of the Local Government (Miscellaneous Provisions) Act 1982.
9. To initiate all appropriate enforcement action under the provisions of Part V of the Criminal Justice and Public Order Act 1994 regarding unauthorised encampments.
10. To act as legal advisor to the Licensing Committee and its Sub-Committees.
11. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.
12. To take and train Trainee Solicitors.
13. To have the authority to apply for an enforcement order against unlawful works on common land in accordance with Section 41 Commons Act 2006
14. To serve notices requiring details of interest in land in accordance with Section 16 Local Government (Miscellaneous Provisions) Act 1976

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Part 4 - Rules of Procedure

COUNCIL PROCEDURE RULES

Introduction

The Council Procedure Rules (Democratic Standing Orders) deal with the operation, procedures and practices related to Council, Cabinet and Committee meetings. These rules include both statutory requirements and locally agreed procedures.

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after consultation with the Corporate Director of Resources, may approve a Member attending as a deputy without such notice being given.

5. TIME AND PLACE OF MEETINGS

Ordinary meetings of Council shall commence at 19.00 hours.

The time and place of other meetings shall be determined by the Corporate Director of Resources and notified in the Summons.

6. DURATION OF MEETINGS

The length of time of meetings (excluding Planning Committee, Licensing and Enforcement Committee, Audit and Governance Committee and Council) shall be limited to two hours unless extended by a two-thirds majority of those Members in attendance.

7. NOTICE OF AND SUMMONS TO MEETINGS

The Corporate Director of Resources shall give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five *clear* working days before a meeting, the Corporate Director of Resources will send a Summons *authenticated* by him or her to every Member of the Council. The Summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

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Comment [t13]: Amended to reflect the provisions of the Local Government (Electronic Communications) (England) Order 2015 (SI 2015/5), which permits Councils to send summonses electronically, thus reflecting the position agreed by this Council.

8. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to Committee and Sub-Committee meetings, references to the Chair also include the Chair of Committees and Sub-Committees.

9. QUORUM

The quorum of a meeting will be one quarter of the whole number of Members (unless specifically provided for in the terms of reference/constitution of a committee, etc.). During any meeting if the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

10. QUESTIONS BY THE PUBLIC

- (1) Subject to the provisions of Rule 2 (Order of Business), at or as soon as reasonably possible after the commencement of business at ordinary meetings of the Council (except the annual meeting), the Cabinet, a Committee, (except the Planning Committee) or a Forum, a period of 15 minutes shall be set aside for members of the public to put questions to the meeting **PROVIDED** that no such question shall be allowed in relation to:
 - (i) matters which are the subject of current or pending legal proceedings or
 - (ii) matters relating to employees or former employees of the Council or comments in respect of individual Council officers
- (2) Questions will be dealt with in the order they were received. However priority will be given to Gloucester City Council residents.
- (3) Members of the public shall be allowed to ask one question each. Where not all the time set aside for questions by the public is used, members of the public shall be allowed to ask a second question.
- (4) All public questions shall be put to the relevant Cabinet Member or Chair to respond.
- (5) Only one answer shall be given in response to an individual question at a meeting and no debate shall be allowed on the question or the response given.

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APPENDIX C: AUDIT AND CONTROL OF RESOURCES

C1 Internal Audit Requirements

C1.1 Why is this important?

The Head of Finance undertakes a statutory responsibility for the overall financial administration of the Council's affairs and is responsible for maintaining an adequate and effective internal audit.

Internal audit is an independent and objective appraisal function established by Council for reviewing the Council's system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

C1.2 Key controls

The key controls for internal audit are:

- that it remains independent in its planning and operation;
- the Audit, Risk and Assurance Manager, has direct access to the Head of Paid Service, Cabinet, Audit and Governance Committee and Monitoring Officer;
- the internal auditor complies with CIPFA's Code of Practice for Internal Audit, and other relevant guidance.

C1.3 Responsibilities of the Head of Finance

The Head of Finance is responsible for maintaining an adequate and effective system of internal audit. They must ensure that internal auditors have the authority to:

- (i) enter at all reasonable times on to any premises or land under the control of, or used by, the Council;
- (ii) have access to all records, documents, contracts and correspondence, including data relating to any financial or other transaction of the Council;
- (iii) have access to records belonging to partner organisations when required and receive such explanations as are necessary concerning any matter under examination;
- (iv) require any employee of the Council to produce cash, stores, or other property under their control.

C1.4 Responsibilities of the Audit, Risk and Assurance Manager

To maintain Annual Audit Plans which take account of the characteristics and relative risks of the activities involved. They should liaise with Corporate Directors on the Audit Strategy and cover required. In addition to the statutory requirement, this takes account of the need to seek added value, effective use of resources, improved performance and cost-effective controls.

Where an appropriate response to audit recommendations has not been made within a reasonable period, the Head of Finance may refer the matter to the Head of Paid Service and/or the Audit and Governance Committee.

To investigate promptly any fraud or irregularity of which they become aware and to report to the Monitoring Officer who will consider any legal proceedings together with [One Legal](#) and the Head of Paid Service will consider any disciplinary action in consultation with the appropriate Manager.

To report annually to the Head of Paid Service, S151 Officer and to the Audit and Governance Committee on the main issues raised by internal audit during the year. Furthermore annual audit plans will be submitted to and approved by the Audit and Governance Committee.



CONTRACT STANDING ORDERS 2009
Including Procurement Rules

Comment [s14]: Due to be reviewed in 2015 to take account of the Public Procurement Regulations 2015

Part 4 - Rules of Procedure

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committee, Area Committees (if any), and Regulatory Committees and public meetings of the Cabinet (together called meetings). The term 'five clear working days' in this section and any other section of the Constitution shall exclude the day of dispatch of agenda/supporting documents and the date of the meeting.

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS.

Members of the public may attend, record and report all meetings subject only to the exceptions in these rules. Members of the public who wish to report or record public meetings are required to comply with the Council's Protocol on Recording at Meetings and such reporting and recording must be conducted in such a manner as not to disrupt the conduct of the meeting's business. The authority will not permit the recording or reporting of proceedings where the public are not allowed to attend the meeting or that part of the meeting by reason of the likely disclosure of exempt or confidential information.

Comment [s15]: Updated to take account of the Openness of Local Government Regulations 2014

4. NOTICES OF MEETING

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at Herbert Warehouse, The Docks, Gloucester, GL1 2EQ and on the Council's website.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and on the Council's website at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the Corporate Director of Resources shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) If the Corporate Director of Resources thinks fit, copies of any other documents supplied to Councillors in connection with an item.

To any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

Part 4 - Rules of Procedure

OFFICER EMPLOYMENT PROCEDURE RULES (Revised 2009)

Comment [s16]: Council is asked to note that these rules require revision following the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which change local authorities' procedures for removing a senior officer. A report will be brought via Organisational Development Committee to the next Council meeting detailing the changes.

1. Recruitment and Appointment

(a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council, or of the partner of such persons.
- (ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant Head of Service or an officer nominated by him/her.

(b) Seeking support for appointment

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No Councillor will seek support for any person for any appointment with the Council.
- (iii) No Councillor shall provide a reference for any person applying for a post within the Council.

2. Recruitment of Head of Paid Service, Corporate Directors and Statutory Officers

Where the Council proposes to appoint a (Head of Paid Service) or other Statutory Officers, the Council will:

- (a) Draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) Make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) Make arrangements for a copy of the statement mentioned in paragraph 1 to be sent to any person on request.

3. Appointment of Head of Paid Service

The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a Panel of Council Members. That Panel must include at least one Member of the Executive and will be drawn from the Organisational Development Committee.

4. Appointment of Corporate Directors and Statutory Officers

- (a) The Organisation Development Committee of the Council will appoint Corporate Directors and Statutory Officers. This Committee must include at least one Member of the Cabinet.

Part 4 - Rules of Procedure

- (b) An offer of employment as a Corporate Director or Statutory Officer shall only be made where no well-founded objection from any Cabinet Member has been received.

5. Other Appointments

- (a) **Officers below Corporate Director level.** Appointment of officers below Corporate Director level (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary Action

- (a) **Suspension.** The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay for as short a period as possible.
- (b) **Independent person.** No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by a designated independent person (Regulation 7 - The Local Authorities (Standing Orders) (England) Regulations 2001).
- (c) Councillors will not be involved in the disciplinary action against any officer below Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action.

7. Dismissal

Councillors will not be involved in the dismissal of any officer below Corporate Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of dismissals.

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Part 5 - Codes and Protocols

PROTOCOL RELATING TO THE INDEPENDENT PERSON

Comment [s17]: Approved by Audit and Governance Committee – 26 June 2014

1. Purpose

The purpose of this protocol is to make clear the relationships between the Independent Person and the various parts of the local authority involved in the process of handling standards complaints and wider promotion of standards. Its aim is to ensure that responsibility is clear at each stage of the process and to set out the expectations and rights of the Independent Person.

2. Background

The Independent Person (IP) is a statutory appointment under Section 28 of the Localism Act 2011. The purpose of the IP role is to enable the public to have confidence in how the City Council deals with allegations of misconduct and to promote and maintain high ethical standards of conduct for Members, ensuring they are adequately trained and understand the Code of Conduct.

3. IP Overarching Responsibilities

The IP will discharge their responsibilities with a positive determination and in a manner that enhances the overall reputation of the Council. In particular, by:

- 1) Instilling public confidence in the process and how complaints are considered by the Audit and Governance Committee and Officers in support;
- 2) Complying with:
 - a. the law, including any relevant Code of Conduct;
 - b. any general guidance issued;
 - c. procedures adopted by the Audit and Governance Committee;
 - d. the Council's Constitution;
- 3) Preserving confidentiality at all times; and
- 4) Acting impartially and in the interests of fair and natural justice, without prejudice or political bias.

4. Contact with the IP by Councillors subject to complaint

A Member of the City Council or of Quedgeley Parish Council who is the subject of a complaint should only contact the Independent Person if a formal complaint has been made in writing to the Council. The Monitoring Officer will notify the IP of all formal complaints. If a Member contacts the IP prior to a formal complaint being lodged, the IP will refer them to the Monitoring Officer.

The IP should not discuss a potential or actual complaint directly with a potential or actual complainant and shall refer the complainant to the Monitoring Officer.

5. Considering written allegations

The Monitoring Officer will seek the views of the IP in accordance with the Council's standards arrangements. While the Monitoring Officer will have regard to the views expressed by the IP, they are not bound to accept his/her views on the matter.

When issuing the decision letter in respect of any written allegation, the Monitoring Officer will record that the IP has been consulted and that their views have been taken into account. Where the view of the Monitoring Officer and IP differ, the Monitoring Officer will record the reasons for

Part 5 - Codes and Protocols

following a particular course. The letter will make clear that it is the Monitoring Officer and not the IP who is the decision-maker.

6. Matters under investigation

The Monitoring Officer may consult the IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints.

Where a matter has been referred to a Hearings Panel of the Audit and Governance Committee for determination, the Panel must seek the views of the IP before reaching its conclusions. The IP's role is to provide an independent view on the substance of the complaint and/or the quality of the evidence in order to help the Panel to make an informed decision.

The IP may attend the Hearings Panel in person to convey their view or may submit their views in writing to the Hearings Panel.

The IP's views should be recorded in any decision notice and, where those views do not reflect the final outcome reasons must be given for any differences. However, it must be clear that it is the Hearings Panel and not the IP who is the decision-maker.

7. Relationship with the Audit and Governance Committee

The IP is not a member of the Council's Audit and Governance Committee but is able to attend all meetings and can be asked to give their views to the Committee.

The IP shall receive agendas and minutes of all meetings of the Audit and Governance Committee and shall be entitled to request that items be added to the agenda, with the agreement of the Chair, and to speak at the Committee.

The IP does not have any voting rights when attending a meeting of the Audit and Governance Committee or a Hearings Panel.

8. Access to documentation

The IP has the right of access to any confidential information required to carry out their role. The IP shall respect the confidentiality of any documents provided to them and shall be responsible for their safe custody.

The IP has the right of access to Council buildings in order to carry out their role. This includes making meeting rooms available for use by the IP. Access should be agreed in advance with the Monitoring Officer.

The Monitoring Officer will meet at least quarterly with the IP review relevant matters.

The IP will agree to sign up to the Council's Code of Conduct, including a register of interests to be held by the Monitoring Officer and will declare any relevant interests in any matter to the Monitoring Officer, who will decide whether the interest conflicts them out of involvement in the matter.

9. Confidentiality

The IP must not discuss with any third party the substance of any past or present complaint or other matter raised with them by the Monitoring Officer.

Part 5 - Codes and Protocols

The IP shall not make any comments to the media on any matter without prior agreement of the Monitoring Officer or Council Communications Team. Any requests for comments from media shall be referred in the first instance to the Monitoring Officer who may refer these to the Chair of the Audit and Governance Committee as appropriate.

10. Other matters

The Council, through its Audit and Governance Committee and Monitoring Officer, is responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, the IP has the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.

The IP has the right to raise any concerns about standards issues or implementation of the process with the Council's Chief Executive and has the right to address a meeting of the full Council about any concerns.

The Monitoring Officer may ask the IP to support their efforts to try to resolve complaints informally where the basis of the complaint appears unsubstantial or otherwise does not appear to warrant a formal investigation or where an alternative route to formal investigation would appear to offer a better means of resolving the matter.

11. Role of reserve IP

Where the IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by the reserve IP.

If both the IP and the reserve IP are conflicted out from dealing with a matter, the Monitoring Officer will consider making a request to use the services of an IP from another principal authority.

Part 5 - Codes and Protocols

MEMBERS' WORKING GROUPS PROTOCOL

1. The Council, any committee of the Council, the Cabinet or an individual Cabinet Member may set up a Working Group to work through a particular issue and report back to its parent committee.
2. A Working Group is not a Committee or Sub-Committee under the Local Government Act 1972. Therefore the public and press do not have a right to attend or see the agenda papers, although the Working Group may invite outside parties to contribute. The term 'Working Group' does not include Overview and Scrutiny Task and Finish Groups.
3. Group Leaders (convened as a group) must be informed of all requests to establish a Working Group. Group Leaders will control the overall number of such groups, ensure their purpose is clear and necessary, and their reporting back arrangements are appropriate. Ideally, the purpose of the Working Group should be linked to the Council Plan objectives and assist in their delivery.
4. A Working Group should consist of at least 3 Members, nominated by Group Leaders, one of whom will be appointed as the Chair of the Working Group by the Committee or convenor of the Working Group. Working Groups should have cross-party representation where possible.
5. When it is established, the Working Group must be set clear Terms of Reference by the parent Committee or convenor. (The terms of reference can be altered by the parent Committee, or, in the case of a convenor, the terms of reference can be altered by the convenor with the agreement of the Working Group, during the lifetime of the Working Group).
6. The Working Group should have a finite life. (This should normally be no more than one year).
7. The Chair of the Working Group will co-ordinate the activity of the Working Group within the Terms of Reference. There should be a formal Agenda for each meeting drawn up by the Chair, so that members of the group are clear about the purpose of the meeting.
8. Agendas and notes of the meetings will normally only be circulated to members of the Working Group.
9. A Working Group may call on relevant Officers to give advice and assistance following discussions between the Working Group Chairman and the relevant Corporate Director or Head of Service. Any requests for administrative support must be agreed prior to the Working Group being established and if support is not available the Working Group will consider whether or not it is able to proceed.
10. A Working Group will not normally be allocated a budget.
11. Consideration should be given to making Progress Reports to the parent Committee or convenor in appropriate cases. These may be made orally or in writing.
12. A final report must be presented to the parent Committee or convenor, listing the Working Group's recommendations.

Part 5 - Codes and Protocols

TERMS OF REFERENCE FOR MEMBERS' WORKING GROUPS

The Terms of Reference and objectives of Members' Working Groups will vary depending on the subject being addressed. However, below is a suggested list of areas which the parent committee, or convenor, may wish to address when setting up the Working Group:

<u>Parent Committee/Cabinet Member</u>	
<u>Topic</u>	
<u>Membership (and Chair)</u>	
<u>Aims & Objectives</u> <u>(Outcomes to be achieved)</u>	
<u>Scope</u>	
<u>Relevant Council Plan Objective(s)</u>	
<u>Review Period</u>	
<u>Officer support</u>	
<u>Review completion date</u>	
<u>Frequency of Meetings</u>	
<u>Proposed reporting routes/dates</u>	
<u>Training Requirements</u>	



Part 6 - Members' Scheme Of Allowances
2015 - 16

Deleted: 2014

Deleted: 15

Schedule 1 – Representation on Outside Bodies

Members' Allowances

Members' Scheme of Allowances

In force 1 April [2015](#) – 31 March [2016](#)
(Approved by the City Council – [22 January 2015](#))

Gloucester City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following Scheme, to come into effect on 1 April [2015](#) unless otherwise stated)

(NB. The allowances shown come into effect on 1 April [2015](#) and will be increased annually in line with the Local Government staff pay award unless the Members' Allowances Panel sits again.)

21 May 2015

Members' Scheme of Allowances
Part 6 - 2

GLOUCESTER CITY COUNCIL

MEMBERS' ALLOWANCES SCHEME 2015-16

The Gloucester City Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) Regulations 2003, hereby makes the following Scheme:

1. Citation

1.1 This scheme may be cited as the Gloucester City Council Members' Allowances Scheme and shall have effect on and from 1 April 2015 until the scheme is amended or a new scheme is adopted.

2. Interpretation

2.1 In this Scheme,

'the Council' means the Gloucester City Council;

'Councillor' means a Member of Gloucester City Council who is a Councillor.

'co-opted member' means a member of a committee or sub-committee of the Council who is not a member of the authority.

'year' means a period beginning 1 April and ending on 31 March.

3. Basic Allowance

3.1 Subject to paragraphs 9 and 10, for each year a Basic Allowance of £5,600.00 shall be paid to each Councillor.

3.2 All incidental costs incurred by a Councillor in the performance of their duties are to be covered by the Basic Allowance unless they are claimable elsewhere under this Scheme. This includes, but is not limited to, stationery and other office supplies, printer cartridges and any telephone costs incurred from the use of a private telephone.

3.3 The printing of business cards and headed paper are excluded from paragraph 3.2 above and will be provided on request.

3.4 The Council will offer and provide Councillors with the necessary IT equipment required to perform the role. The details of this provision are the subject of a separate policy.

4. Special Responsibility Allowances

4.1 For each year a Special Responsibility Allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Council that are specified in Schedule 1 to this Scheme.

4.2 Subject to paragraphs 10 and 15, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.

4.3 Where a Councillor holds more than one position of responsibility, only one Special Responsibility Allowance shall be paid, such an allowance being the higher or the highest of the relevant allowances.

5. Attendance at meetings

5.1 If a Councillor does not attend at least two-thirds of the total number of scheduled meetings of the Council, or of the Cabinet, or of Committees of which he/she is a Member, the Councillor concerned should be invited to pay back an appropriate percentage of his/her Basic Allowance up to a maximum of 25% of the Basic Allowance.

5.2 If a Member is absent from Council business for more than one continuous month (other than on illness grounds) the Member concerned should be invited to pay back a sum equivalent to the amount of Basic and Special Responsibility Allowances paid for any single period of absence which exceeds one month.

5.3 For periods of long term absences due to illness the Council should review its position on a case by case basis.

5.4 Paragraph 5.1 does not apply to the Mayor or Sheriff/Deputy Mayor holding Civic Office during the year in question.

6. Attendance Allowances

6.1 No attendance allowance shall be payable.

7. Pensions

7.1 Councillors are not eligible to join the Local Government Pension Scheme.

8. Travel, Subsistence and Dependants' Carers Allowances

8.1 Travel, Subsistence and Dependants' Carers Allowances shall be paid to Councillors in accordance with Schedule 2 to this Scheme.

9. Renunciation

9.1 A Councillor may, by notice in writing given to the Democratic and Electoral Services Manager elect to forego any part of his/her entitlement to an allowance under this Scheme.

10. Part Year Entitlements

10.1 If the Term of Office or duties undertaken by a Councillor begin or end part way through a financial year, or amendment of the Scheme during the financial year changes the amount to which a Councillor is entitled, then calculation of the allowance payable shall be on a pro-rata basis having regard to the proportion that the Term of Office, period of duty or relevant periods of the Scheme bear to the month in the financial year in which they occur based on the number of days in that month.

11. Withholding of allowances

11.1 Where payment of any allowance is due or has already been made in respect of any period during which the member concerned is

(a) suspended or partially suspended from his/her responsibilities or duties as a member of the authority in accordance with Part III of the Local Government Act 2000, or regulations made under that Part; or

(b) ceases to be a member of the authority; or

(c) is in any other way not entitled to receive the allowance in respect of that period, the authority may withhold the payment of an allowance for that period or, as the case may be, require that such part of the allowance already paid as relates to any such period be repaid to the authority.

12. Overpayment

12.1 If a Councillor is paid any allowance under this scheme with respect to any period and it subsequently becomes apparent that the Councillor was not entitled to that payment for that period for any reason then the Council may recover the overpayment from that Councillor.

13. Annual Adjustment of Allowances

13.1 This scheme makes provision for an annual adjustment of allowances indexed to the Local Government staff pay award.

14. Co-optees

14.1 Co-opted members will not receive an allowance but will be fully reimbursed for any travel expenses incurred in attending meetings.

15. Membership of more than one authority

15.1 Where a Councillor is also a member of another authority that Councillor shall ensure that he/she does not receive allowances from more than one authority in respect of the same duties.

16. Claims and Payments

16.1 Payments shall normally be made by bank transfer:

(a) in respect of Basic and Special Responsibility Allowances, subject to paragraph 15.2, in instalments of 1/12th of the amounts specified in this Scheme on the 27th day of each month (or the last working day before that day if it is not a working day) and for which Councillors will not be required to submit a claim.

(b) in respect of Travel, Subsistence and Dependents' Carers allowances, on the 27th day of each month (or the last working day before that day if it is not a working day) where the claim is received by the Democratic and Electoral Services Manager by not later than the 1st day of that month.

16.2 Where a payment of 1/12th of the amount specified in this Scheme in respect of a Basic or Special Responsibility Allowance would result in the Councillor receiving more or less than the amount to which, by virtue of paragraph 10, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more or less is paid than the amount to which he or she is entitled.

16.3 Claims for Travel, Subsistence and Dependants' Carers allowances must be submitted on the appropriate form within six months of the date in respect of which the claim is being made. The payment of any claims not meeting this deadline will be at the discretion of the Head of Paid Service.

SCHEDULE 1

Special Responsibility Allowances

The following are specified as the special responsibilities in respect of which Special Responsibility Allowances are payable, and the amounts of those allowances:

<u>Responsibility</u>	<u>Multiplier of BA</u>	<u>SRA £pa</u>
<u>Leader of the Council</u>	<u>3.5</u>	<u>19,600</u>
<u>Deputy Leader of the Council</u>	<u>2.25</u>	<u>12,600</u>
<u>Cabinet Members</u>		
<u>Communities and Neighbourhoods</u>	<u>1.75</u>	<u>9,800</u>
<u>Environment</u>	<u>1.75</u>	<u>9,800</u>
<u>Housing, Health and Leisure</u>	<u>1.75</u>	<u>9,800</u>
<u>Performance and Resources</u>	<u>1.75</u>	<u>9,800</u>
<u>Regeneration and Culture</u>	<u>1.75</u>	<u>9,800</u>
<u>Chairs of Committees</u>		
<u>Planning Committee</u>	<u>0.8</u>	<u>4,480</u>
<u>Audit and Governance Committee</u>	<u>0.5</u>	<u>2,800</u>
<u>Licensing and Enforcement Committee</u>	<u>0.5</u>	<u>2,800</u>
<u>Overview and Scrutiny Committee</u>	<u>0.5</u>	<u>2,800</u>
<u>Deputy Chairs of Committees</u>		
<u>Planning Committee</u>	<u>0.2</u>	<u>1,120</u>
<u>Other positions of additional responsibility</u>		
<u>Minority Group Leader</u>	<u>1</u>	<u>5,600</u>
<u>Minority Group Deputy Leader</u>	<u>0.25</u>	<u>1,400</u>
<u>Mayor</u>	<u>0.6</u>	<u>3,360</u>
<u>Sheriff and Deputy Mayor</u>	<u>0.2</u>	<u>1,120</u>

Notes:

1. Where a Councillor holds more than one position of responsibility, only one Special Responsibility Allowance shall be paid, such an allowance being the higher or the highest of the relevant allowances.
2. A maximum of two Minority Group Leaders and two Minority Group Deputy Leaders are payable under the Scheme. An amendment to the Scheme may be required in the event of there being more than two Minority Groups.

SCHEDULE 2

Approved Duties

The following are deemed to be approved duties for the purposes of claiming travel, subsistence and dependants' carers allowances. Travel and subsistence expenses will only be paid where the duties necessitate travel beyond the Gloucester City Council boundaries:

- (a) Attendance, by right of membership or express invitation, at meetings of the Council, Cabinet, Committees, Sub-Committees, Working Groups, Panels and Task and Finish Groups.
- (b) Attendance, by right of membership or express invitation, at meetings of any joint Committees, Sub-Committees, Working Groups, Panels, Steering Groups to which the Council has appointed.
- (c) Attendance, by right of appointment, at meetings of approved Outside Bodies.
- (d) Attendance at Member training courses facilitated by the Council.
- (e) Attendance at a meeting of any association of authorities of which the authority is a member;
- (f) Attendance at meetings, Member training courses, conferences or any other events facilitated by external bodies, provided that authorisation has been given in advance and in writing by the Head of Paid Service, in consultation with the relevant Political Group Leader, where appropriate.

Payments in respect of the above approved duties shall be paid in accordance with the following rates:

A. Travel and Subsistence Allowance

Claims for travel and subsistence allowances must be submitted to the Democratic and Electoral Services Manager either electronically or in writing on Expenses Claim Form EC5.

(a) Travel Allowances

Mileage allowances

Motor mileage within the City boundaries is deemed to be covered within the Basic Allowance. Motor mileage for attendance at approved duties, as defined above, is

payable where the duties necessitate travel beyond the Gloucester City Council boundaries only.

Full addresses must be provided for all starting locations and destinations. Distances will be checked against the quickest route identified by AA Route Planner and any discrepancies will be raised with the Councillor so that details of the actual route taken can be recorded and reimbursed.

Mileage rates will be paid in accordance with the rates paid to staff and will increase or decrease in line with any changes agreed in the staff rates. The current rates are:

Use of private motor vehicle 50p per mile

Use of bicycle £16 flat rate per month or 15p per mile

Public Transport and Parking

Bus travel Actual fares reimbursed. Tickets or receipts must be provided.

Rail travel Train tickets should be arranged in advance through Democratic and Electoral Services in order to achieve value for money and to take advantage of early booking discounts. Where, in exceptional circumstances, a Councillor must purchase their own train ticket, the amount reimbursed will not exceed the amount of an ordinary fare or any available cheap fare; first class travel will not be reimbursed. Councillors purchasing their own train tickets should provide their receipt or ticket when claiming reimbursements.

Taxi and Private Hire Vehicles Fares will only be reimbursed if travel by taxi is required due to the urgency of the approved business or if public transport is not reasonably available. Receipts must be provided.

Toll fees, ferry, garaging and parking charges Actual fees or charges reimbursed. Receipts must be provided.

Accommodation

If a Councillor is required to stay overnight for attendance at approved duties, they should contact Democratic and Electoral Services who, following discussion with the Councillor about their requirements, will make the necessary accommodation arrangements in order to ensure that the Council achieves value for money.

(b) Subsistence Allowances

Subsistence within the City boundaries is deemed to be covered within the Basic Allowance. Subsistence for attendance at approved duties, as defined above, is payable for duties outside Gloucester City Council boundaries only. All claims for

subsistence must be supported by receipts. Where claims can be made, eligibility is based on the time of day meals are taken and time away from home, as follows:

<u>Breakfast</u>	<u>£6.29 (payable for absence from home of more than 4 hours before 11.00am)</u>
<u>Lunch</u>	<u>£8.72 (payable for absence from home of more than 4 hours which includes the hours of 12 noon-2.00pm)</u>
<u>Evening Meal</u>	<u>£15.10 (payable for absence from home of more than 4 hours ending after 6.00pm)</u>

B. Dependants' Carers Allowance

Councillors may claim reimbursement of care expenses when a Councillor attends any of the approved duties defined in Schedule 2 to this Scheme and incurs costs for the provision of care for children and adult dependants.

When travelling away from home to an approved duty which may involve an overnight stay, care expenses may be claimed in respect of the total duration of the duty, less any period during which a dependant is cared for at no cost to the Councillor.

In order to claim the for reimbursement of care expenses, a Dependants' Care Expenses claim form must be completed and signed by both the claimant and the carer before submission to the Democratic and Electoral Services Manager.

(a) Childcare

Eligible Councillors may claim for the reimbursement of actual amount paid for childcare provision, up a maximum of £7.50 per hour for a single child, or up to a total of £9.00 per hour for two or more children.

Up to a total of one hour travelling time may be added to the claim, where applicable, to enable the Councillor to travel to and from meetings, provided the child/children remain with the carer for the duration.

Childcare costs may be claimed for children aged 15 or under and for or any new claims, evidence of eligibility must be provided e.g. birth certificate. The child must normally live with the claimant as part of the family.

A carer can be any responsible mature person who does not normally live with the claimant as part of the family, but should not be a parent. The claimant bears sole responsibility for making appropriate care arrangements.

(b) Dependant Care

Eligible Councillors may claim for the reimbursement of actual amount paid for care provision, up to a maximum of £9.00.

Up to a total of one hour travelling time may be added to the claim, where applicable, to enable the Councillor to travel to and from meetings, provided the child/children remain with the carer for the duration.

Dependant care costs may be claimed for children with severe disabilities and dependant adult relatives living in the Councillor's home and for whom the Councillor is directly responsible.

A carer can be any responsible mature person who does not normally live with the claimant as part of the family. The claimant bears sole responsibility for making appropriate care arrangements.

[EC5](#)

[Expenses Claim Form](#)



Formatted Table

[Introduction](#)

This form is to be completed by the employee claiming mileage and expenses. Once this form has been completed, and has been approved by an authorised signatory, please send directly to PST. If this form is submitted incomplete or with errors, it will be returned at a risk of non payment. Please contact PST on 01452 396230 for any additional support on completion if required.

[Section A - Employee Details](#)

Name	-	Service	-
Personnel Number	-	Month and Year	-
Cost Centre (if not standard)	-		

[Section B - Mileage](#)

Date	Details of journey	Business/Training Miles	Cycle Miles	Motorcycle Miles
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
-	-	-	-	-
Total	-	-	-	-

Section C - Expenses

Date	Details of journey	With VAT					Without VAT				
		Accom Allowance	Misc Expenses	Subsist	Phone/Calls	Travelling Expenses	Accom Allowance	Misc Expenses	Subsist	Phone/Calls	Travelling Expenses	Med Cert
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-
Total		-	-	-	-	-	-	-	-	-	-

Section D - Approval

<u>Claimant Name</u>	-	<u>Service/Department</u>	-
<u>Signature</u>	-	<u>Date</u>	-
<u>Approver Name</u>	-	<u>Service/Department</u>	-
<u>Signature</u>	-	<u>Date Approved</u>	-
<u>Checked by PSST - Initials and Date</u>	-	<u>Initials:</u>	<u>Date:</u>

[Data Protection Act](#). The information you give us will be used for employee payments and related purposes. It may also be used for management information and statistics. We may need to provide some details to other organisations for legal reasons. All your information is treated with respect and in accordance with the Data Protection Act 1998. If you would like more information please contact HR.

<u>For BSC use Only:</u>	<u>Input By:</u>	<u>Date:</u>
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**GLOUCESTER CITY COUNCIL
DEPENDANTS' CARE EXPENSES CLAIM FORM**

DETAILS OF CLAIMANT

Councillor.....
Address.....
.....Postcode.....

DETAILS OF DEPENDANT

Name..... DOB.....
Relationship to Councillor making claim.....

DETAILS OF CARE PROVIDED

Date	Time	Approved Duty
.....	.....to.....	.....
.....	.....to.....	.....
.....	.....to.....	.....
.....	.....to.....	.....
.....	.....to.....	.....

Total number of hours care provided.....
Amount charged per hour £.....
Total amount paid to carer for provision of care £.....

DECLARATION OF CARER

I CONFIRM that I do not normally live at the same address as the person submitting this claim
I CERTIFY that I have received the amount stated above for providing the care on the dates and times specified above.

Name (Print)..... Telephone No.....
Address.....
.....Postcode.....

Signed.....(Carer) Date.....

DETAILS OF CLAIM

Total amount claimed £.....

DECLARATION OF CLAIMANT

I CERTIFY that I have necessarily incurred expenditure on carer's expenses for the purpose of enabling me to perform approved duties as a Member of Gloucester City Council.
I CONFIRM that I have actually paid the amount claimed and that the amount claimed is strictly in accordance with the Scheme determined by Gloucester City Council.

Signed.....(Councillor) Date.....

Deleted: 1

Gloucester City Council

Meeting:	Planning Committee Council	Date:	12 May 2015 21 May 2015
Subject:	Community Infrastructure Levy – Preliminary Draft Charging Schedule		
Report Of:	Cabinet Member for Regeneration and Culture		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	No
Contact Officer:	Anthony Wilson, Head of Planning		
	Email: anthony.wilson@gloucester.gov.uk Tel: 396830		
Appendices:	Appendix 1 - Draft Infrastructure List (Reg. 123) Appendix 2 - Preliminary Draft Charging Schedule		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To seek approval of the Community Infrastructure Levy – Preliminary Draft Charging Schedule for public consultation purposes.

2.0 Recommendations

- (1) Planning -Committee is asked to **ENDORSE** the preparation of the Preliminary Draft Charging Schedule for public consultation purposes which incorporates the proposed CIL rates outlined in section 12 of this report.
- 2.1 Council is asked to **RESOLVE** that:
- (1) It approves the publication of the Preliminary Draft Charging Schedule for public consultation purposes;

- (2) It grants delegated powers to the Head of Planning in consultation with the Cabinet Member for Regeneration and Culture to prepare the final consultation document.
- (3) It agrees that approval of further stages of public consultation on the Draft Charging Schedule be delegated to the Cabinet.

3.0 Background

- 3.1 The Community Infrastructure Levy (CIL) was introduced by the Planning Act 2008 with further information set out in subsequent Regulations. In overall terms, CIL is intended to be used for general infrastructure contributions whereas the current S106 process is for site specific mitigation. The introduction of CIL was a response to continuing concerns about the use of S106 obligations: they are not transparent, are ineffective in providing for major infrastructure and the needs arising from cumulative development, they have a disproportionate impact on larger developments, and many developments make no financial contribution. The set charges and the legal obligation to pay a CIL where introduced are intended to bring much greater certainty and to capture a broader range of development to contribute.
- 3.2 CIL remains discretionary for the Local Planning Authority. However, the impending scaling back the use of S106 obligations (in April 2015) is not discretionary and will have significant impacts for those LPAs deciding not to adopt CIL.
- 3.3 CIL differs fundamentally from S106 in that the funds collected are not tied to a specific development or the provision of specific infrastructure. Unlike infrastructure provided through S106 obligations, which must be necessary to mitigate the impact of a particular development and used only for that specific purpose, CIL funds can be used flexibly by the LPA to fund any infrastructure as defined within the regulations. They can be pooled freely (unlike S106) to fund infrastructure priorities and collectively between authorities in order to make larger strategic investments.
- 3.4 The Community Infrastructure Levy (CIL) was introduced in April 2010. It allows local authorities in England and Wales to raise funds from development. Charges are levied on new development and are payable when development commences or as staged payments after the commencement of development. The charges are set by the LPA, which is called the 'Charging Authority'. The money can be used to contribute to, or to help lever in investment for, a wide range of infrastructure that is needed to support new development.
- 3.5 Councils must spend the income on infrastructure. It cannot be used to remedy existing deficiencies unless a new scheme will make this worse. CIL can fully fund or provide a contribution to the infrastructure needed to facilitate growth and to deliver the development strategy. It is unlikely that CIL will, on its own, fully fund all of the necessary infrastructure within an area.

- 3.6 Charging authorities need to strike an appropriate balance between the need to capture funds for infrastructure and the potential effects of the CIL rates upon the economic viability and delivery of development, taken as a whole across its area. The economic evidence on the potential to capture potential land value forms the basis for deriving CIL charges. Viability is tested at a district wide level in setting CIL rates, compared to site by site negotiation under S106. It is expected that CIL will capture more of the land value uplift that results from development than S106 contributions are able to capture. There is a defined process for preparing a CIL which includes an Independent Examination to test the rates and robustness of the evidence. The process for preparation and approval of the Charging Schedule is set out in legislation (Planning Act 2008 part 11, the Community Infrastructure Levy Regulations 2010 and the Community Infrastructure Levy (Amendment) Regulations 2011). This involves evidence gathering, consultation and testing at a public examination. Once approved, the Charging Schedule does not form part of the development plan but does support it.
- 3.7 The Preliminary Draft Charging Schedule outlines possible rates of CIL. This does not commit the City Council to having a CIL or a particular rate at this stage, but allows the Council to collect the views of the community and development professionals operating in the City.
- 3.8 The Council has a choice whether to introduce CIL or not. However, after April 2015 the Council will be unable to pool S106 payments where there have already been five or more S106 contributions (since April 2010), toward any named project or named type of infrastructure that could otherwise be funded through CIL. In practice this means that S106 will continue to apply to site specific mitigation measures and on site elements (such as open space, affordable housing, play areas, highway access, etc), but the use of pooled S106 contributions for major infrastructure (such as major transport or leisure facilities) will be severely restricted.
- 3.9 The CIL Regulations 2010 also introduced into law three tests for planning obligations that are capable of being charged CIL. S106 obligations must be:
- Necessary to make the development acceptable in planning terms.
 - Directly related to the development.
 - Fairly and reasonable related in scale and kind to the development.
- 3.10 Whilst these tests are a consolidation of the advice originally contained in Circular 05/05, they are now a legal requirement giving them much greater force. The statutory status of these tests now brings a much greater need to demonstrate that the terms of any S106 are lawful and such agreements are now subject to greater scrutiny in terms of their lawfulness.

4.0 Defining Infrastructure

- 4.1 Before considering the detail of CIL it is worth defining what is meant by the term infrastructure. This is broadly defined in the Planning Act 2008. To establish parameters infrastructure can be split into 3 broad categories.
- Physical infrastructure e.g. highways, transport links, cycleways, energy supply, water, flood alleviation, waste management.
 - Social infrastructure e.g. education, health, social care, emergency services, art and culture, sport halls, community and faith halls, crematoria.
 - Green infrastructure e.g. parks, woodlands, play areas, public open space
- 4.2 Under the legislation affordable housing is not classed as infrastructure and therefore CIL monies generally cannot be spent by the charging authority to fund affordable housing. This puts the onus on local planning authorities to fully understand the realities of costs related to both CIL related infrastructure and affordable housing. Discussion about what is an appropriate balance between the provision of affordable housing and the provision of infrastructure is an important one, comments received through the consultation on the Draft Preliminary Charging Schedule will inform the ongoing conversation about striking the right balance.

5.0 Comparing CIL and S106

- 5.1 The adoption of a CIL regime offers the following:

Advantages	Disadvantages
Gives certainty to developers and others about costs.	Not negotiable.
More money for infrastructure than raised under S106, in particular by having more 'contributing' developments.	
CIL charges are not restricted by current legal tests for S106.	
Local communities receive a set proportion of CIL.	
Flexibility - the Council has greater control over how and when CIL is spent as compared to S106.	
Mechanism for supporting growth (and be seen to be supporting growth)	
Ability to predict income stream.	

5.2 The S106 based approach offers the following:

Advantages	Disadvantages
More development value may accrue to the landowner.	Negotiated on a case by case basis.
Good for site specific mitigation.	Fewer developments contribute toward infrastructure.
	Less money is available for pooled infrastructure.
	S106 agreements can be renegotiated after planning permission is approved to remove or reduce contributions.
	If not spent within a defined time period S106 can be claimed back.

6.0 Requirements in order to set a CIL

6.1 In order to set a CIL, the Council will require appropriate evidence on the infrastructure funding gap and evidence in relation to the viability of development.

Infrastructure Evidence

6.2 An Infrastructure Delivery Plan was prepared in 2014 as part of the evidence base for the Joint Core Strategy. It clearly shows that a funding gap exists between what is needed and the currently identified funding. As such this procedural requirement is satisfied.

Viability evidence

6.3 The JCS authorities have engaged specialist consultants (District Valuation Services) to carry out a viability assessment for the Joint Core Strategy and an initial assessment of viability for CIL. The two stages of this work cover viability assessments of:

- A range of typologies of the nature and scale of development.
- The Strategic Allocations as set out in the Joint Core Strategy.

The viability assessments identify the potential development value that can be generated from development within the City and demonstrate that there is scope to introduce a CIL.

7.0 The Proposed Preliminary Draft Charging Schedule

7.1 The Preliminary Draft Charging Schedule is the document which sets out the initial proposals for the Levy, for public consultation. It outlines possible

charging rates for CIL. This does not commit the Council to having a CIL or a particular rate at this stage, but allows the Council to collect views of the community and development professionals operating in the Borough. The Council must take into account the comments it receives when preparing a Draft Charging Schedule which would be subject to independent examination.

- 7.2 The JCS authorities have engaged Peter Brett Associates (PBA) as specialist consultants on development plans and CIL to assess the viability evidence and to prepare an appropriate Preliminary Draft Charging Schedule (PDCS) for the Council taking into account a number of factors, including the requirement that any proposed CIL rate does not undermine the viability of proposed development. If approved, the Council will consult on this PDCS and will take into account comments made before drawing up the Draft Charging Schedule for further consultation.
- 7.3 The purpose of this report is to gain agreement to undertake public consultation on the PDCS. Following consultation officers and the retained consultants will take into account comments made before drawing up another version of the charging schedule called the Draft Charging Schedule (DCS) for further consultation. A CIL rate is proposed for development within the City and separate CIL rates are also proposed the JCS strategic allocations. The PDCS is provided at Appendix 2.

Setting a CIL for residential development

- 7.4 As the characteristics of residential sites are many and varied, the consultant has employed the principle of the 'notional scheme' in preparing the PDCS and its associated draft CIL rates. It is accepted that the characteristics of the Strategic Allocations within the JCS area differ considerably from those of sites within and on the periphery of Gloucester but that the character of sites within the City also presents a number of varied characteristics.
- 7.5 Within Policy SD13, the JCS sets out a target of 40% affordable housing for sites accommodating in excess of 10 dwellings. Again, it is recognised that the level of affordable housing to be secured from any eligible site will be affected by the characteristics of that site. In some circumstances, the requirement for other forms of infrastructure may mean that lower levels of affordable housing would be provided due to the challenges presented by such sites. In such cases, applicants will be required to submit appropriate viability information that will allow the Council to make an informed decision on these matters.
- 7.6 Residential development would normally attract higher levels of CIL charge, due to the infrastructure needs arising from such development. The level of charge is dependent upon the characteristics of each site and many LPAs have adopted 'differential' CIL rates that reflect these characteristics. In some LPA areas, CIL charges can be in excess of £200/sqm, but lower rates can also be levied where other infrastructure funding sources are available.
- 7.7 Policy SD13 of the Submission JCS seeks the provision of 40% affordable housing on eligible sites of 10 or more dwellings (subject to site viability) as

per the requirements of the National Planning Practice Guidance. An analysis of affordable housing delivery during the last three years within Gloucester has revealed an overall provision in excess of 20% affordable housing across all eligible sites. It is important to note that rates of affordable delivery have varied considerably across these sites; some sites have been developed entirely for affordable housing, on others, zero or limited proportions have been provided and the JCS target of 40% has been delivered in other locations. In all of these instances, the Council has sought to deliver an appropriate housing mix that reflects the viability of each site.

Setting a CIL for other forms of development

7.8 In addition to residential uses a number of other land uses were tested. With the exception of retail uses, all other uses were found to have insufficient financial 'headroom' to levy a charge. The PDCS proposes a charge of £150/sqm in relation to retail development throughout the JCS area. While such a charge could be levied upon such developments in the City, it is important to note that the Council has identified the King's Quarter redevelopment as a key project and a differential CIL may be appropriate to reflect the value/viability of such sites.

7.9 The Council may also consider the introduction of differential retail CIL charges in the revised schedule to reflect priorities in relation to regeneration objectives and 'in centre' versus 'out of centre' developments.

Future review of the Charging Schedule

7.10 The CIL process incorporates the ability to review the level of charging rates to reflect changes in local circumstances over time. Any such changes must be subject to public consultation and subsequent examination so such changes would be periodic, perhaps occurring after a two to three year period.

8.0 Relationship of the Joint Core Strategy to CIL

8.1 The consultant is assessing the scope to introduce a CIL within each of the JCS Councils. In delivering a joint development plan, it is hoped that, if the three Councils each adopt a Charging Schedule, these will be aligned to deliver the best contribution toward infrastructure to support new development.

8.2 Sites proposed in the development plan have to be viable and deliverable and are tested through a viability assessment which is also part of the technical evidence for the JCS. Both the CIL and the JCS use the same background material. The Inspector at the JCS Examination will want to know whether the Plan is deliverable and viable, and what the impact on deliverability would be if infrastructure funding is not available. The evidence provided in the appendices to this report will support the JCS Examination.

9.0 Public Consultation

- 9.1 If all three JCS Councils agree to move forward with public consultation on a PDCS for their area, it is proposed that the public consultations on each of the three separate Charging Schedules with accompanying documentation would be coordinated. The JCS Councils are working together to align the dates of a six week period of public consultation which will be confirmed shortly.

10.0 Infrastructure List

- 10.1 The infrastructure list is a list of infrastructure projects or types of infrastructure that the charging authority, by publishing on its website, intends will be, or may be wholly or partly funded by CIL. Once a charging authority's first Charging Schedule has taken effect a planning obligation may not constitute a reason for granting planning permission for development to the extent that the obligation provides for the funding or provision of infrastructure within its infrastructure list.
- 10.2 Therefore, in order to preserve an ability to provide for specific infrastructure to continue to be dealt with by planning obligation after the adoption of a Charging Schedule, the Council will also need to prepare a list prior to the adoption of a Charging Schedule, setting out the types of infrastructure that it intends will be, or may be, funded wholly or partly by CIL. A draft infrastructure list has been prepared to indicate how CIL monies could be used to cater for the anticipated level of growth in the area. This is intended to ensure that developers are not asked to fund the same infrastructure via both Section 106 and CIL.
- 10.3 The inclusion on the list of an infrastructure project or type of infrastructure does not represent a commitment by the Council to provide that project or type of infrastructure either with or without funding from CIL. The only function of the list is in relation to the future use of S106 agreements and to avoid any perception of double charging to developers. The list can be reviewed on a regular basis, for example annually, to ensure that it remains up to date. It is not a requirement to prepare or consult upon a draft infrastructure list at the PDCS stage, but it is good practice to do so. A draft Regulation 123 List is provided at Appendix 1.

11.0 Neighbourhood Funds

- 11.1 In accordance with the Community Infrastructure Levy (Amendment) Regulations 2013 a specific proportion of CIL receipts would be passed to 'neighbourhood funds'. Therefore, in locations with an adopted Neighbourhood Plan, 25% of CIL receipts would be passed to such communities/forums to help fund local infrastructure in their areas. In all other locations (where no Neighbourhood Plan has been approved), 15% of CIL receipts would be passed to local communities, subject to annual total limits as defined within the CIL Regulations. In parished areas, the relevant

proportion of CIL will be passed to Parish/Town Councils. In non-parished areas, the City Council will engage with the relevant communities to determine how CIL is spent.

12.0 Conclusions

- 12.1 The CIL regime is being implemented as the principal source of infrastructure funding for LPAs and is being widely progressed throughout the country. The S106 system is expected to continue of the immediately foreseeable future, but new regulatory processes will place restrictions on the way in which this will operate from April 2015. The CIL regime will require the Council to adopt new processes and ways of working, but the system offers the potential to secure infrastructure funding from a wider range of developments.
- 12.2 Following detailed analysis of the implications of CIL following changes made via legislation and supporting regulations and testing of viability it can be demonstrated that CIL will support the Council in the delivery of infrastructure in the longer term. While it is accepted that the Council would receive only modest CIL income in the immediate future, the preparation of a Charging Schedule would allow the Council to coordinate its actions with its JCS partners and establish a CIL regime that will provide the framework for future infrastructure provision. Once established, the Council would be able to review its Charging Schedule (for example, within the next three years) to reflect the need for any changes in infrastructure requirements.
- 12.3 Having considered the factors in relation to the delivery of affordable housing and the Council's wider regeneration objective, it is proposed that residential development would be zero-rated (£0/sqm) for CIL purposes, assuming the provision of affordable housing in accordance with Policy SD13 of the JCS. As has been noted within section 7 of this report, the level of affordable housing will be assessed in relation to the overall viability of the site. To reflect this, the JCS authorities intend to undertake further work to assess the progression of CIL in relation to the viability and deliverability of development proposals in order to establish a clearer policy position. However, at this stage, the Council has set a zero residential CIL rate at the PDCS stage for consultation purposes.
- 12.4 For retail uses, a CIL rate of £150/sqm is proposed across the JCS area, but that further assessment will be undertaken to explore the merit of differential charges that reflect priorities in relation to regeneration objectives and 'in centre' versus 'out of centre' developments.

13.0 Financial Implications

- 13.1 Work to develop a Community Infrastructure Levy for Gloucester, including background consultancy evidence and additional project officer capacity, is financed from existing budgetary provision.

- 13.2 The Regulations allow Charging Authorities to use up to 5% of the CIL receipts received to recover costs associated with the development, set up and administration of the system.

(Financial Services have been consulted in the preparation of this report).

14.0 Legal Implications

- 14.1 The power to charge CIL is contained within Part 11 (Section 205-225) of the Planning Act 2008 (“the Act”) and the Community Infrastructure Levy Regulations 2010 (as amended) (“the CIL Regulations”). CIL is defined as an imposition of a charge, with the aim that CIL is to ensure costs incurred supporting the development of an area can be funded (wholly or partly) by owners or developers of land in a way that does not make development of the area economically unviable (Section 205(1) and (2) of the Act).
- 14.2 Subject to certain exceptions CIL must be applied to supporting development of its area by funding the provision, improvement, replacement, operation or maintenance of infrastructure (which may include infrastructure outside its area).
- 14.3 Regulation 15 of the CIL Regulations provides that the first stage is the preparation of a Preliminary Draft Charging Schedule (PDCS) for consultation. Under that regulation the charging authority must send a copy of the PDCS and invite representations from each of the consultation bodies (County Councils and local planning authorities whose area is in or adjoins the charging authority’s area and parish councils in the charging authority’s area).
- 14.4 The charging authority must also invite representations on the PDCS from persons who are resident or carrying on business in its area and as the charging authority considers appropriate from voluntary bodies (some or all of whose activities benefit the charging authority's area) and bodies which represent the interests of persons carrying on business in the charging authority's area. The charging authority must make such arrangements as it considers appropriate in respect of obtaining these representations.

(Legal Services have been consulted in the preparation of this report).

15.0 Risk Management Implications

- 15.1 Failure to develop a CIL Charging Schedule would reduce the Council’s ability to ensure that new development contributes proportionately to infrastructure provision in the longer term. The Council will also continue to utilise Section 106 agreements to secure appropriate infrastructure contributions.
- 15.2 Failure to adopt a CIL in the longer term means that the Council could be disadvantaged by changes to Section 106 which took effect on 6 April 2015, which will limit the pooling of contributions for the infrastructure needed to

support new development, and could result in a loss of contributions until such time as a CIL Policy is adopted.

16.0 People Impact Assessment (PIA)

- 16.1 The preparation of a new planning document can have both positive and negative social impacts on local communities. The CIL PDCS seeks to provide appropriate and necessary infrastructure for the needs of the City's communities. PIA will also be ongoing through the preparation of the Development Plan.

17.0 Other Corporate Implications

Community Safety

- 17.1 None.

Sustainability

- 17.2 The development of the CIL would take into account the three dimensions of sustainable development set out in the National Planning Policy Framework (NPPF):
- An economic role – contributing to building a strong, responsive and competitive economy.
 - A social role – supporting strong, vibrant and healthy communities.
 - An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

Staffing and Trade Union

- 17.3 The CIL regime will require new monitoring and management systems to ensure effective operation. The CIL management fee of up to 5% of receipts could be utilised to provide additional staff resource.

Background Papers : None

Appendix 1: Draft Infrastructure List (Regulation 123)

Draft Infrastructure List (Reg 123)

In accordance with the Planning Act (2008) as amended by the Localism Act (2011) and the Community Infrastructure Levy Regulations (2010) as amended.

The infrastructure to be funded by CIL will be set out in lists to be published from time to time by the Charging Authority - known as the Regulation 123 list.

As the infrastructure needs of the three Joint Core Strategy Councils, Gloucester City, Cheltenham Borough and Tewkesbury Borough are inextricably linked, the Infrastructure Delivery Plan (IDP) and subsequently this Infrastructure List (Reg. 123) are applicable to all three JCS councils.

The table below gives an indication of the types and categories of infrastructure and/or specific infrastructure projects to which CIL receipts raised by the Council as the Charging Authority could be applied:

In general it is proposed that site specific mitigation measures, including providing a safe and acceptable means of access to a public highway, or roads providing access to a development, will be secured through planning conditions or S106 obligations.

Other more strategic infrastructure will be supported in whole or in part through CIL.

The inclusion on the list of an infrastructure project or type of infrastructure does not represent a commitment by the Council to provide that project or type of infrastructure either with or without funding from CIL. The only function of the list is in relation to the future use of S106 agreements and to avoid any perception of double charging to developers. The Infrastructure List gives an indication of the categories of infrastructure currently intended to be funded by CIL or other means. The list can be reviewed on a regular basis, for example annually, to ensure that it remains up to date.

	Infrastructure to be funded, or part funded, through CIL	Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through Planning Condition
Transportation	Transportation infrastructure for walking, cycling, public transport and highways.	<ul style="list-style-type: none"> • Highway works to mitigate the direct impact of development, including site access or adjacent junction improvements to facilitate traffic movements to the site, and parking control; • Pedestrian / cycle and bus facilities on site or providing direct access to the site; • Travel planning to mitigate the direct of development.
Education	Provision for which the Local Education Authority has a statutory responsibility including early years, primary and secondary (covering ages 3 – 19).	See also 'Transfer of Land' in this table
Green Infrastructure	Strategic green infrastructure	Green Infrastructure initiatives relating to a particular development - See also 'Transfer of Land' in this table.
Sport and Play Provision	Sport and Play Provision <ul style="list-style-type: none"> • Including outdoor sports pitches, courts and greens, informal recreational open space, equipped and unequipped space for children and teenagers, swimming pools, and indoor sports halls. 	Site specific sports and play provision.
Community Infrastructure	Including community buildings, library provision, public buildings.	Other community infrastructure related to a particular development. <ul style="list-style-type: none"> • Community infrastructure provided within a commercial or residential building. • Support for the administration and setting up of local community groups to serve a new community. • Community development support. See also 'Transfer of Land' in this table.
Historic environment	Heritage interpretation provided off-site.	On-site protection or examining and recording the historic environment.
Waste Recycling	Provision of household waste recycling and waste management	On site collection facilities and waste reduction initiatives.

	Infrastructure to be funded, or part funded, through CIL	Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through Planning Condition
	facilities.	
Renewable Energy infrastructure	Renewable Energy infrastructure.	The establishment and ongoing maintenance of onsite or nearby low carbon or renewable energy installations associated with new development, including district heating/cooling systems.
Emergency Services (Police, Fire and Ambulance)	Emergency services premises for growth.	Provision of fire hydrants.
Flood prevention and drainage	Strategic flood defences where not related to specific development proposals (likely to be funded primarily through Environment Agency).	The establishment and ongoing maintenance of sustainable drainage systems and any other water infrastructure which is not adopted by a licensed water undertaking or other responsible body.
Art and Cultural Infrastructure and Public Realm	Off-site provision/enhancements On-site provision/enhancements.	
Economic Development Infrastructure	Including off-site starter business units, assistance with the provision of Broadband, supporting other employment initiatives.	On-site infrastructure and non-infrastructure initiatives such as skills training.
Affordable Housing		Provision of affordable housing and housing to meet other specified needs such as supported housing or lifetime homes.
Health Care	Expected to be funded through NHS funding streams, though in some circumstances contributions from locally raised revenues and may be appropriate.	
Utilities	These are likely to be funded primarily through relevant Asset Management Plans. Any infrastructure contributions from CIL will be limited to infrastructure serving a	Other contributions to utility improvements specifically required for a particular development. Provision of utilities infrastructure within a development site, including nearest available connection to mains services.

	Infrastructure to be funded, or part funded, through CIL	Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through Planning Condition
	strategic purpose beyond the needs of a single development location, with part funding through the AMP where improvements deal with existing deficiencies.	
Contamination		Any necessary on site investigation and remediation.
Maintenance		Subject to legislative restraints, infrastructure provided under S106 contributions will include an element for maintenance.
Transfer of land		Where the facility in question is primarily needed to serve the specific development the land will be expected to be transferred at no cost to public authorities.

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Appendix 2
Gloucester City Council
Community Infrastructure Levy
Preliminary Draft Charging Schedule

1.1 Introduction

- 1.1.1 Gloucester City Council has published this Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule (PDCS) as the Local Planning Authority under powers provided by Section 206 of the Planning Act 2008. The context of CIL is set out at paragraphs 1.4 – 1.6 of this report.
- 1.1.2 Gloucester City Council, along with Tewkesbury and Cheltenham are preparing a Joint Core Strategy (JCS). The JCS has a common evidence base including testing viability.
- 1.1.3 Viability and infrastructure evidence has been prepared on a joint basis to support the plan, therefore the sections in this report that deal with evidence are written for all three authorities. The aim is to prepare the three PDCS on a co-ordinated basis in order to appropriately address cross boundary infrastructure issues. Although this joint evidence base has informed the PDCS preparation, each of the JCS councils are CIL charging authorities in their own right and are required to prepare separate CIL Charging Schedules.
- 1.1.4 All relevant evidence can be accessed via the JCS website www.gct-jcs.org
- 1.1.5 This Preliminary Draft Charging Schedule is published for public consultation as the first step in setting a CIL charge for Gloucester and has been prepared in accordance with Regulation 15 of the CIL Regulations 2010 (as amended). The Council will take into account any comments made on this document before publishing its Draft Charging Schedule.
- 1.1.6 The purpose of this consultation document is to set out Gloucester City Council's CIL Preliminary Draft Charging Schedule. In addition to the Charging Schedule, the document explains the general principles of CIL and summarises the methodology / evidence base used in calculating the levels of the charge. Further information can be viewed on the Council's website and a hard copy of the Preliminary Draft Charging Schedule will be available at the following locations during the consultation period:
- Tewkesbury Borough Council Offices
 - Bishop's Cleeve Library
 - Bishop's Cleeve Advice Centre
 - Brockworth Library
 - Brockworth Advice Centre
 - Cheltenham Main Library
 - Churchdown Library
 - Churchdown Advice Centre
 - Gloucester library
 - Tewkesbury Town Library
 - Winchcombe Library
 - Winchcombe Advice Centre

1.2 Procedure for representations

- 1.2.1 Comments on this document are welcome during the consultation period of XXXX to XXXX.
- 1.2.2 Should you wish to comment on this document please could you contact the following:

EMAIL: XXXXX

TELEPHONE: XXXXXXXX

ADDRESS: Planning Policy Team
Gloucester City Council
The Docks
GLOUCESTER

- 1.2.3 The closing date for comments is midnight XXXX. Any comments received after this date will not be considered. Comments received on this document will be used to inform the preparation of the Draft Charging Schedule that will be published in XXXX.

1.3 Timetable

- 1.3.1 The anticipated stages of preparation and consultation are set out in the following table:

Table 1.1: Anticipated timetable

Stage		Description	Date
1	Preliminary Draft Consultation	Consultation on the rates proposed within the Preliminary draft charging schedule	May-July 2015
2	Draft Consultation	Consultation on the draft CIL rates informed by Preliminary Draft Charging Schedule. Any person or organisation commenting at may be heard at examination.	Summer 2015
3	Submission to Independent Examiner	The Council can submit the proposed Draft Charging Schedule for examination.	Autumn/Winter 2015
4	Examination in public	The Draft Charging Schedule is examined by an independent examiner through a public hearing.	Winter 2015
5	Adoption and Implementation	The Charging Schedule is published online and will take effect on the date stated in the Charging Schedule.	Spring 2016

1.4 Context

- 1.4.1 The Community Infrastructure Levy (CIL) is a locally set planning charge, introduced by the Planning Act 2008 (as amended) as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area.
- 1.4.2 CIL allows local authorities to generate funding from development for the provision of infrastructure in and around their location or strategic cross boundary infrastructure projects where several local authorities contribute. Importantly, CIL is not intended to fund the entire infrastructure required for Gloucester and that required to support cross boundary development as this would result in unviable development, but instead is intended to supplement other funding streams.
- 1.4.3 The level of CIL to be charged can only be set on the basis of evidence based viability. An appropriate balance must be struck between the desirability of funding from CIL required to support the development of its area; and the potential effects of the imposition of CIL on the economic viability of its area.

1.5 Legislative background

- 1.5.1 CIL is governed by legislation that came into force on 6th April 2010. Guidance and Regulations are prepared by the Department for Communities and Local Government (DCLG) as set out in:

- The Planning Act 2008 as amended by the Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2008/29/contents>

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

- The CIL Regulations 2010, as amended in 2011, 2012, 2013 and 2014
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
<http://www.legislation.gov.uk/uksi/2011/987/contents/made>
<http://www.legislation.gov.uk/ukdsi/2012/9780111529270>
http://www.legislation.gov.uk/uksi/2013/982/pdfs/uksi_20130982_en.pdf
<http://www.legislation.gov.uk/ukdsi/2014/9780111106761/contents>
- National Planning Policy Framework: Planning Practice Guidance on CIL.
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
<http://planningguidance.planningportal.gov.uk/blog/guidance/communityinfrastructure-levy/>

1.5.2 Authorities cannot charge for the same items through both CIL and planning obligations. Local Authorities who intend to adopt a CIL should publish a "Regulation 123 List" by April 2015 to identify the infrastructure that it is intended will be, or may be, wholly or partly funded by the levy. A Regulation 123 list is appended to this report.

1.6 Why introduce CIL?

1.6.1 Central to the rationale for introducing CIL is the widely held belief that most development has some impact on the need for infrastructure and services, or benefits from them. Therefore it is considered appropriate that such development pays a share of the cost, particularly given the potential financial benefits that planning permission can bring to developments. Under the current regime of Section 106 agreements (another form of planning agreement used to provide funding for certain infrastructure projects) this cannot be achieved as obligations must be directly related to the development. In addition smaller sites tend to fall outside negotiation of obligations. Additionally, contributions from CIL can be pooled and used to lever investment or loans from other sources (for example Gloucestershire Infrastructure Investment Fund, Pinchpoint funding).

1.6.2 Unlike Section 106 agreements, once adopted a CIL charging liability is non-negotiable. The levy is a standard fixed charge which provides developers with much more certainty about how much money they will be expected to contribute, which can be factored in to their development calculations. This provides clarity to the developer and transparency to the landowner.

1.6.3 Importantly, from April 2015, the local authorities will be restricted on the pooling of Section 106 planning obligations which will change the way infrastructure is delivered across Gloucester. The regulations will only allow for a maximum of five Section 106 planning agreements to be pooled for specific infrastructure projects. Therefore, the implementation of CIL will provide that flexibility in the pooling and spending of monies from developments and can be spent on any identified infrastructure need (unlike Section 106 agreements which require a direct link between the development and any infrastructure project).

1.6.4 Nevertheless, it will still be possible for specific infrastructure projects to be funded through Section 106 planning agreements, but only where these are directly related to a proposed development and are needed to make individual planning applications acceptable in planning terms. The statutory tests for S106 agreements as set out in the Community Infrastructure Levy Regulations 2010 and as policy tests in the National Planning Policy Framework will still need to be applied. These tests being that

- they are necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

- 1.6.5 It is intended that CIL sits alongside the current Section 106 regime rather than directly replacing it with regulations in place to ensure that there is a distinction between the two systems and that they do not overlap.

1.7 Chargeable development

- 1.7.1 CIL is levied on the development of virtually all buildings that people 'normally go into'. The following development types will be liable for CIL:

- Developments of more than 100m² new floorspace
- Development of less than 100m² which result in the creation of one or more new dwellings
- The conversion of a building that is no longer in lawful use

Exemptions

- 1.7.2 The CIL Regulations provide for certain types of development to be exempt from CIL, which include:

- Development by registered charities for the delivery of their charitable purposes;
- Those parts of a development which are to be used as social (affordable) housing;
- The conversion of any building previously used as a dwelling house to two or more dwellings;
- Development of less than 100m² of new build floorspace, provided that it does not result in the creation of a new dwelling;
- The conversion of, or works to, a building in lawful use that affects only the interior of the building;
- Development of buildings and structures into which people do not normally go (e.g. pylons, wind turbines and electricity sub stations);
- Residential annexes and extensions (where the person who would normally be liable for the charge owns a material interest in the main dwelling and occupies the main dwelling as the sole or main residence);
- Self-build housing where a dwelling is built by the person who would normally be liable for the charge (including where built following a commission by that person) and occupied by that person as their sole or main residence.

Setting the levy

- 1.7.3 The rate of CIL is determined by the charging authority. It is scrutinised by an independent examiner to assess whether the charge has regard to the evidence base and that the level of charge is reasonable and will not impact negatively on the economic viability of development taken as a whole across the Authority's area.
- 1.7.4 Under Regulation 13 of the Community Infrastructure Regulations 2010 (as amended) a CIL charge can either be set as a single rate which covers all types of development across the whole of an area or as differential rates which cover different development types and/or different areas. Whilst guidance also denotes that it is also possible for some types of development to have a zero rating this can only be based on viability and cannot be used to encourage certain types of development within an area as this could be considered as state aid and would therefore be deemed unlawful. A CIL charging schedule can be reviewed, but this would then be subject to re-consultation and examination.

1.8 Evidence base used

- 1.8.1 A number of evidence base documents have been produced to inform the preparation of a Preliminary Draft Charging Schedule. These documents can be viewed on the JCS website www.gct-jcs.org. These include:
- a. Stage 1 and Stage 3 Viability assessments of local development typologies/representative development schemes
<http://www.gctjcs.org/PublicConsultation/EINF-Evidence-Infrastructure.aspx>
 - b. Stage 2 Viability Testing of Notional Development Schemes, Allocated in the Pre Submission Joint Core Strategy
<http://www.gct-jcs.org/PublicConsultation/EINFEvidence-Infrastructure.aspx>
 - c. Joint Core Strategy, Submission version November 2014
<http://www.gctjcs.org/Documents/Publications/Submission/JCS-Submission-Version-November-2014acorrected.pdf>
 - d. Gloucester City Council, Cheltenham Borough Council & Tewkesbury Borough Council, Infrastructure Delivery Plan.
<http://www.gct-jcs.org/PublicConsultation/EINF-Evidence-Infrastructure.aspx>
- 1.8.2 The District Valuer Services (referred to as DVS henceforth) were jointly commissioned by Gloucester City, Tewkesbury Borough and Cheltenham Borough to undertake a viability assessment of the development likely in to occur in this joint strategy area.
- 1.8.3 The main purpose of a plan viability (or PV) assessment is to provide evidence to show that the requirements of the National Planning Policy Framework (NPPF) are met. That is, the policy requirements in the Plan should not threaten the delivery of the plan as a whole. The objective of this study is to inform policy decisions relating to the trade-offs between the policy aspirations of achieving sustainable development and the realities of economic viability. A key outcome of this is to establish the surplus residual land value (referred to as the “headroom”) left over once other build and policy costs are taken into account. This analysis then provides the scope for setting a CIL rate,
- 1.8.4 The plan viability assessment was carried out in three stages, as follows:

Stage 1:

- a. Initially, DVS tested 10 different scenarios (referred to henceforth as ‘typologies’) representing the developments likely to be brought forward within the district. These included three small schemes, two medium scale schemes and five commercial or mixed use developments in various locations. The assumptions and methodology were set out in the document “**Stage 1 Viability assessments of local development typologies/representative development schemes**”.

Stage 2:

- b. In Stage 2 DVS tested eight strategic sites listed as A1 to A9. The assumptions and methodology was set out in the document “**Stage 2 Viability Testing of Proposed Strategic Site Allocations in the Pre Submission Joint Core Strategy**”.

Stage 3:

- c. Following on from Stage 1, DVS tested a larger range of generic sites as it was considered that 10 different sites in Stage 1 may lack the robustness to adequately test viability at a sufficient range of sizes and locations. DVS therefore included a Stage 3 testing which included a total of 24 ‘typologies’ (eight in each of the three authorities) with a range of unit sizes (from 2 to 200 dwellings schemes). Similar to the stage 1 assessment, the assumptions formed by DVS are set out in the document “**Stage 1 and Stage 3 Viability assessments of local development typologies/representative**”.

development schemes” and can also be seen in tables B1, B2 and B3 in Appendix B.

- 1.8.5 It is intended that the draft charging schedule is read in conjunction with these viability assessment documents, particularly for further details regarding the methodology and assumptions.
- 1.8.6 It was considered that the Stage 3 testing which covers 24 ‘typologies’ was a more comprehensive approach to testing generic sites than the testing in stage 1 which analysed only 5 typologies. The proposed CIL rates in Table 1.2 for generic sites utilise the testing in DVS’s ‘Stage 3’ testing whilst the rates for strategic sites are formulated using DVS’s ‘Stage 2’ study.
- 1.8.7 Appendix A includes a summary of the DVS work and how it has been interpreted to inform the Preliminary Draft Charging Schedule.
- 1.8.8 The viability work which has informed this Preliminary Draft Charging Schedule raises viability pressures between the delivery of infrastructure via CIL and the balance with continued Section 106 obligations for site specific infrastructure and affordable housing. The council in implementing CIL needs to achieve a realistic balance which does not undermine the viability of development.

1.9 Proposed CIL rates

- 1.9.1 The viability work conducted by DVS and the interpretation of the work set out in Appendix A, provides the following recommendations for CIL within Gloucester. The following amounts are represented as a £ per square metre value.

Residential development

- 1.9.2 For the residential sites in Gloucester the recommended CIL rate is zero for sites of 11 and over and zero for sites of 10 and under.

Table 1.2: Proposed residential CIL rates

		Recommended CIL
Generic sites	Gloucester 10 dwellings and under	£0
	Gloucester 11 dwellings and over	£0

Other forms of development

- 1.9.3 In addition to residential uses a number of other uses have been tested. With the exception of retail uses, all other uses were found to have insufficient headroom to levy a charge. Further work is needed to test these other uses further, for example, there are different definitions for care homes, extra care and retirement living housing for older people and this may impact upon the potential to apply CIL. In respect of retail, further viability assessment may be required to assess whether CIL rates could vary according to the type and location of development.

Table 1.3: Proposed Non residential CIL rates

	Recommended CIL
Any Retail uses	£150
Any Office uses	£0
Any Industrial uses	£0
Care Homes	£0

Student Accommodation	£0
Hotels	£0
All other forms of development not previously listed	£0

1.10 Spending of CIL

- 1.10.1 Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), henceforth referred to as 'CIL Regulations', the charging authority will publish on its website their intention for how revenues raised from the levy will be spent. This will make clear what items will in future fall under the CIL rather than S106, but also show contributors and other interested parties what types of infrastructure the CIL will be spent on. In formulating the Regulation 123 list the Council will work closely with other bodies to address strategic infrastructure and that delivered by other public authorities, for example, Gloucestershire County Council.
- 1.10.2 The CIL regime allows authorities to respond to changing local circumstances, by spending revenue from the CIL on different projects from those identified during the rate setting process. Therefore the Regulation 123 list will be continually reviewed and updated accordingly. Changes to the Regulation 123 list will be updated via the council website.

1.11 Duty to pass CIL to local councils

- 1.11.1 CIL regulations outline provision for receipts to be redistributed to local parish councils, or to be spent on behalf of designated neighbourhood forums. The proportion allocated to the local council, or spent on behalf, is dependent on the adoption of a neighbourhood plan. Where a neighbourhood plan is in place, 25% of the CIL is passed to the local council. Where a neighbourhood plan is not adopted, 15% is passed to local councils, subject to a cap equivalent to £100 for every existing dwelling in that area.

1.12 Preliminary Draft Regulation 123 (R123) List

- 1.12.1 Under Regulation 123 of the CIL Regulations 2010 (as amended), the Council is required to set out a list of those projects or types of infrastructure that it intends will be, or may be, wholly or partly funded through the CIL.
- 1.12.2 In order to ensure that individual developments are not charged for the same infrastructure items through both Section 106 Agreements and the CIL, a S106 contribution cannot be made towards an infrastructure item identified on the R123 List.
- 1.12.3 This Draft R123 List is provided as part of the consultation on the Preliminary Draft Charging Schedule and will be updated at the Draft Charging Schedule stage
- 1.12.4 The list is set out in Appendix E and is based on the infrastructure requirements set out in the JCS Infrastructure Plan evidence and where appropriate will be updated to reflect new evidence. A Regulation 123 list does not identify priorities for spending within it, or any apportionment of CIL funds across the JCS. This Preliminary Draft Regulation 123 List does not signify a commitment from the Council to fund any of the projects listed through the CIL.

1.13 Optional exemptions and discretionary matter

- 1.13.1 The CIL Regulations allow Local Authorities to make certain choices about how to implement the CIL and the Council would like your views on the following options:

Payment by instalments (Regulation 69b)

- 1.13.2 Payment of a CIL charge is due from the date at which a chargeable development commences. The Council can offer the payment of CIL by instalments to provide flexibility and

support for more complicated and phased developments. An 'instalment policy' stating the parameters of this process would be published alongside the adopted Charging Schedule.

Social housing relief (Regulation 49)

- 1.13.3 The Council can allow, at its discretion, relief from liability to pay a CIL charge to new market houses that are to be sold at no more than 80 per cent of their market value.

Land and infrastructure in-kind (Regulations 73&73A)

- 1.13.4 The Council can allow, at its discretion, the value of land transferred to the Council and infrastructure provided or constructed by a developer to be offset against the CIL charge. This would enable developers to provide the infrastructure needed to support new development directly, rather than paying for it indirectly through the CIL. The value of land and infrastructure in kind would be determined by 'a suitably qualified independent person' (for example the District Valuer).

Relief for exceptional circumstances (Regulation 55)

- 1.13.5 Liability to pay a CIL charge on chargeable development is a statutory obligation and is non-negotiable. The Council can, however, in exceptional circumstances offer discretionary relief from liability to pay a CIL charge. Offering this relief would provide the Council with some flexibility to deal with complex sites which are proved to have exceptional costs or other requirements which make them unviable.
- 1.13.6 Justification for this relief would have to be demonstrated through (independently verified) appropriate evidence of viability and is entirely at the discretion of the Council. This relief can be activated and deactivated at any time subject to a notice of intention to be published by the Council.

Relief for charitable investment activities (Regulation 44)

- 1.13.7 The Council can allow, at its discretion, relief from CIL liability to charity landowners where the greater part of a development is held as an investment from which the profits are applied for charitable purposes.

1.14 Your Views

- 1.14.1 We would like your views on the Preliminary Draft Charging Schedule and in particular responses to the following questions:

Question 1:

Do you agree that the evidence provided in the DVS reports is correct?

If not, please set out alternative evidence to support your view.

Question 2:

Do you agree that the CIL Rates proposed (per square metre) strike an appropriate balance between the desirability of funding infrastructure through CIL and associated economic viability?

If not, please set out alternative evidence to support your view.

Question 3:

Do you agree with setting a CIL rate within the context of the whole of the JCS?

If not, please set out alternative evidence to support your view.

Question 4:

Do you believe that the Council should offer relief for any of the following discretionary matters?

4A: Payment by instalments (and what should these be?)

4B: Relief for low-cost market housing

4C: Land and Infrastructure in-kind

4D: Relief for exceptional circumstances

4E: Relief for charitable investment activities

If so, please set out evidence to support you view:

Question 5:

Do you have any views on the content of the Council's Preliminary Draft Regulation 123 list and the proposed balance between CIL and S106?

If so, please give reasoning with your answer.

Appendix A: Testing and rate recommendations

1.15 Introduction

- 1.15.1 As explained previously, DVS’s residential testing is based on an analysis of ‘generic sites’ set out in the document “**Stage 1 and Stage 3 Viability assessments of local development typologies/representative development schemes**”, and a number of strategic sites set out in the document “**Stage 2 Viability Testing of Notional Development Schemes, Allocated in the Pre Submission Joint Core Strategy**”.
- 1.15.2 This section firstly analyses DVS’s testing of the ‘generic’ sites and then secondly provides a review of the strategic sites evidence.

1.16 Testing of generic typologies

- 1.16.1 Through discussion with the local authorities DVS have tested 8 different scenarios for each of the three districts, ranging from 2 unit schemes up to 200 unit schemes, as identified in **Table A1**. It was assumed by DVS and the authorities that, discounting the strategic sites which will be discussed in subsequent sections, these scenarios adequately reflected the type developments likely to be brought forward in their area. **Table A1** also includes the assumed site sizes used in DVS’s assessment and makes the distinction that given the rural character of Tewkesbury the size of the developments are slightly larger and at lower densities.

Table A1: Generic typologies tested

	Gloucester (Hectares)	Cheltenham (Hectares)	Tewkesbury (Hectares)
2	0.08	0.08	0.08
5	0.1	0.1	0.1
9	0.18	0.18	0.2
12	0.2	0.2	0.24
25	0.5	0.5	0.6
60	1.2	1.2	1.5
100	2.5	2.5	3
200	5	5	6.5

- 1.16.2 Rather than repeating here, the full range of assumptions for the generic testing can be found in the “Stage 1 and Stage 3 Viability assessments of local development typologies/representative development schemes”.

1.17 Rate recommendations for generic typologies

- 1.17.1 Appendix 4 of the “Stage 1 and 3” DVS report provides the results of their testing. In terms of an output they provide the residual land values (RLV) of each typology (2 units to 200 units) at a range of affordable housing ranges for each of the three authorities, in terms of the total for the scheme and a per acre figure. When comparing the RLV to the benchmark land value this provides an indication as to whether or not DVS consider the scheme viable or unviable. DVS’s findings, indicated in Appendix 4, shows a clear difference in viability in Gloucester compared to the more viable neighbouring areas of Cheltenham and Tewkesbury.
- 1.17.2 DVS’s report does not include costs associated with s106 or CIL. To do this requires an examination of the surplus amount of residual land value, once land value costs have been taken into account (also referred to as the ‘headroom amount’), on a per square metre of floorspace basis, or more precisely, a per square metre of *CIL liable* floorspace (defined as the amount of floorspace from open market dwellings only as affordable dwellings are not liable to pay a CIL charge). DVS provide their assumptions for open market floorspace (or CIL

Liabile floorspace) of the Stage 3 schemes in the Appendix B of this report. Applying these to the residual land values gives the headroom per square metre for each of the typologies.

- 1.17.3 Given the difference in viability between the less viable Gloucester compared to the other two districts there is evidence to suggest setting a separate levy for Gloucester and the same for Cheltenham and Tewkesbury combined. Using a weighted average of each typologies headroom, weighted on the number of dwellings, provides the values in **Table A2** below. These represent the very maximum amounts of CIL per square metre that can be considered at the different affordable housing rates.

Table A2: Results of generic site testing (maximum headrooms) represented as a £ per square metre figure

		AH 40%	AH 35%	AH 30%	AH 25%	AH 20%	AH 10%
Gloucester	10 dwellings and under	£3					
Cheltenham & Tewkesbury		£139					
Gloucester	11 dwellings and over	-£151	-£100	-£56	-£20	£7	£49
Cheltenham & Tewkesbury		£148	£180	£210	£231	£251	£277

- 1.17.4 In Gloucester, as the table suggests, a maximum CIL headroom of £3 available for units for developments of ten units and below would mean a zero rate could only be considered here. For developments of 11 dwellings and over, the DVS's testing shows that viability in Gloucester is limited at a range of affordable housing rates, and it is only at lower rates of affordable housing that a discernible level of CIL could be charged.
- 1.17.5 For Cheltenham and Tewkesbury the findings suggest a maximum of £139 could be sought for developments under the affordable housing threshold. For developments over 11 units, the testing shows that at a rate of 40% affordable housing the CIL headroom is £148 per sq. m.
- 1.17.6 Guidance issued by DCLG suggests a buffer should be applied to ensure that decisions are not taken at the margins¹. This ensures a greater degree of robustness in case there is a significant variance in the nature of the values and costs outlined in the assumptions.
- 1.17.7 As previously stated the DVS study does not account for s106. The council consider that around 30% of the headroom should be allowed for site specific s106 costs. It is also appropriate to apply a buffer to take into account site specific variances – the Council consider that a 20% is appropriate, which effectively leaves 50% of the headroom available for CIL. As development of 10 dwellings and under is exempt from the payment of section 106 costs, only the buffer of 20% has been applied in considering the level of CIL to charge on developments of this size.
- 1.17.8 It is therefore proposed that the following rates are used for residential sites (excluding strategic sites which are discussed in the following section). The CIL rates are based on 40% affordable housing in Cheltenham and Tewkesbury. In Gloucester, where viability across the tested generic sites is more limited a nominal rate of CIL is put forward.

Table A3: Recommendations from generic site testing

	Recommended CIL

¹ DCLG (2010), Charge Setting and Charging Schedule Procedures.

Gloucester 10 dwellings and under	£0
Cheltenham and Tewkesbury 10 dwellings and under	£110
Gloucester 11 dwellings and over (assuming 40% affordable housing)	£0
Cheltenham and Tewkesbury 11 dwellings and over (assuming 40% affordable housing)	£70

1.18 Testing of strategic site typologies

1.18.1 In terms of the larger sites DVS have tested the following sites in **Table A4**. The table also indicates the proportions of dwellings allocated to each of the three JCS authorities, showing that the majority of development is situated in Tewkesbury apart from A5 and A6 where the development is shared by Cheltenham. Of the eight strategic sites identified Site A9 refers to a commercial development and is therefore omitted from the residential testing.

1.18.2 It should be noted that all figures presented are those set out by DVS and may not be the same as the specific figures set out in the JCS or other documents.

Table A4: Strategic sites tested

	Total units proposed within:			Gross Site Area (Hectares)	Residential land areas (Hectares)	Unit Density (per hectare)
	Gloucester	Cheltenham	Tewkesbury			
A1 Innsworth: 1,250 unit mixed use development scheme	-	-	1,250	64.81	38.99	32
A2 North Churchdown: 532 unit development scheme	-	-	532	19.00	13.30	40
A3 South Churchdown: 865 unit mixed	-	-	868	47.84	21.31	41
A4 North Brockworth: 1,500 unit development scheme	-	-	1,500	61.42	42.99	35
A5 North West Cheltenham: 4,785 unit mixed use development scheme	-	1,800	2,985	215.02	134.14	36
A6 South Cheltenham/ Leckhampton: 1,124 unit development scheme	-	764	360	42.67	29.87	38
A8 MoD site at Ashchurch: 2,726 unit mixed use development	-	-	2,726	128.17	68.15	40
A9 Commercial development scheme	-	-	-	14.25	-	-

1.18.3 Again, the full list of assumptions used by DVS for the strategic sites are contained within the “Stage 2 Viability Testing of Notional Development Schemes, Allocated in the Pre Submission Joint Core Strategy” report.

1.19 Rate recommendations for strategic sites

1.19.1 Applying the residual land values at the different affordable housing rates set out in sections 11 and 12 in the “Stage 2 Viability Testing of Notional Development Schemes, Allocated in the Pre Submission Joint Core Strategy” to the floorspace assumptions in section 5 (for 40% Affordable Housing) and in Appendix 2-6 (for the Affordable Housing rates 35%, 30%, 25%, 20% and 10%) of the same report it is possible to determine a CIL per liable square metre value as in the previous section.

1.19.2 The table below shows the maximum headroom amount available at a range of Affordable Housing rates. Similar to the previous section the below represents the maximum available

(excluding s106 and CIL). Please note that the headroom is taken from the DVS report. To understand the differences between sites and why they range from £80 per sq.m at North Brockworth to £995 at South Cheltenham, please see the DVS reports.

1.19.3 **Table A5: Strategic sites results (maximum headrooms) represented as a £ per square metre figure**

	AH 40%	AH 35%	AH 30%	AH 25%	AH 20%	AH 10%
A1 Innsworth: 1,250 unit mixed use development scheme	£180	£205	£227	£245	£250	£282
A2 North Churchdown: 532 unit development scheme	£102	£139	£174	£201	£243	£266
A3 South Churchdown: 865 unit mixed	£264	£287	£304	£319	£333	£353
A4 North Brockworth: 1,500 unit development scheme	£80	£112	£139	£161	£196	£215
A5 North West Cheltenham: 4,785 unit mixed use development	£219	£230	£243	£253	£256	£266
A6 South Cheltenham/ Leckhampton: 1,124 unit development	£995	£974	£956	£936	£921	£891
A8 MoD site at Ashchurch: 2,726 unit mixed use development	£222	£241	£258	£273	£299	£306

1.19.4 In most circumstances when a greater percentage of affordable housing is introduced into a scheme the 'headroom' available for CIL will normally be reduced. However, occasionally when undertaking this type of testing there are circumstances where additional affordable housing will actually improve the headroom in respect of calculating a potential for CIL. As can be seen in Table A5 this circumstance has occurred whereby we can see the CIL liable headroom for A6 South Cheltenham improves with the additional affordable housing percentages applied.

1.19.5 This circumstance occurs when there are high residual values within a scheme. Effectively the provision of increased affordable housing (which reduces the CIL liable floorspace) is less expensive to the development than the CIL liable headroom. Therefore by increasing affordable housing you are reducing the liability and subsequently improving the headroom. A more detailed explanation with worked examples is set out in Appendix D.

1.19.6 The following table sets out the recommendations for CIL rates for the strategic sites. Again, it is assumed that a rate of 50% of the total maximum headroom, consisting of 30% for S106 costs and a further 20% buffer, is taken into account. DVS's testing suggests that a considerable CIL rate can be gathered from a range of Affordable Housing contributions on all sites.

Table A6: Strategic sites recommendations

	Recommended CIL	Recommended AH
A1 Innsworth: 1,250 unit mixed use development scheme	£90	40%
A2 North Churchdown: 532 unit development scheme	£50	40%
A3 South Churchdown: 865 unit mixed	£130	40%
A4 North Brockworth: 1,500 unit development scheme	£40	40%
A5 North West Cheltenham: 4,785 unit mixed use development	£110	40%
A6 South Cheltenham/ Leckhampton: 1,124 unit development	£500	40%
A8 MoD site at Ashchurch: 2,726 unit mixed use development	£110	40%

1.20 Non Residential testing

1.20.1 DVS's findings note that "[a]ll retail schemes in Gloucester, Cheltenham and Tewkesbury are viable with degrees of surplus except for the Gloucester out of centre scheme". Using a similar methodology to the residential testing, and applying the headroom to a per square metre figure it can be seen that all retail developments can accommodate a rate of £150 per square metre (with the exception of the Gloucester out of town scheme).

- 1.20.2 Although the Gloucester out of centre scheme is unviable, DCLG guidance² recognises that CIL may make some developments unviable and recognises the importance of considering economic viability as a whole across the area rather than many different permutations of charges. This is to ensure the rate setter strikes an appropriate balance between the likely development that may arise and a consideration of complexity in variable rates. It is therefore recommended that a £150 rate is sought on retail developments across the three JCS authorities.
- 1.20.3 For other commercial uses such as Offices, Industrial/Warehouse, Care Homes, Student accommodation and Budget Hotel schemes, DVS's testing suggests these types of developments are unviable and therefore it is recommended that a zero CIL rate should be applied. **Table A7** sets out the final recommendations for non residential uses:

Table A7: Strategic sites recommendations

	Recommended CIL
Any Retail uses (Gloucester, Tewkesbury or Cheltenham)	£150
Any Office uses	£0
Any Industrial uses	£0
Care Homes	£0
Student Accommodation	£0
Hotels	£0
All other uses not previously specified	£0

² DCLG (2010), Charge Setting and Charging Schedule Procedures.

Appendix B: Stage 3 floorsizes

Table B1: Floorspace at a range of affordable rates for Stage 3 testing in Tewkesbury

Tewkesbury	40%	35%	30%	25%	20%	10%
2	215	215	215	215	215	215
5	625	625	625	625	625	625
9	765	765	765	765	765	765
12	861	861	861	946	1,031	1,116
25	1,505	1,590	1,675	1,845	1,930	2,070
60	3,560	3,815	4,070	4,325	4,550	4,960
100	6,350	6,775	7,200	7,595	7,990	8,690
200	12,824	13,714	14,564	15,384	16,194	17,694

Table B2: Floorspace at a range of affordable rates for Stage 3 testing in Cheltenham

Cheltenham	40%	35%	30%	25%	20%	10%
2	170	170	170	170	170	170
5	435	435	435	435	435	435
9	715	715	715	715	715	715
12	710	710	710	780	840	900
25	1,300	1,385	1,470	1,640	1,700	1,840
60	3,205	3,460	3,715	3,925	4,135	4,545
100	5,175	5,600	6,025	6,420	6,795	7,470
200	10,270	11,200	12,050	12,840	13,590	14,940

Table B3: Floorspace at a range of affordable rates for Stage 3 testing in Gloucester

Gloucester	40%	35%	30%	25%	20%	10%
2	170	170	170	170	170	170
5	435	435	435	435	435	435
9	715	715	715	715	715	715
12	710	710	710	780	840	900
25	1,300	1,385	1,470	1,625	1,710	1,850
60	3,205	3,460	3,715	3,925	4,135	4,535
100	5,140	5,565	5,990	6,370	6,720	7,370
200	10,618	11,537	12,410	13,185	13,900	15,200

Appendix C: Chargeable amount

Extract from the Community Infrastructure Levy Regulations 2010 (as amended)

PART 5 CHARGEABLE AMOUNTS

Regulation 40

Calculation of chargeable amounts

(1) The collecting authority must calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with this regulation.

(2) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.

(3) But where that amount is less than £50 the chargeable amount is deemed to be zero.

(4) The relevant rates are the rates at which CIL is chargeable in respect of the chargeable development taken from the charging schedules which are in effect—

(a) at the time planning permission first permits the chargeable development; and

(b) in the area in which the chargeable development will be situated.

(5) The amount of CIL chargeable at a given relevant rate (R) must be calculated by applying the following formula—

$$= \frac{R \times A \times I_P}{I_C}$$

where—

A = the deemed net area chargeable at rate R;

I_P = the index figure for the year in which planning permission was granted; and

I_C = the index figure for the year in which the charging schedule containing rate R took effect.

(6) The value of A in paragraph (5) must be calculated by applying the following formula—

$$= \frac{C_R \times (C - E)}{C}$$

where—

C_R = the gross internal area of the part of the chargeable development chargeable at rate R;

C = the gross internal area of the chargeable development; and

E = an amount equal to the aggregate of the gross internal areas of all buildings which—

(a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and

(b) are to be demolished before completion of the chargeable development.

(7) The index referred to in paragraph (5) is the national All-in Tender Price Index published from time to time by the Building Cost Information Service of the Royal Institution of Chartered Surveyors; and the figure for a given year is the figure for 1st November of the preceding year.

Appendix D: Site A6 analysis

The result in Table A5 shows that for site A6 the viability improves at higher rates of affordable housing. Whilst counterintuitive, this can happen when the residual land values are particularly high. To understand this, we need to look at how the calculations are undertaken in the following formula:

$$\text{CIL headroom per square metre amount} = \frac{\text{Total Headroom of the scheme}}{\text{CIL Liable floorspace of scheme}}$$

Where:

- the total headroom refers to the residual land value of the scheme minus the benchmark land value
- CIL liable floorspace is the total floorspace of the scheme minus the floorspace of the affordable housing, leaving the amounts of floorspace from open market dwellings.
- As the proportions of affordable housing are increased, both the total headroom of the scheme and the CIL liable floorspace decreases. In the majority of cases the change in headroom of the scheme (the numerator) has a greater impact than the change in the CIL liable floorspace (the denominator) and leads to a reduction in the CIL headroom per square metre amount. However, in the case of A6, where there is a higher RLV, the relative change in the numerator is smaller than the relative change in the denominator, and therefore the opposite occurs.

The three hypothetical schemes below help explain this point.

Scheme A has a headroom of £100,000 with a CIL liable floorspace of 100 sq. m and could therefore accommodate a headroom of £1,000 per square metre. Increasing the affordable housing amount by 10% reduces the CIL Liable floorspace by 10 sq. m to 90 sq. m.

In the majority of cases the change in headroom of the scheme is larger than the change in the CIL liable floorspace and leads to a reduction in the CIL headroom per square metre amount. This can be seen in scheme B where the fall in RLV (£100,000 to £85,000) is greater than the fall in the denominator causing the CIL headroom to reduce from £1,000 to £944).

However, in the case of A6, where the change in RLV (£100,000 to £95,000) is smaller relative to the change in the denominator (CIL liable floorspace), the opposite occurs which can be seen in scheme C. In this case the relative change in the denominator outweighs the relative change in the numerator, therefore increasing the CIL headroom from £1,000 to £1,055.

$$\text{A) CIL headroom per square metre amount} = \frac{\pounds 100,000}{100 \text{ sq.m}} = \pounds 1,000$$

$$\text{B) CIL headroom per square metre amount} = \frac{\pounds 85,000}{90 \text{ sq.m}} = \pounds 944$$

$$\text{C) CIL headroom per square metre amount} = \frac{\pounds 95,000}{90 \text{ sq.m}} = \pounds 1,055$$

Appendix E Draft Regulation 123 list

Initial Draft Infrastructure List for Preliminary Draft Infrastructure List (Reg 123)

In accordance with the Planning Act (2008) as amended by the Localism Act (2011) and the Community Infrastructure Levy Regulations (2010) as amended.

The infrastructure that may be funded by CIL will be set out in lists to be published from time to time by the Charging Authority - known as the Regulation 123 list.

As the infrastructure needs of the three Joint Core Strategy councils, Gloucester City, Cheltenham Borough and Tewkesbury Borough are inextricably linked, the Infrastructure Delivery Plan (IDP) and subsequently this Infrastructure List (Reg 123) are applicable to all three JCS Councils.

The table below gives an indication of the types and categories of infrastructure and/or specific infrastructure projects to which CIL receipts raised by the Council as the Charging Authority could be applied:

In general it is proposed that site specific mitigation measures, including providing a safe and acceptable means of access to a public highway, or roads providing access to a development, will be secured through planning conditions or S106 obligations.

Other more strategic infrastructure may be supported in whole or in part through CIL.

The inclusion on the list of an infrastructure project or type of infrastructure does not represent a commitment by the Council to provide that project or type of infrastructure either with or without funding from CIL. The only function of the list is in relation to the future use of s106 agreements and to avoid any perception of double charging to developers. The Infrastructure List gives an indication of the categories of infrastructure currently intended to be funded by CIL or other means. The list can be reviewed on a regular basis, for example annually, to ensure that it remains up to date.

	Infrastructure to be funded, or part funded, through CIL	Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through Planning Condition
	Transportation Transportation infrastructure for walking, cycling, public transport and highways.	Development specific mitigation works on, or directly related to, a development site.
	Education Provision for which the Local Education Authority has a statutory responsibility including early years, primary and secondary (covering ages 2 – 19)	
	Flood and Water Management Flood risk mitigation to support development across the area.	Development specific mitigation works on, or directly related to, a site.
	Social and Community Infrastructure Including social and community facilities, sports, recreational, play infrastructure and youth provision, and cultural infrastructure.	Development specific mitigation works on, or directly related to, a site.
	Green infrastructure Strategic green infrastructure.	Development specific mitigation works on, or directly related to, a site.
	Historic Environment Conservation and enhancement of the historic environment, heritage assets and their setting.	Development specific mitigation works on, or directly related to, a site.
	Public Realm Off-site provision/enhancements.	Development specific mitigation works on, or directly related to, a site.
	Emergency Services (Police, Fire and Ambulance) Including infrastructure to support the capacity of local services in areas of major growth.	Provision of fire hydrants.

	Infrastructure to be funded, or part funded, through CIL	Infrastructure and other items to be funded through S106 Obligations; S278 of the Highways Act; other legislation or through Planning Condition
	<p>Economic Development Infrastructure Including off-site starter business units, information and communications technology, supporting other employment initiatives.</p>	<p>On-site infrastructure and non-infrastructure Initiatives such as skills training and local employment initiatives.</p>

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