



**Gloucester
City Council**

CONSTITUTION 2012- 2013

**Adopted by Council on 22 March 2012
Effective from 21 May 2012**

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FOREWORD

Modern local government requires modern and effective governance. Given Gloucester City Council's ambition to be a leaner, more focused Council it is essential that we have a constitution, governance arrangements, and methods of working, that facilitate this.

This constitution is the product of consultation with members and officers of the Council and is written to help support the Council achieving its Corporate Priorities, namely;

- Strengthening Gloucester's Economy
- A City for Everyone
- Creating Pride in our City

I believe this constitution offers the appropriate combination of certainty, clarity and flexibility, achieving the balance that enables swift and effective decision making, yet ensuring proper checks and balances.

However, this is not the end of the process. Local government will continue to change and this will apply to Gloucester as much as elsewhere. Annual review of the constitution is unlikely to be sufficient, and accordingly regular reports will be brought to improve and update the Council's controlling document, as appropriate.

**Julian Wain
Chief Executive**

Part 1 - Summary and Explanation

The Council's Constitution

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. Some of these processes are required by the law, while others are a matter for the Council to choose.

The Constitution is divided into 16 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules (Part 4) and protocols (Part 5) in this document.

What's in the Constitution?

Article 1 of the Constitution commits the Council to provide clear leadership to the community and to operate efficient, transparent and accountable decision-making processes. Articles 2 to 16 of the Constitution explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- Overview and Scrutiny Committee (Article 6)
- The Leader and Cabinet (Article 7)
- Regulatory and Other Committees (Article 8)
- The Standards Committee (Article 9)
- Area Committees and Forums (Article 10)
- Joint Arrangements (Article 11)
- Officers (Article 12)
- Decision Making (Article 13)
- Finance, Contracts and Legal Matters (Article 14)
- Review and Revision of the Constitution (Article 15)
- Suspension, Interpretation and Publication of the Constitution (Article 16)

How the Council Operates

The Council comprises 36 elected Councillors. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee and the Monitoring Officer train and advise them on the Code of Conduct and where there may be a breach of the Code of Conduct, the Standards Committee and Monitoring Officer will investigate and take the necessary action.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here, Councillors decide the Council's overall policies and set the budget each year.

How Decisions are Made

The Leader, the Cabinet and Individual Cabinet Members,(collectively known as 'The Executive') are responsible for most day-to-day decisions. The Cabinet is made up of the Leader of the

Part 1 - Summary and Explanation

Council, and four Councillors. When major decisions are to be discussed or made, these are published in the Leader's Forward Plan in so far as they can be anticipated. If these major decisions are to be discussed with Council officers at a meeting of the Cabinet, this will generally be open for the public to attend except where personal or confidential matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

Overview and Scrutiny

The Overview and Scrutiny Committees supports the work of the Leader and Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Leader and Cabinet and the Council as a whole on its policies, budget and service delivery. The Overview and Scrutiny Committee also monitors the decisions of the Leader and Cabinet. It can 'call-in' a decision which has been made by the Leader or Cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the Leader or Cabinet reconsiders the decision although Leader or Cabinet does not have to change the policy. It may also be consulted by the Leader, Cabinet or the Council on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol on Member/Officer relations governs the relationships between officers and Members of the Council.

Citizens' Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

Where members of the public use specific Council services, for example as a Council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Constitution (accessible on the Council's web-site www.gloscester.gov.uk);
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question time and contribute to investigations by the Overview and Scrutiny Committees;
- make deputations and present petitions to the Council;
- find out, from the Leader's Forward Plan (published monthly), what major decisions are to be discussed by the Cabinet or decided by the Cabinet, Individual Cabinet Members or officers, and when;
- attend meetings of the Cabinet where key decisions are being discussed or decided;

Part 1 - Summary and Explanation

- see reports and background papers, and any record of decisions made by the Council the Leader, the Cabinet or individual Cabinet Members;
- complain to the Council about the quality and standard of Council services;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor;
- petition for the formation or abolition of a Parish Council;
- petition for action

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's Democratic Services, whose contact details can be found in Part 8 of this Constitution.

Part 2 - Articles of the Constitution

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Articles

Article 1 – The Constitution

1.01 Powers of the Council

The Council shall exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

This Constitution is the Constitution of the Gloucester City Council.

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of Local Authority decision-making;
- (c) help Councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no-one shall review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community.

1.03 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council shall always choose that option which it thinks is closest to the purposes stated above.

The Council shall monitor and evaluate the operation of the Constitution as set out in Article 15 (Review and Revision of the Constitution).

Article 2 – Members of The Council

2.01 Composition and Eligibility

(a) **Composition**

The Council shall comprise 36 Members otherwise called Councillors. One, two or three Councillors shall be elected by the voters of each ward in accordance with the scheme drawn up by the Local Government Commission and approved by the Secretary of State for Communities and Local Government.

(b) **Eligibility**

Only registered voters of the district or those living or working there will be eligible to hold the office of Councillor.

2.02 Election and Terms of Office

The ordinary election of a third (or as near as may be) of all Councillors shall be held on the first Thursday in May in each year, except that in every fourth year from 2005 there will be no City election. The terms of office of Councillors shall normally be four years starting on the fourth day after being elected and finishing on the third day after the date of the regular election four years later.

The Secretary of State may, in a year when a European Parliamentary General Election or General Election is held, make an Order to change the ordinary day of election of Councillors so as to be the same date as the Poll in that European or General Election.

2.03 Roles and Functions of All Councillors

(a) **Key Roles**

All Councillors shall:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate functions;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the Council;
- (vi) be available to represent the Council on other bodies; and
- (vii) maintain the highest standards of conduct and ethics.

(b) **Rights and Duties**

- (i) Councillors shall have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors shall not make public information which is confidential or exempt without the consent of the Council or divulge information given to them in confidence to anyone other than a Councillor or officer entitled to know it.

For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

Part 2 - Articles of the Constitution

2.04 Conduct

Councillors shall at all times observe the Members' Code of Conduct, the Planning and Development Code of Practice, the Probity in Licensing and Enforcement Code of Practice, and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this 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 meetings of the Council and its committees 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 Leader's 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.glos.gov.uk).

(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 Committees.

(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 Independent Chair of the Standards Committee 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.

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 Shop Licensing Policy
- Street Trading Licensing Policy
- Cultural Strategy
- Airport Strategy
- Joint Waste Strategy

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;

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- (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 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.

Article 5 – Chairing the Council

5.01 Role and function of the Mayor (Chair of the Council)

The Mayor and in his/her absence, the Deputy Mayor (who also bears the honorary and historic title of the Sheriff) will have the following roles and functions:

(a) Ceremonial Role

- **First citizen.** The Mayor shall take precedence i.e. shall be the first citizen of the City of Gloucester.
- **Promotion of the city.** Together with the Leader, the Mayor will promote the City as a whole and act as a focal point for the community.
- **Ceremonial Matters.** The Mayor will decide what civic and ceremonial duties he/she and the Sheriff and Deputy Mayor will carry out.

(b) Chairing the Council Meeting

The Mayor shall be elected by the Council annually. The Mayor shall have the following responsibilities:

- (i) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not in the Cabinet are able to hold the Cabinet to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to be the conscience of the Council.

Article 6 – Overview and Scrutiny Committees

- 6.01 The overview and scrutiny function is a central element to this Constitution. The Overview and Scrutiny Committee meets in public to discuss and make recommendations on the development of policies and hold the Executive to account for their actions. It also has a key role in considering other matters of local concern.
- 6.02 The guiding principle for the work of scrutiny is that it should be consensual and positive. The emphasis of the work should be on making a proactive and positive contribution to the development of policy and the discharge of the Council's functions under Section 21 of the Local Government Act 2000 (as amended). This is best achieved by an inclusive process covering Members, the Council's partners, service users and officers.
- 6.03 The Council will appoint an Overview and Scrutiny Committee as set out below to discharge the functions conferred by Section 21 of the Local Government Act 2000 (as amended).
- 6.04 The terms of reference for the Overview and Scrutiny Committee are detailed in Part 4 of the Constitution. The procedure rules concerning overview and scrutiny are detailed in Part 4 of the Constitution.
- 6.05 The Overview and Scrutiny Committee will have an overarching scrutiny role and will also co-ordinate, plan and approve the programme of scrutiny work. It will have the right to create such task and finish groups, scrutiny panels or working parties as it thinks fit to carry out the overview and scrutiny programme and delegate such functions as it thinks appropriate. Each task and finish group or working party will scrutinise the work of the Council and the Executive on a service based and/or cross cutting basis.
- 6.06 Additionally, the Overview and Scrutiny Committee will regularly review the Leader's Forward Plan of decisions and indicate whether the proposed level of consultation is appropriate for the decision to be taken.
- 6.07 Where decisions of the Leader, Cabinet, individual Cabinet Members or officers are key decisions, they will be published and circulated as set out in Rule 14 of the Overview and Scrutiny Procedure Rules (Call-in).

Overview and Scrutiny Committee - General Role

- 6.08 The Overview and Scrutiny Committee shall have the functions, powers and responsibilities set out below:
- co-ordinate, champion and lead on the scrutiny of Council and Executive decisions;
 - have all of the functions, powers and duties conferred by Section 21 of the Local Government Act 2000(as amended);
 - have all the powers and functions, powers and duties conferred by Section 19 of the Police and Justice Act 2006 and to act as the Council's Crime and Disorder Committee;
 - determine the allocation of work in the event that the scope of the subject matter of a scrutiny study or investigation overlaps the role of more than one Task and Finish Group;
 - review the operation of the scrutiny process and work programmes of the Overview and Scrutiny Task and Finish Groups and inform and advise Council in relation to priorities and the allocation of resources;

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- (f) oversee and review the resources, support, training and development of Overview and Scrutiny Members;
- (g) develop a positive “critical friend” approach to the role of scrutiny of the Council and Community issues;
- (h) provide and co-ordinate the input to an annual report to Full Council on such issues or topics as the Committee sees fit;
- (i) give consideration to the management of matters called in for review under paragraph 14 of the Overview & Scrutiny Rules;
- (j) give consideration to matters referred to it by the Councillors’ Call for Action;
- (k) review and scrutinise the work of the Executive;
- (l) review and scrutinise the content of the Leader’s Forward Plan;
- (m) review and scrutinise the policies and proposed policies of the Council;
- (n) consider any matters which affect the authority, the City of Gloucester (or part of it) or its inhabitants (or some of them).

Policy Development and Review

6.09 The Overview and Scrutiny Committee may consider and implement mechanisms to encourage and enhance community participation in the development of policy options.

Proceedings of Overview and Scrutiny Committee

6.10 The Overview and Scrutiny Committee will conduct its proceedings in accordance with Section 21 of the Local Government Act 2000 (as amended) and the overview and scrutiny procedure rules set out in Part 4 of this Constitution.

Article 7 – Leader and Cabinet

7.01 Role

The Leader will carry out all of the Local Authority's functions which are not the responsibility of any other part of the Local Authority, whether by law or under this Constitution. The Leader may make arrangements for the discharge of any of their functions by the Cabinet, an Individual Cabinet Member, a committee of the Cabinet or by an officer of the Council.

7.02 Form and Composition

The Cabinet shall consist of the Leader of the Council together with at least two, but not more than nine, Councillors.

7.03 Leader

In accordance with the decision of the Council on 25 November 2010, from May 2010 the Leader of the Council, being a Member of the Council must be appointed for a four year term

The Leader of the Council will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor;
- (d) the Council passes a simple majority resolution to remove him/her from the office.

In the event of the post of Leader of the Council becoming vacant for any of the reasons (a) to (d) above, the Council shall appoint another Member of the Council to complete the remainder of the four year term of office (or up to the end of the new Leader's term of office as a Member) whichever is shorter.

7.04 The Deputy Leader and other Cabinet Members

The Leader of the Council will appoint Cabinet Members and advise Council accordingly.

Cabinet Members must be Councillors.

The Leader must appoint one Cabinet Member to be Deputy Leader of Council and to exercise all the powers of the Leader in the absence of the Leader. The Deputy Leader shall hold office for a period of four years or until:

- (a) he/she resigns from office; or
- (b) he/she is suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor; or
- (d) he/she is removed from office by the Leader of the Council.

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Cabinet Members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors; or
- (d) they are removed from office by the Leader of the Council.

7.05 Proceedings of the Cabinet

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution.

7.06 Responsibility for Functions

The Leader of the Council will maintain a list in Part 3 of this Constitution setting out which individual Members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Executive functions.

7.07 Transitional Arrangements

- (a) In the event that, after the annual elections in May each year, the Leader does not command the majority of the members of the Council having regard to the known party affiliations of the newly elected Council, or if, at any point during the municipal year, the political balance on the Council changes, the Leader (or the Deputy Leader, if acting in the absence of the Leader) and Cabinet (if appointed) shall only exercise their powers with the agreement of the leader of the majority group (or the other group leaders if no one group has a majority) to ensure that no decision is taken that in the judgement of the leader of the majority group (or the other group leaders if no one group has a majority) does not command the support of the leaders representing the majority of the members of the Council.
- (b) These transitional arrangements shall apply until the Annual General Meeting in the case of a change in political balance following annual elections in May or until the next Ordinary Council meeting in the case of a change in political balance occurring for some other reason.
- (c) The exercise of delegated powers by officers of the Council will be subject to a similar limitation in this period.
- (d) Where a delegated power requires consultation with the Leader or Cabinet portfolio holder, the requirement will be extended to include the Leader or leaders of other groups (or their respective spokespersons, if identified).

Article 8 – Regulatory and Other Committees

8.01 Regulatory and Other Committees

The Council shall appoint the quasi judicial Committees set out below to discharge the functions described in Part 3 of this Constitution.

1. Planning Committee

The Planning Committee comprising 13 Members of the Council whose membership is to be allocated in proportion to the political composition of the Council.

The Planning Committee will appoint a Planning Policy Sub-Committee comprising 5 Members of the Council whose membership is to be allocated in proportion to the political composition of the Council.

Members appointed to the Planning Committee and its Sub-Committee shall be obliged to abide by the Planning and Development Code of Practice.

2. Licensing and Enforcement Committee

A Licensing and Enforcement Committee comprising 13 Members of the Council whose membership is to be allocated in proportion to the political composition of the Council.

Members appointed to the Licensing and Enforcement Committee shall be obliged to abide by the Probity in Licensing and Enforcement Code of Practice.

3. Audit and Governance Committee

An Audit and Governance Committee comprising 7 Members of the Council whose membership is to be allocated in proportion to the political composition of the Council.

4. Organisational Development Committee

An Organisational Development Committee (drawn from the Group Leaders and Deputy Group Leaders) with delegated powers to monitor employment legislation and ensure personnel procedures and guidelines in respect of recruitment discipline and grievance are up to date and in place.

The Committee is also responsible for the contractual terms and conditions of the Chief Executive as Head of Paid Service, the Corporate Director of Resources as S151 Officer, the other Corporate Directors and the Group Manager Legal and Democratic Services as the Monitoring Officer.

5. Standards Committee

Those matters relating to probity, ethics and alleged breaches of the Code of Conduct.

Members appointed to the Standards Committee shall be obliged to abide by the Standards Procedure Rules in respect of alleged breaches of the Members' Code of Conduct.

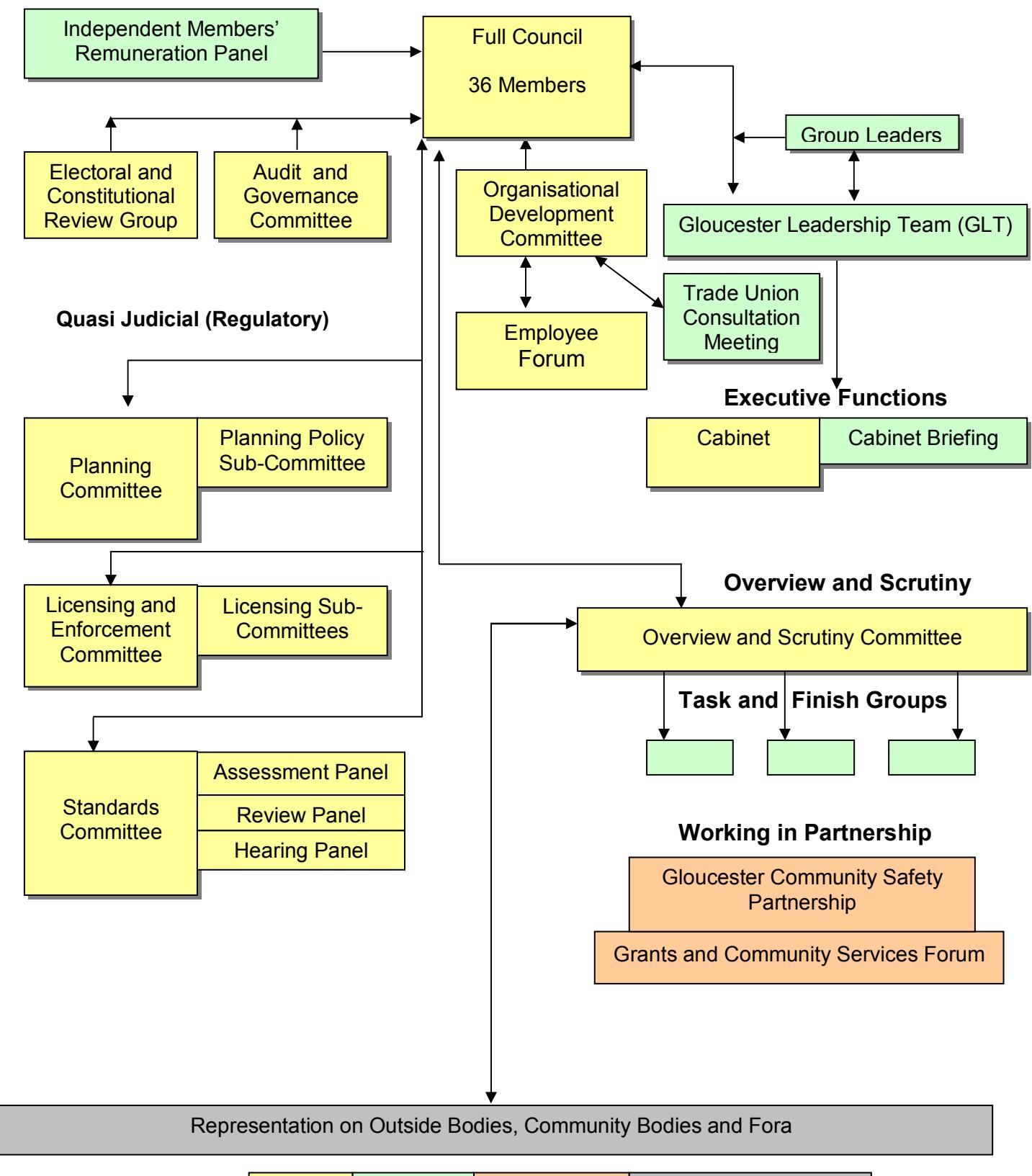
Note

Delegation to Officers - Those functions relating to statutory financial, audit and legal functions which have been delegated to officers are set out in the Council's Scheme of Delegation in Part 3 to this Constitution.

Part 2 - Articles of the Constitution

Gloucester City Council

Council Functions



Article 9 - The Standards Committee

9.01 Standards Committee

The Council shall establish a Standards Committee.

The Committee must appoint a Sub-Committee to discharge its functions under Section 57A (Written Allegations: Right to make an Initial Assessment) an Assessment Sub-Committee and Section 57B (Right to request a Review of a Decision not to act) a Review Sub-Committee, Local Government Act 2007 and it may appoint a Hearing Sub-Committee to discharge the functions under Regulations 17 to 20 of the Standards Committee (England) Regulations.

9.02 Composition

(a) **Membership.** The Standards Committee shall be composed of at least:

- three Councillors;
- four persons who are not Councillors or officers of the Council or any other body having a Standards Committee (Independent Members);
- two Members of a Parish Council wholly or mainly in the Council's area, i.e., Quedgeley Parish (a Parish Member).

- (b) **Independent Members.** Independent and Parish Members shall be entitled to vote at meetings;
- (c) **Quedgeley Parish Member.** A Parish Member must be present when matters relating to Quedgeley Parish Council or its Members are being considered;
- (d) **Chairing the Committee.** An Independent Member must chair the Committee and its Sub-Committees; (see paragraph 9.04)
- (e) **The Quorum** for the Committee and any of its Sub-Committees shall be 3 Members in attendance, one of whom must be an Independent Member, one an elected Member, and in relation to Parish Council matters, a Parish Member must be present;
- (f) **A Member** who took part in a decision of a Sub-Committee discharging its functions under Section 57A above, cannot take part in the decision of the Sub-Committee discharging its functions under Section 57B;
- (g) **An Independent Member** of another Authority's Standards Committee may be seconded to this Committee to consider a particular complaint, or case, or for a period of time, and the Independent Members of this Committee may also be seconded to other Authorities similarly.

9.03 Independent Members

The Council may not appoint a person as an Independent Member of the Standards Committee unless the appointment is:

- (a) advertised in at least two newspapers circulating in the administrative area;
- (b) of a person who has submitted an application to the Council;
- (c) the person is interviewed and recommended for appointment by the Monitoring Officer or some other person appointed by him/her;
- (d) of a person who has not been a Councillor or officer of the Council in the five years immediately preceding the appointment;
- (e) of a person who is not a close relative or close friend of a Councillor or officer of the Council;

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- (f) of a person who has the ability to consider and evaluate information and arguments and reach sound, justifiable and fair conclusions based on that information;
- (g) of a person who is independent of party politics; and
- (h) of a person who is not a Member or officer of another local authority.

9.04 Chairmanship

The Standards Committee will appoint an Independent Member to chair Standards Committee meetings and Sub-Committee meetings and as such, the chair of the Committee will be entitled to attend and speak at meetings of Full Council on matters which fall within the Standards Committee's Terms of Reference.

9.05 General Role

The Standards Committee shall have the following roles and functions including any Standards' functions concerning Parishes:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption, revision of, or publicity on the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) monitoring the operation of other Council codes and protocols (see Part 5 of this Constitution) and to advise the Council on the adoption or revision of such codes;
- (f) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (g) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct or other Council codes and protocols;
- (h) upon the application of any person considering whether any post should be included on, or removed from, the list maintained by the Council under Section 2(2) of the Local Government and Housing Act 1989 (Politically Restricted Posts);
- (i) the exercise of the general roles (a) to (h) above in relation to Quedgeley Parish Council and the Members of the Parish Council;
- (j) providing such advice and assistance as appropriate regarding the appointment of Independent Members of this Committee;
- (k) the setting up of an Assessment Sub-Committee to receive allegations that a Member has not complied with the Code of Conduct, and decide how they shall be dealt with;
- (l) the setting up of a Review Sub-Committee to reconsider any decision of the Assessment Sub-Committee that no action be taken on an allegation of a Member breaching the Code of Conduct;
- (m) referring written allegations to the Monitoring Officer for investigation or other action such as training, conciliation or other appropriate action;
- (n) considering reports or recommendations of the Monitoring Officer (or Investigating Officer) following investigations referred to:
 - the Standards Committee, or a Sub-Committee

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- the Standards Board for England or an ethical Officer
 - the Local Government Ombudsman
- (o) deciding whether the Standards Committee or its Sub-Committees:-
- (i) accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - (ii) the matter be referred for consideration at a hearing before the Standards Committee; or
 - (iii) the matter should be referred to the Adjudication Panel for England for determination.

Article 10 – Area Committees and Forums

10.01 Area Committees

The Council may appoint such area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision-making.

The Council shall consult with Quedgeley Parish Council when considering whether and how to establish an area committee for the Quedgeley area.

10.02 Role, Composition and Function

(a) **Role.** The role of the area committees shall be to:

- (i) provide an opportunity for the Leader or Cabinet to consult with the local community;
- (ii) provide the community with an opportunity to review the decisions taken by Council and feed into the scrutiny and review process;
- (iii) provide a forum at which local people can debate local issues with those who represent them;
- (iv) provide an opportunity to build partnerships which can influence the local services across a range of sectors;
- (v) submit reports on matters of concern locally to the Leader or Cabinet;
- (vi) report to the Council on an annual basis on its work programme and activities.

(b) **Composition.** Area committees shall comprise City (and County) Councillors from the area. No political balance is necessary. Area committees may have co-optees who may vote only on functions under Regulation 4 of the Local Government (Committees and Political Groups) Regulations 1990.

(c) **Delegations.** The Council ,the Leader and the Cabinet will include details of the delegations to area committees in Part 3 of this Constitution, including the functions delegated showing which are the responsibility of the Leader or Cabinet and which are not the composition and membership of the committees, budgets and any limitations on delegation.

10.03 Conflicts of Interest - Membership of Area Committees and Overview and Scrutiny Committees

- (a) Conflicts of personal / prejudicial interests. If an Overview and Scrutiny Committee is scrutinising specific decisions or proposals in relation to the business of the area committee of which the Councillor concerned is a Member, then the Councillor should seek advice as to whether they are permitted to speak or vote at the Overview and Scrutiny Committee meeting unless a dispensation to do so has been given by the Standards Committee.
- (b) General policy reviews. Where the Overview and Scrutiny Committee is reviewing policy generally the Member must declare his/her personal interest before the relevant agenda item is reached, but may speak and vote at the meeting.

10.04 Area Committees - Access to Information

Area committees shall comply with the Access to Information Rules in Part 4 of this Constitution.

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Agenda and notices for area committee meetings which deal with both functions of the Leader or Cabinet and functions which are not the responsibility of the Leader or Cabinet will state clearly which items are which.

10.05 Cabinet Members on Area Committees

A Member of the Cabinet may serve on an area committee if otherwise eligible to do so as a Councillor.

10.06 Forums, Working Parties, Appeal Boards

The Council shall appoint such Forums, Working Parties and Appeal Boards necessary to assist in the work of the Leader, Cabinet and Scrutiny. Please also see Schedule 1 in Part 6 – Representation on Outside Bodies.

Article 11 – Joint Arrangements

11.01 Arrangements to Promote Well-Being

The Council or the Cabinet, in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

11.02 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. [Such arrangements may involve the appointment of a joint committee with these other local authorities.]
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee and those Members need not reflect the political composition of the Local Authority as a whole.
- (d) The Cabinet may appoint Members to a joint committee from outside the Cabinet when the joint committee has functions for only part of the area of the authority and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a Member for a ward which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.
- (e) Details of any joint arrangements including any delegations to joint committees can be found in the Council's scheme of delegations in Part 3 of this Constitution.

11.03 Access to Information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all Members of a joint committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint committee contains Members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

11.04 Delegation to and from Other Local Authorities

- (a) The Council may delegate non-executive functions to another Local Authority, or, in certain circumstances, the Executive of another Local Authority.
- (b) The Leader may delegate Executive functions to another Local Authority or the Executive of another Local Authority in certain circumstances.
- (c) The decision whether or not to accept such delegation from another Local Authority shall be reserved to the Council.

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11.05 Contracting Out

The Council and the Cabinet may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an Order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

Article 12 – Officers

12.01 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. The Council's staff structures and designated posts will be varied from time to time to meet changing organisational needs of the Council.
- (b) **Chief Officers.** The Council will engage persons for the following posts, who will be designated Chief Officers:

Post	Functions and Areas of Responsibility
Chief Executive (and Head of Paid Service)	<p>Overall corporate management and operational responsibility (including overall management responsibility for all officers).</p> <p>Overall responsibility for the delivery of the Council's objectives and priorities.</p> <p>Provision of professional advice to all political parties in the decision-making process.</p> <p>Responsibility to provide and maintain a comprehensive system of formal record keeping to meet various legislative requirements and to maintain an accurate record of Council's decision-making processes.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p>
Corporate Director of Regeneration	Forward planning, Economic Development, Regeneration and Culture (Client Marketing), Museums and Heritage, Development Control, Building Control, Building Design, Property management, Facilities management (including catering), O/S parking, Markets,
Corporate Director of Services and Neighbourhoods	Client – Housing (GCH), Housing Strategy, Client – Streetcare (Enterprise), Client – Leisure (Leisure Trust), Sports Development, Homelessness, Allocations, Environmental Health, Regulatory Services, Cemeteries and Crematorium, Customer Services, Shopmobility, Community Safety, Emergency Planning and Business Continuity Planning, Policy, Performance, Communications and Marketing, Community Strategy, Business Improvement, Equalities, Community Engagement, Voluntary and Community Sector Support, Administration
Corporate Director of Resources	Finance, Accountancy, Audit, IT, Client - Revenues, Benefits, Investigations and Welfare Rights (Civica), Procurement, Payroll, Creditors/Debtors, Corporate Governance and Risk Management, S151 Officer Duties, Organisational Development, Personnel, Legal, Democratic and Electoral Services, Monitoring Officer.

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- (c) **Head of Paid Service, Monitoring Officer and Chief Financial Officer.** The Council will designate the following posts as shown:

Post	Functions and areas of responsibility
Chief Executive	Head of Paid Service
Corporate Director of Resources	Chief Finance Officer
Group Manager, Legal and Democratic Services	Monitoring Officer

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

12.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

12.03 Functions of the Monitoring Officer

- (a) **Ensuring lawfulness and fairness of decision-making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will prepare a report to the full Council or to the Leader or Cabinet in relation to an Executive function, if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission is likely to result in a finding by the Local Government Ombudsman of maladministration. Such a report must be considered by the Authority within 21 days after its preparation and distribution and will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- (b) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (c) **Receiving reports.** The Monitoring Officer will receive and act on reports made by ethical standards officers, decisions of case tribunals and Ombudsman investigations.
- (d) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by the Standards Committee, Standards Board or Ethical Standards Officers appointed by the Standards Board and make reports or recommendations in respect of them to the Standards Committee.

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- (e) **Advising whether Executive decisions are within the Budget and Policy Framework.** The Monitoring Officer will advise whether decisions of the Leader and Cabinet are in accordance with the Budget and Policy Framework.
- (f) **Deputy Monitoring Officer.** The Monitoring Officer shall designate a Deputy to assist in the work of the Monitoring Officer who shall have the same rights and duties of the Monitoring Officer in his/her absence, or when the matter is delegated to them by the Monitoring Officer.
- (g) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all Councillors.
- (h) **Restrictions on posts.** The Monitoring Officer cannot be the Head of Paid Service or the Chief Finance Officer.

12.04 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council, or to the Leader or Cabinet in relation to any Leader or Cabinet function, and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

12.05 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in the opinion of those Officers sufficient to allow their duties to be performed.

12.06 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 5 of this Constitution.

12.07 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part 4 of this Constitution.

Article 13 – Decision Making

13.01 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

13.02 Principles of Decision Making

All decisions of the Council (whether they are the responsibility of the Leader or Cabinet or not) will be made in accordance with the following principles:

- Proportionality (i.e. the action should be proportionate to the desired outcome);
- Due consideration of professional advice from officers;
- Respect for human rights;
- Presumption in favour of openness; and
- Clarity of aims and desired outcomes.

13.03 Types of Decision

(a) **Decisions reserved by the full Council and which cannot be delegated.** Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

(b) **Key decisions.**

- (i) A decision in relation to an Executive function which results in the Local Authority incurring expenditure or making of a saving which is significant having regard to the budget for the service or function to which the decision relates.
- (ii) A decision that is likely to have a significant impact on two or more wards within the Local Authority.
- (iii) A decision in relation to expenditure in excess of £100,000 or significant savings.
- (iv) A decision in relation to any contract valued in excess of £500,000.
- (v) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution. (See Leader's Forward Plan page 229)

13.04 Decision Making by the Full Council

Subject to Article 13.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.05 Decision Making by the Cabinet

Subject to Article 13.08, the Cabinet will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

13.06 Decision Making by Overview and Scrutiny Committees

The Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

13.07 Decision Making by Other Committees and Sub-Committees established by the Council

Subject to Article 13.08, other Council committees and sub-committees will follow those parts of the Council Procedures Rules set out in part 4 of this Constitution as apply to them.

13.08 Decision Making by Council Bodies Acting as Tribunals

The Council, a Councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 14 – Finance, Contracts and Legal Matters

14.01 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.

14.02 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.

14.03 Legal Proceedings

The Group Manager, Legal and Democratic Services 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 the Group Manager, Legal and Democratic Services considers that such action is necessary to protect the Council's interests.

14.04 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 Group Manager, Legal and Democratic Services 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.

14.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Group Manager, Legal and Democratic Services. 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 the Group Manager, Legal and Democratic Services should be sealed. The affixing of the Common Seal will be attested by the Mayor, the Chief Executive, a Corporate Director, or the Group Manager, Legal and Democratic Services.

Article 15 – Review and Revision of the Constitution

15.01 Duty to Monitor and Review the Constitution

The Monitoring Officer shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect, and shall report as appropriate to Council, and at least annually.

Monitoring and Review of the Constitution

The Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

- (a) observe meetings of different parts of the Member and officer structure;
- (b) undertake an audit trail of sample decisions;
- (c) record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and
- (d) compare practices in this authority with those in other comparable authorities or national examples of best practice.

15.02 Changes to the Constitution

- (a) **Approval.** Changes to the Constitution will only be approved by the full Council upon consideration of a proposal prepared by the Monitoring Officer after consultation with the Constitutional and Electoral Working Group.
- (b) The Monitoring Officer has delegated authority, in consultation with Group Leaders and the Chief Finance Officer to approve minor amendments to Contract Standing Orders and the Financial Regulations.
- (c) Where officer titles and responsibilities change due to organisational changes or changes in management arrangements, the Monitoring Officer shall be empowered to amend the Constitution to reflect such changes.
- (d) The Monitoring Officer has delegated authority to approve updated references to legislation, minor amendments and additions required by legislation and minor amendments for greater clarity which do not affect the meaning of any of the Articles and Rules of the Constitution.
- (e) **Change from a Strong Leader and Cabinet form of executive to alternative arrangements, or vice versa.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

Article 16 – Suspension, Interpretation and Publication of the Constitution

16.01 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** Details of the rules which may be suspended in accordance with Article 16.01 are set out in Part 4 (paragraph 26.01 - Council Procedure Rules).

16.02 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

16.03 Publication

The Monitoring Officer will:-

- (a) Give a printed copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) Ensure that copies are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) Arrange for an electronic copy of the Constitution to appear on the Council's internet and intranet websites.
- (d) Ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Schedule 1: Description of Executive Arrangements

The Executive arrangements of the Council are contained within the following parts of the Constitution:

1. Article 6 (Overview and Scrutiny Committees) and the Overview and Scrutiny Procedure Rules;
2. Article 7 (The Executive) and the Executive Procedure Rules;
3. Article 10 (Area Committees).
4. Article 11 (Joint arrangements).
5. Article 13 (Decision making) and the Access to Information Procedure Rules;
6. Part 3 (Responsibility for Functions).

Part 3 – Responsibility for Functions

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Part 3 - Responsibility for Functions

Scheme of Management - Responsibility for Council and Executive Functions

Introduction

This part of the Constitution sets out which parts of the Council are responsible for carrying out particular functions. All functions are the responsibility of either Full Council or the Executive.

Functions fall into three categories:

- (i) **Council functions:** (Functions, which are the responsibility of Full Council and **not** the Executive).
These functions may be exercised by the Council itself or delegated to a committee, sub-committee or officer. Such delegations will be set out in the terms of reference for that committee / sub-committee or recorded in the Officers' Scheme of Delegation.
- (ii) **Local Choice functions:**
These are functions which the Council can chose to discharge either through a committee / sub-committee or the Executive or delegated to officers.
- (iii) **Executive functions:** (Functions, which are the responsibility of the Executive and **not** Full Council)
These functions may be exercised by the Leader him/herself or delegated to the Cabinet, a committee of the Cabinet, or an individual Member of the Cabinet (Portfolio Holder) or officer, or another Local Authority. Such delegations will be set out in 3.1 or the terms of reference for that committee / sub-committee or recorded in the Officers' or Members' Scheme of Delegation.

1. Council Functions

The Council is responsible for all matters relating to the Policy Framework as detailed in Article 4 namely:

Policy Framework

- 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 Statement of Principles
- Sex Shop Licensing Policy
- Street Trading Licensing Policy
- Cultural Strategy
- Airport Strategy
- Joint Waste Strategy

In addition to the matters set out in Article 4.02, the Council has specifically reserved the following responsibilities for its determination:

- (1) Virements from the Council's approved Annual Revenue and Capital Budgets in excess of £100,000
- (2) Approval and allocation of the Council's annual borrowing limit

Part 3 - Responsibility for Functions

- (3) Approval of Treasury Management Strategies and Policies
- (4) The appointment of review boards under regulations made pursuant to Section 34(4) of the Social Security Act 1998
- (5) The duty to appoint an Electoral Registration Officer
- (6) The duty to appoint Returning Officer for local government elections
- (7) The power to make temporary appointments to Parish Councils.
- (8) The power to submit proposals to the Secretary of State for an Order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.
- (9) Power to make Standing Orders with regards to Contracts.
- (10) Power to appoint the Chief Executive/Head of Paid Service.
- (11) Any decision as to whether a casino is located in Gloucester
- (12) Any resolution for whole Council elections
- (13) Any change in the name of electoral areas
- (14) Those functions appearing in Schedule 4 to the Functions Regulations save to the extent as determined by the Council or as provided elsewhere in this Scheme of Delegation.

1.1 Quasi judicial Functions

These are local authority functions, which cannot be the responsibility of the Executive. The following tables specify the delegation of Council functions to Committees, Sub-committees and officers. Where the table indicates that the function is exercisable by both a Committee or Sub-committee and a Chief Officer, the Chief Officer may only exercise the function to the extent that is not covered within the terms of reference of the Committee or Sub-committee.

Committee	Membership	Summary of Functions	Delegation of Functions
Planning	Thirteen Members of the Council	Planning and Conservation functions relating to Town and Country Planning and Development Control as specified in Part A (Functions relating to Town and Country Planning and Development Control) of Schedule 1 to The Local Authorities (Functions and responsibility) Regulations 2000. To determine all matters relating to Section 106 Process – determining Council Priorities for Developer Contributions	In accordance with Article 8 of the Constitution and the Committee's Terms of Reference set out in the Council's Scheme of Delegation See Annex A
Licensing and Enforcement	Ten to fifteen Members of the Council	Taxi, private hire vehicles, liquor, late night refreshment, entertainment, gaming, gambling, Sex Shops and miscellaneous licensing Functions relating to licensing and registration as set out in Part B (Functions relating to Licensing)	In accordance with Article 8 and the Committee's Terms of Reference set out in the Council's Scheme of Delegation See Annexes B and C

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		and Registration) of Schedule 1 to The Local Authorities (Functions and responsibility) Regulations 2000	
Standards Committee	Three Members of the authority and four voting Independent Members and two members of Quedgeley Parish Council	To promote and maintain high standards of conduct by Councillors and co-opted Members. Other functions delegated to the Committee by the Council in accordance with Section 54(3) of the Local Government Act 2000 and in accordance with any Regulations made under that Act.	In accordance with Article 9 and the Committee's Terms of Reference set out in the Council's Scheme of Delegation
Organisational Development Committee	Five Members of the Council	Approval of Employment Policies and matters relating to the appointment of Statutory and Chief Officers	In accordance with Article 8 and the Committee's Terms of Reference as set out in the Council's Scheme of Delegation
Audit and Governance Committee	Seven Members of the Council	Internal and external audit, risk management and corporate governance	In accordance with Article 8 and the Committee's Terms of Reference set out in Council's Scheme of Delegation

(The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000 No. 2853) as amended are referred to in this part of the Constitution as the "Functions Regulations").

2. Local Choice Functions

Responsibility for Local Choice Functions (Regulation 3 and Schedule 2 of the Functions Regulations)

	Function	Decision making body	Delegation of Functions
1.	Any function under a Local Act other than a function specified or referred to in Regulation 2 or Schedule 1 of the Functions Regulations.	Cabinet	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below
2.	The determination of an appeal against any decision made by or on behalf of the Council, save those delegated to a Committee, Cabinet Member or an Officer, as provided for in the Constitution	Cabinet	- ditto -
3-8	Not applicable to the City Council	-	
9.	The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 (best value reviews) of the Local Government Act 1999. (After consultation with the relevant scrutiny committee).	Cabinet	- ditto -

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10.	Any function relating to contaminated land.	Cabinet	- ditto -
11.	The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	- ditto -
12.	The service of an abatement notice in respect of a statutory nuisance.	Cabinet	- ditto -
13.	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Cabinet	- ditto -
14.	The inspection of the authority's area to detect any statutory nuisance.	Cabinet	- ditto -
15.	The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	- ditto -
16.	The obtaining of information under section 330 of the Town and Country Planning Act 1990.	Cabinet	- ditto -
17.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet	- ditto -
18.	The making of agreements for the execution of highways work.	Cabinet	- ditto -
19.	The appointment of any individual: (a) to any office other than an office in which he is employed by the authority; (b) to any body other than: (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Council	- ditto -
20.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Cabinet	- ditto -
21.	Not applicable to the Council	-	- ditto -

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3. The Leader's Functions

(NOTE: Executive decisions are subject to the Access to Information Procedure Rules as set out in Part 4 of this Constitution.)

1. Any function under a local Act other than a function specified or referred to in Regulation 2 of, or Schedule 1 to the Functions Regulations.
2. The determination of an appeal against any decision made by or on behalf of the Council, save those delegated to a Committee, Cabinet Member or an Officer, as provided for in the Constitution
3. Those functions specified in Regulations 4(2), 4(4)(a), 4(5), 4(9) and 4(11) of the Functions Regulations. (See extract of Regulations on page 81.)
4. To make compulsory purchase orders and enforce sales pursuant to various enactments, after consultation.
5. To approve the Council's medium and long term financial investment programme, after consultation with the Corporate Director of Resources
6. After consultation with the Planning Committee:
 - (i) the preparation of Local Planning Guidance
 - (ii) the designation of Conservation Areas
 - (iii) the designation of Areas of Archaeological Interest
 - (iv) the designation of Nature Reserves
 - (v) the removal of permitted development rights pursuant to Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.
7. To consider and approve the Council's corporate risk management strategy and review annually the Council's strategic risk register.

3.1 Decision making by Individual Cabinet Members

Decision making by Individual Cabinet Members applies only to executive functions that have been delegated to the Leader). The process does not apply to any function exercised by Council itself, or that Council has delegated to a committee, sub-committee or officer.

Individual Cabinet Members are empowered to make all executive decisions in respect of their own portfolio area of responsibility (portfolios are outlined in section 3.2 below) except:

1. Decisions already taken by Cabinet or an officer acting under delegated powers.
2. Decisions involving a departure from the Council's Budget or Policy Framework or any Cabinet or regulatory committee policy.
3. Decisions involving expenditure or savings of £250,000 or more
4. Decisions which the Leader wishes to be taken by the full Cabinet or a decision which the Cabinet Member has asked to be taken collectively by the full Cabinet.
5. Where at least 3 Members of the Council request that a decision be taken by the full Cabinet.

provided that all such decisions will be taken by the decision maker having regard to the advice of the Council's Monitoring Officer in interpreting these provisions.

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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 2012/13 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
- GHURC
- 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

B. 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

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:

- Streetcare partnership
- Neighbourhood Management
- Recycling
- Climate Change
- Environmental Enforcement
- Waste

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- Parks and Countryside Unit
- Crematorium and Cemeteries
- Emergency Planning and flood resilience

D. 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
- Personnel
- Procurement
- Revenues and Benefits
- Equalities (internal)

E. 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
- Equalities (external)
- Customer Services, Contact Centre and website

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Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)

Please note the following abbreviations in this table:

- CD (Regen) – Corporate Director of Regeneration
 CD (S & N) – Corporate Director of Services and Neighbourhoods
 CD (R) – Corporate Director of Resources

Note: The functions shown in a fainter font are not functions of the City Council.

	Function	Statutory Provision	Exercised by:
3.3. Annex A - Functions Relating to Town and Country Planning and Development Control			
1	Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).	Planning Committee & CD (Regen)
2	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
3	Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
4	Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
5	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 & Articles 8, 10 to 13, 15 to 22 & 25 & 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) & directions made thereunder.	Planning Committee & CD (Regen)
6	Power to determine application for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).	Planning Committee & CD (Regen)
7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).	Planning Committee & CD (Regen)
8	Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
9	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
11	Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	Planning Committee & CD (Regen)
12	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
13	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
14	Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
15	Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
16	Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
17	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)

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18	Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).	Planning Committee & CD (Regen)
19	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.	County function
20	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	Planning Committee & CD (Regen)
21	Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c.9)	Planning Committee & CD (Regen)
22	Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.	Planning Committee & CD (Regen)
23	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) & (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 & 13 of the Town & Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (SI 1990/1519) and paragraphs 8, 15 & 22 of Department of the Environment Transport and the Regions Circular 01/01.	Planning Committee & CD (Regen)
24	Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee & CD (Regen)
25	Power to issue enforcement notice in relation to demolition of [listed] building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee & CD (Regen)
26	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee & CD (Regen)
27	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee & CD (Regen)
28	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee & CD (Regen)

3.4 Annex B - Licensing and Registration Functions (in so far as not covered by any other paragraph of this Schedule)

1	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).	Licensing & Enforcement Cttee and CD (S & N)
2	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).	Licensing & Enforcement Cttee and CD (S & N)
3	Power to licence hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 and 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 and 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Licensing & Enforcement Cttee and CD (S & N)
4	Power to licence drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Licensing & Enforcement Cttee and CD (S & N)
5	Power to licence operators of hackney	Sections 55 to 58, 62 and 79 of the Local	Licensing &

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	carriages and private hire vehicles.	Government (Miscellaneous Provisions) Act 1976.	Enforcement Cttee and CD (S & N)
6	Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2). [as saved for certain purposes by Article 3(3)(c) of the Gambling Act Order]	Licensing & Enforcement Cttee and CD (S & N)
7	Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963. [as saved for certain purposes by Article 3(3)(d) of the Gambling Act Order]	Licensing & Enforcement Cttee and CD (S & N)
8	Power to licence inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963. [as saved for certain purposes by Article 3(3)(e) of the Gambling Act Order]	Licensing & Enforcement Cttee and CD (S & N)
9	Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c. 65). [as saved for certain purposes by Article 4(2)(l) and (m) of the Gambling Act Order]	Licensing & Enforcement Cttee and CD (S & N)
10	Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32). [as saved for certain purposes by Article 4(2)(a) and (3) of the Gambling Act Order]	Licensing & Enforcement Cttee and CD (S & N)
11	Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976. [as saved for certain purposes by Article 5(2)(d) and (5) of the Gambling Act Order]	Licensing & Enforcement Cttee and CD (S & N)
12	Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c. 13).	Licensing & Enforcement Cttee and CD (S & N)
13	Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c. 54).	Licensing & Enforcement Cttee and CD (S & N)
14	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12).	Licensing & Enforcement Cttee and CD (S & N)
14A	Functions relating to licences.	Sections 5 to 8 of the Licensing Act 2003.	Licensing & Enforcement Cttee and CD (S & N)
14AA	Duty to comply with requirement to provide information to Gambling Commission.	Section 29 of the 2005 Act.	Licensing & Enforcement Cttee and CD (S & N)
14AB	Functions relating to exchange of information.	Section 30 of the 2005 Act.	Licensing & Enforcement Cttee and CD (S & N)
14AC	Functions relating to occasional use notices.	Section 39 of the 2005 Act.	Licensing & Enforcement Cttee and CD (S & N)
14B	Power to resolve not to issue a casino premises licence.	Section 166 of the 2005 Act.	Licensing & Enforcement Cttee and CD (S & N)
14C	Power to designate officer of a licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the 2005 Act.	Licensing & Enforcement Cttee and CD (S & N)
14CA	Power to make order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises.	Section 284 of the 2005 Act.	Licensing & Enforcement Cttee and CD (S & N)
14D	Power to institute criminal proceedings.	Section 346 of the 2005 Act.	Licensing & Enforcement Cttee and CD (S & N)
14E	Power to exchange information	Section 350 of the 2005 Act.	Licensing & Enforcement Cttee and CD (S & N)
14F	Functions relating to the determination of fees for premises licenses.	The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 (SI 2007/479)	Licensing & Enforcement Cttee and CD (S & N)

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14G	Functions relating to the registration and regulation of small society lotteries.	Part 5 of Schedule 11 to the 2005 Act.	Licensing & Enforcement Cttee and CD (S & N)
15	Power to licence sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Licensing & Enforcement Cttee and CD (S & N)
16	Power to licence performances of hypnotism.	The Hypnotism Act 1952 (c. 46).	Licensing & Enforcement Cttee and CD (S & N)
17	Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Licensing & Enforcement Cttee and CD (S & N)
18	Power to licence pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).	Licensing & Enforcement Cttee and CD (S & N)
19	Power to register door staff.	Paragraphs 1(2) and 9 of Schedule 12 to the London Government Act 1963 (c. 33) and Part V of the London Local Authorities Act 1995 (c. x).	Security Industry Authority function
20	Power to licence market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Licensing & Enforcement Cttee and CD (S & N)
21	Power to licence night cafes and take-away food shops.	Section 2 of the Late Night Refreshment Houses Act 1969 (c. 53).	Licensing & Enforcement Cttee and CD (S & N)
22	Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66).	Licensing & Enforcement Cttee and CD (S & N)
23	Power to licence dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licensing Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), sections 12(3) and 27 of the Local Government Act 1874 (c. 73), & section 213 of the Local Government Act 1972 (c. 70).	Licensing & Enforcement Cttee and CD (S & N)
24	Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).	Licensing & Enforcement Cttee and CD (S & N)
25	Power to licence scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).	Licensing & Enforcement Cttee and CD (S & N)
26	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).	County function
27	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).	County function
28	Power to licence premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).	Licensing & Enforcement Cttee and CD (S & N)
29	Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments Act 1963(c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Licensing & Enforcement Cttee and CD (S & N)
30	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).	Licensing & Enforcement Cttee and CD (S & N)
31	Power to licence zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37).	Licensing & Enforcement Cttee and CD (S & N)

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32	Power to licence dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).	Licensing & Enforcement Cttee and CD (S & N)
33	Power to licence knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).	Licensing & Enforcement Cttee and CD (S & N)
34	Power to licence the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).	County function
35	Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c. 76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510).	County function
36	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to - <ul style="list-style-type: none"> (a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or (b) an order under section 147 of the Inclosure Act 1845 (c. 8 and 9 Vict. c. 118). 	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	County function
37	Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	County Function
38	Power to licence persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c. 31) and section 2 of the House to House Collections Act 1939 (c. 44).	Licensing & Enforcement Cttee and CD (S & N)
39	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).	Licensing & Enforcement Cttee and CD (S & N)
40	Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).	Licensing & Enforcement Cttee and CD (S & N)
41	Power to licence agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957 (c. 16).	County Function
42	Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).	Licensing & Enforcement Cttee and CD (S & N)
43	Power to licence the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.	Licensing & Enforcement Cttee and CD (S & N)
44	Power to licence collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.	Licensing & Enforcement Cttee and CD (S & N)
45	Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).	Licensing & Enforcement Cttee and CD (S & N)
46	Power to grant permission for provision etc., of services, amenities, recreation and refreshment facilities on highway and related powers.	Section 115(E), 115(F) and 115(K) of the Highways Act 1980	County / City Agency Agreement & CD (S & N)
47	Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980 (c. 66).	County function
47A	Duty to publish notice in respect of a proposal to grant permission under section 115(E) of the Highways Act 1980	Section 115(G) of the Highways Act 1980	County / City Agency Agreement & CD (S & N)

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48	Power to licence planting, retention and maintenance of trees etc. in part of highway.	Section 142 of the Highways Act 1980.	County / City Agency Agreement & CD (S & N)
49	Power to authorise erection of stiles etc., on footpaths or bridleways.	Section 147 of the Highways Act 1980.	County function
50	Power to licence works in relation to buildings etc., which obstruct the highway.	Section 169 of the Highways Act 1980.	County function
51	Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.	County / City Agency Agreement & CD (S & N)
52	Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.	County / City Agency Agreement & CD (S & N)
53	Power to restrict the placing of rails, beams etc., over highways.	Section 178 of the Highways Act 1980.	County function
54	Power to consent to construction of cellars etc. under street.	Section 179 of the Highways Act 1980.	County function
55	Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.	County function
56	Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).	County function
57	Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).	Licensing & Enforcement Cttee and CD (S & N)
58	Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).	Licensing & Enforcement Cttee and CD (S & N)
59	Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).	Licensing & Enforcement Cttee and CD (S & N)
60	Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).	Licensing & Enforcement Cttee and CD (S & N)
61	Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).	Licensing & Enforcement Cttee and CD (S & N)
62	Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).	Licensing & Enforcement Cttee and CD (S & N)
63	Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Licensing & Enforcement Cttee and CD (S & N)
64	Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Licensing & Enforcement Cttee and CD (S & N)
65	Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Licensing & Enforcement Cttee and CD (S & N)
66	Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.	Licensing & Enforcement Cttee and CD (S & N)
67	Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).	Licensing & Enforcement Cttee and CD (S & N)

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68	Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.	Licensing & Enforcement Cttee and CD (S & N)
69	Power to issue beer licence.	Sections 16 to 19 and 21 of the London Local Authorities Act 1995 (c.x.) and, to the extent that it does not have effect by virtue of regulation 2(3), section (3), section 25 of that Act.	London Authorities
70	Power to register premises or stalls for the sale of goods by way of competitive bidding.	Section 28 of the Greater London Council (General Powers) Act 1984 (c.xxvii).	London Authorities
71	Power to register motor salvage operators	Part I of the Vehicles (Crime) Act 2001 (c.3)	London Authorities
72	Functions relating to the registration of common land and town or village greens	Part 1 of the Commons Act 2006 and the Commons Registration (England) Regulations 2008 (SI 2008/1961)	London Authorities

3.5 Annex C - Functions Relating to Health and Safety at Work

Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).	Licensing & Enforcement Cttee and CD (S & N)
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3.6 Annex D - Functions Relating to Elections

1	Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983 (c. 2).	Council
2	Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.	Head of Paid Service
3	Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 (c. 29) and subordinate legislation under that Part.	Council
4	Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.	Council
5	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.	Council
6	Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	Council
7	Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002	Council
8	Duty to divide constituency into polling districts.	Section 18A and 18E of, and Schedule A1 to, the Representation of the People Act 1983.	Council
9	Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Council
10	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Council
11	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Council
12	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Returning Officer
13	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Returning Officer
14	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	Returning Officer

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15	Power to make temporary appointments to parish Councils.	Section 91 of the Local Government Act 1972.	Returning Officer
16	Power to submit proposals to the Secretary of State for an Order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).	Council
17	Duty to consult on change of scheme for elections.	Sections 33(2), 38(2) and 40(2) of the 2007 Act.	Council
18	Duties relating to publicity	Sections 35, 41 and 52 of the 2007 Act.	Returning Officer
19	Duties relating to notice to Electoral Commission	Sections 36, and 42 of the 2007 Act.	Returning Officer
20	Power to alter years of ordinary elections of parish councillors	Section 53 of the 2007 Act.	Council
21	Functions relating to change of name of electoral area	Section 59 of the 2007 Act.	Council
3.7 Annex E - Functions Relating to Name and Status of Areas and Individuals			
1	Power to change the name of a county, district or London borough.	Section 74 of the Local Government Act 1972.	Council
2	Power to change the name of a parish.	Section 75 of the Local Government Act 1972.	Council
3	Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Council
4	Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.	Council
3.8 Annex EB - Functions Relating to Community Governance			
1	Duties relating to community governance reviews	Section 79 of the 2007 Act.	Council
2	Duties relating to community governance petitions	Sections 80, 83 to 85 of the 2007 Act.	Council
3	Functions relating to terms of reference review	Sections 81(4) to (6)	Council
4	Power to undertake a community governance review	Section 82 of the 2007 Act.	Council
5	Functions relating to making recommendations	Sections 87 to 92 of the 2007 Act.	Council
6	Duties when undertaking review	Sections 93 to 95 of the 2007 Act.	Council & CE
7	Duty to publicise outcome of review	Section 96 of the 2007 Act.	Council & CE
8	Duty to send two copies of order to Secretary of State and Electoral Commission	Section 98 (1) of the 2007 Act.	Council & CE
9	Power to make agreements about incidental matters	Section 99 of the 2007 Act.	CE
3.9 Annex F - Power to Make, Amend, Revoke or Re-Enact Byelaws			
1		Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 30).	Council
3.10 Annex FA – Functions Relating to Smoke-Free Premises			
1	Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the 2006 Act.	Licensing & Enforcement Cttee and CD (S & N)
2	Power to authorise Officers	Section 10(5) of, and paragraph 1 of Schedule 2 to, the 2006 Act.	Licensing & Enforcement Cttee and CD (S & N)

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3	Functions relating to fixed penalty notices	Paragraphs 13, 15 and 16 of Schedule 1 to the 2006 Act	Licensing & Enforcement Cttee and CD (S & N)
4	Power to transfer enforcement functions to another enforcement authority	Smoke-free (Premises and Enforcement) Regulations 2006 (SI 2006/3368).	Licensing & Enforcement Cttee and CD (S & N)
3.11 Annex G - Power to Promote or Oppose Local or Personal Bills			
1		Section 239 of the Local Government Act 1972.	Council
3.12 Annex H - Functions Relating to Pensions etc.			
1	Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11).	County Function
2	Functions under the Firefighter Pension Scheme relating to pensions, etc. as respects persons employed as members of fire brigades maintained pursuant to section 4 of the Fire Services Act 1947.	Section 26 of the Fire Services Act 1947 (10 and 11 Geo.6 c. 41).	County Function
3.14 Annex I - Miscellaneous Functions			
1	Power to create footpath or bridleway by agreement	Section 25 of the Highways Act 1980	County Function
2	Power to create footpaths and bridleways.	Section 26 of the Highways Act 1980 (c. 66).	County Function
3	Duty to keep register of information with respect to maps, statements and declarations	Section 31A of the Highways Act 1980	County Function
4	Power to stop up footpaths and bridleways.	Section 118 of the Highways Act 1980.	County Function
5	Power to determine application for Public Path Extinguishment Order	Sections 118ZA and 118C(2) of the Highways Act 1980	County Function
6	Power to make a Rail Crossing Extinguishment Order	Section 118A of the Highways Act 1980	County Function
7	Power to make a special Extinguishment Order	Section 118B of the Highways Act 1980	County Function
8	Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980.	County Function
9	Power to make a Public Path Diversion Order	Sections 119ZA and 119C(4) of the Highways Act 1980	County Function
10	Power to make a Rail Crossing Diversion Order	Section 119A of the Highways Act 1980	County Function
11	Power to make a special Diversion Order	Section 119B of the Highways Act 1980	County Function
12	Power to require applicant for Order to enter into agreement	Section 119C(3) of the Highways Act 1980	County Function
13	Power to make an SSSI Diversion Order	Section 119D of the Highways Act 1980	County Function
14	Duty to keep register with respect to applications under Sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980	Section 121B of the Highways Act 1980	County Function
15	Power to decline to determine certain applications	Section 121C of the Highways Act 1980	County Function
16	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980	County Function
17	Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980	County Function
18	Power to apply for variation of order under Section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980	County Function

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19	Power to authorise temporary disturbance of surface of footpath or bridleway	Section 135 of the Highways Act 1980	County Function
20	Power to temporarily divert footpath or bridleway	Section 135A of the Highways Act 1980	County Function
21	Functions relating to the making good of damage and the removal of obstructions	Section 135B of the Highways Act 1980	County Function
22	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.	CD (S & N)
23	Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981 (c.67) (sic) NB. 256 Housing Act 1985	Council & CD (S&N)
24	Duty to keep a definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c. 69).	CD (Regen)
25	Power to include modifications in other Orders	Section 53A of the Wildlife and Countryside Act 1981	County Function
26	Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981	County Function
27	Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981.	County Function
28	Power to designate footpath as cycle track	Section 3 of the Cycle Tracks Act 1984 (c.38)	County Function
29	Power to extinguish public right of way over land acquired for clearance	Section 294 of the Housing 1981 (c.68)	Council & CD (S & N)
29A	Power to authorise stopping up or diversion of highway	Section 247 of the Town and Country Planning Act 1998	Planning Cttee and CD (Regen)
30	Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1998	Planning Cttee and CD (Regen)
31	Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town and Country Planning Act 1990	Planning Cttee and CD (Regen)
32	Power to enter into agreements with respect to means of access	Section 35 of the Countryside and Rights of Way Act 2000	County Function
34	Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000	County Function
Other Miscellaneous Functions			
35	Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).	County Function
36	Power to make Standing Orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Council and Monitoring Officer
37	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures to their dismissal)	Section 112 of the Local Government Act 1972	Chief Executive
38	Power to make Standing Orders as to contracts.	Section 135 of the Local Government Act 1972.	Council, Audit Committee and S151 Officer
39	Duty to make arrangements for proper administration of financial affairs etc	S151 of the Local Government Act 1972.	S151 Officer
40	Power to appoint officers for particular purposes (appointment of "proper officers")	Section 270 (3) of the Local Government Act 1972.	Council / Chief Executive
41	Power to make limestone pavement order.	Section 34(2) of the Wildlife and Countryside Act 1981 (c. 69).	County function

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42	Power to make closing order with respect to take-away food shops	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30)	CD (S & N)
43	Duty to designate officer as the Head of the Authority's Paid Service, and to provide staff, etc	Section 4(1) of the Local Government and Housing Act 1989 (c.42)	Council
44	Duty to designate officer as the Monitoring Officer, and to provide staff etc	Section 5(1) of the Local Government and Housing Act 1989 (c.42)	Council
44A	Duty to provide staff, etc., to person nominated by monitoring officer	Section 82A (4) of the Local Government and Housing Act 2000	Council and Monitoring Officer
44B	Powers relating to Overview and Scrutiny Committees (voting rights of co-opted members)	Paragraphs 12 and 14 of Schedule 1 to the Local Government Act 2000	Council and Monitoring Officer
45	Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).	Council, Audit Committee and S151 Officer
46	Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).	CD (Regen)
47	Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).	CD (Regen)
47A	Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003	CD (Regen)
48	Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	Group Manager, Legal and Democratic Services
49	Power to make an order identifying a place as a designated public place for the purposes of police powers in relation alcohol consumption	Section 13(2) of the Criminal Justice and Police Act 2001	Licensing & Enforcement Cttee and CD (S & N)
50	Power to make or revoke an order designating a locality as an alcohol disorder zone	Section 16 of the Violent Crime Reduction Act 2006.	Licensing & Enforcement Cttee and CD (S & N)
51	Power to apply for an enforcement order against unlawful works on common land	Section 41 of the Commons Act 2006.	Group Manager, Legal and Democratic Services
52	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference.	Section 45(2) of the Commons Act 2006.	County function
53	Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village greens.	Section 45(2) of the Commons Act 2006.	County function

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Meetings of the City Council

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	Planning Policy Sub-Committee	23
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	Review Sub-Committee	28
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	Organisational Development Committee	31
Member / Officer Working Group	Constitutional and Electoral Working Group	32
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Partnerships and Shared Services (Article 11)	Employee Forum	34
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	Gloucestershire Police and Crime Panel	39
Representation on Outside Bodies and Community Bodies including Fora	(Please see Part 6 Schedule 1)	

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 2012-2013:-

- Regeneration and Culture
- Performance and Resources
- Environment
- Housing, Health and Leisure
- Communities and Neighbourhoods

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Frequency

of Meetings: **9 meetings per annum or as agreed by the Leader.**

(a) Role:

- (i) The Cabinet will bear the responsibility for any of the local authority's functions which are delegated to it by the Leader .
- (ii) The Leader will publish a Forward Plan monthly, on a rolling basis, showing a twelve-month programme of work and those decisions, which are "Key Decisions", and also those decisions that may be made by a Portfolio holder or which are delegated to an officer to make.
- (iii) All decisions shown in the Leader's Forward Plan are subject to scrutiny by the Overview and Scrutiny Committee before the decision is taken, and through the Call-in process after the decision is made, but not yet implemented.

2. Overview and Scrutiny Committee

The Committee and its Sub-Committees shall have the functions, Powers and Responsibilities set out below and in Article 6 of this Constitution.

Membership: **15 (Quorum 4) [Politically Proportional].**

Comprising: Members who are not Members of the Cabinet. A Member of the opposition will Chair the Committee.

Frequency

of Meetings: **11 meetings per annum, monthly with the exception of August.**

The Overview and Scrutiny Committee will be responsible for the co-ordination of the overview and scrutiny function, the management of the overall scrutiny work plan, the resolution of scrutiny resource issues, and the scrutiny of functions as allocated, including the pre-scrutiny of Leader, Cabinet and Individual Cabinet Member decisions.

(a) Role:

The Overview and Scrutiny Committee will:

- (i) Co-ordinate, champion and lead on the scrutiny of Council and Executive decisions.
- (ii) Have all of the functions, powers and duties conferred by Section 21 of the Local Government Act 2000 (as amended).
- (iii) Determine the allocation of work in the event that the scope of the subject matter of a scrutiny study or investigation overlaps the role of more than one Sub-Committee or Task and Finish Group.
- (iv) Review the operation of the scrutiny process and work programmes of the Overview and Scrutiny Sub Committees and Task and Finish Groups and inform and advise Council in relation to priorities and the allocation of resources.
- (v) Oversee and review the resources, support, training and development of Overview and Scrutiny Members.
- (vi) Develop a positive "critical friend" approach to the role of scrutiny of the Council and Community issues.
- (vii) Provide and co-ordinate the input to an annual report to Full Council on such issues or topics as the Committee sees fit.
- (viii) Give consideration to the management of matters called in for review under paragraph 14 of the Overview and Scrutiny Rules.
- (ix) Give consideration to matters referred to it by the Councillors' Call for Action.
- (x) Review and scrutinise the work of the Executive.
- (xi) Review and scrutinise the content of the Forward Plan.

Part 3 - Responsibility for Functions

- (xii) Review and scrutinise the policies of the Council.
- (xiii) Consider any matters which affect the authority, the City of Gloucester (or part of it) or its inhabitants (or some of them).

3. Planning Committee

The Committee and its Sub-Committee shall have the functions, Powers and Responsibilities set out below and in Article 8 of this Constitution.

Membership: 13 (Quorum 4) [Politically Proportional].

Requirement: Members appointed to the Planning Committee shall be obliged to attend regular and appropriate training and abide by the Planning and Development Code of Practice.

Comprising: Members who are not Members of the Cabinet.

Frequency

of Meetings: Monthly meetings.

(a) Role:

- (i) To determine planning applications, the terms of planning agreements and such other matters as are considered appropriate from time to time, excluding matters relating to policy.
- (ii) To determine the Council's response to major planning applications in neighbouring districts where the Council is a consultee.
- (iii) To deal with all matters arising under the building regulation code and associated legislation except matters expressly delegated to the Corporate Director of Regeneration.
- (iv) To determine matters relating to planning as a District Planning Authority excluding strategic planning matters, such as:
 - (a) The preparation, adoption and review of the Council's statutory Local Development Framework.
 - (b) Representation of the District Planning Authority's view to other bodies as appropriate on strategic planning matters

which will be considered by Planning Policy Sub-Committee which shall make recommendations for determination by the Council.

- (v) To determine all matters relating to the Section 106 process - determining Council priorities for Developer contributions.
- (vi) Without prejudice to the above roles and the Council's Scheme of Delegation the Planning Committee shall be responsible for those matters set out in Part A (Functions relating to town and country planning and development control) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(b) Delegation to Officers

Those functions relating to town and country planning, development control and building regulation which have been delegated to officers are set out in the Council's Scheme of Delegation in Part 3 to this Constitution.

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4. Planning Policy Sub-Committee

Membership: 5 (Quorum 2) [Politically Proportional].

Comprising: The Planning Committee shall appoint a Planning Policy Sub-Committee comprising five Members nominated from the Planning Committee.

Requirement: Members appointed to the Planning Committee shall be obliged to attend regular and appropriate training and abide by the Planning and Development Code of Practice.

Frequency

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

(a) Role:

To discharge the following functions:

(i) Subject to consultation arrangements:

- to make recommendations to the Council on the preparation of the Local Development Plan for Gloucester.
- to make recommendations to Council relating to the Local Development Planning Policy.

(ii) Prior to the Sub-Committee considering local development plan related matters, the following process will have been followed:

- the Planning Officer shall issue for consultation a draft document in consultation with the Cabinet Member for Regeneration and Culture, the Chair, Vice Chair and Shadow Spokesperson of the Planning Committee.
- as part of the Consultation exercise, the views of the individual Cabinet Members will be sought.

(iii) To make recommendations to the Council regarding comments and consultation [responses] to be made in respect of the development of any strategic planning documents.

5. Licensing and Enforcement Committee

The Committee and Sub-Committee shall have functions, powers and responsibilities set out below and in Article 8 of this Constitution.

Membership: 13 (Quorum 4) [Proportional to the political composition of the Council].

Comprising: Members who are not Members of the Cabinet.

Requirement: Members appointed to the Licensing and Enforcement Committee shall be obliged to attend regular and appropriate training and abide by the Probity in Licensing and Enforcement Code of Practice.

Frequency

of Meetings: Quarterly meetings.

(a) Role:

(i) to undertake all matters in relation to the statutory licensing and registration functions of the Council (save to the extent that such responsibility has been delegated to another Committee or Officer by the Council) such duties to include liquor, entertainment and late night refreshment licensing and the Gambling Act 2005. The committee's role includes the

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formulation and approval of policy guidelines with the exception of the following which are dealt with by the Council:

- Sex Shop Licensing
 - the criteria which define the types of vehicles which are acceptable for the grant of additional Hackney Carriage Vehicle Licences
 - Licensing Policy Statement - Licensing Act 2003
 - Gambling Act Statement of Principles - Gambling Act 2005
 - Street Trading Licensing
- (ii) to undertake liaison with the County Council on consumer protection matters.
- (iii) to hear and determine licence applications that are contentious and/or where objections have been lodged by statutory consultees, residents, other third parties or where officers have reservations about the appropriateness of an application or the suitability of an applicant.
- (iv) without prejudice to the above roles and the Council's Scheme of Delegation the Licensing and Enforcement Committee shall be responsible for those matters set out in Parts B and C (Licensing and registration functions) of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, the Licensing Act 2003 and the Gambling Act 2005.
- (v) the Licensing and Enforcement Committee shall be empowered to set up a sub-committee or sub-committees to discharge functions and act in accordance with powers delegated by the Committee. In the context of the Committee's powers under the Gambling Act 2005 sub delegation may extend to the permitted discharge of functions by an officer.
- (vi) to hear matters relating to street trading consents.

(b) Delegation to Officers

Those functions relating to statutory licensing and registration functions which have been delegated to officers are set out in the Council's Scheme of Delegation in Part 3 to this Constitution.

6. Licensing and Enforcement Sub-Committee (Licensing and Gambling)

Membership: 3 (Quorum 3)

Comprising: 3 Members selected from the parent committee by the Corporate Director of Resources if at all possible politically proportional to the composition of the Council and shared between all Members of the parent committee on a rota basis.

Requirement: Members appointed to the Licensing and Enforcement Sub-Committee shall be obliged to abide by the Probity in Licensing and Enforcement Code of Practice.

Frequency

of Meetings: Ad-hoc meetings in consultation with the Licensing and Enforcement Manager and Corporate Director of Resources.

(a) Role:

- (i) To undertake all matters relating to the discharge of functions in accordance with the powers delegated by the Parent Committee.
- (ii) The Sub-Committee will meet to hear appeals relating to the Licensing Act 2003 and the Gambling Act 2005.

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7. Licensing and Enforcement Sub-Committee (Enforcement)

Membership: 7 (Quorum 3)

Comprising: 7 Members selected from the parent committee by the Corporate Director of Resources if at all possible politically proportional to the composition of the Council and shared between all Members of the parent committee on a rota basis.

Requirement: Members appointed to the Licensing and Enforcement Sub-Committee shall be obliged to abide by the Probity in Licensing and Enforcement Code of Practice.

Frequency

of Meetings: Ad-hoc meetings in consultation with the Licensing and Enforcement Manager and Corporate Director of Resources.

(a) Role:

- (i) To undertake all matters relating to the discharge of functions in accordance with the powers delegated by the Parent Committee.
- (ii) To hear Hackney Carriage and Private Hire disciplinary matters in accordance with the provisions of the Council's adopted General Conditions for Hackney Carriage and Private Hire Licensing.
- (iii) To hear appeals against refusals of applications for street trading consents.

8. Standards Committee

The Committee and its Sub-Committees shall have the functions, powers and responsibilities set out below and in Article 9 of this Constitution.

Membership: 9 (Quorum 3) [Politically Proportional plus independent Members drawn from the community]

Quorum: 3 Members for the Committee, one of whom must be an Independent Member, one a City Council Member and in relation to Parish Council matters, a Parish Member.

Comprising: The Standards Committee shall be comprised of at least:

- three City Councillors;
- four persons who are not City Councillors or officers of the Council or any other body having a Standards Committee (Independent Members);
- two Members of a Parish Council wholly or mainly in the Council's area, i.e. Quedgeley Parish (a Parish Member).

Requirement: Members appointed to the Standards Committee shall be obliged to receive regular appropriate training by the Monitoring officer and to ensure appropriate training is given to all Members of the Council and members of Quedgeley Parish Council.

Independent Members. Independent and Parish Members shall be entitled to vote at meetings;

Quedgeley Parish Member. A Parish Member must be present when matters relating to Quedgeley Parish Council or its Members are being considered;

Part 3 - Responsibility for Functions

Chairing the Committee. An Independent Member must chair the Committee.

The Chair has the right to receive Council Agenda and has a right to address Council.

The Committee must appoint a Sub-Committee to discharge its functions under Section 57A (Written Allegations : Right to Make Allegations: Right to Make an Initial Assessment) an Assessment Sub-Committee; and Section 57B (Right to Request a Review of Decision not to act) a Review Sub-Committee; of the Local Government Act 2007 and it may appoint a Hearing Sub-Committee to discharge the functions under Regulations 17 to 20 of the Standards Committee (England) Regulations.

Frequency

of Meetings: A minimum of 3 meetings per annum.

(a) Role:

The Standards Committee shall have the following roles and functions:

- (i) to set up an Assessment Sub-Committee to receive allegations that a Member has not complied with the Code of Conduct, and decide how they shall be dealt with;
- (ii) to set up a Review Sub-Committee to reconsider any decision of the Assessment Sub-Committee that no action be taken on an allegation of a Member breaching the Code of Conduct;
- (iii) to set up where necessary a Hearing Sub-Committee to investigate and consider any alleged breach of the Members' Code of Conduct;
- (iv) refer written allegations to the Monitoring Officer for investigation or other action such as training, conciliation or other appropriate action;
- (v) to consider reports or recommendations of the Monitoring Officer following investigations referred from the Standards Committee, its Sub-Committees or the Standards Board and deciding whether:-
 - (a) it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - (b) the matter should be referred for consideration at a hearing before the Standards Committee; or
 - (c) the matter should be referred to the Standards Board for England for determination.
- (vi) promoting and maintaining high standards of conduct by Councillors and co-opted Members.
- (vii) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
- (viii) advising the Council on the adoption, revision of, or publicity on the Members' Code of Conduct;
- (ix) monitoring the operation of the Members' Code of Conduct;
- (x) monitoring the operation of other Council codes and protocols (see Part 5 of this Constitution) and to advise the Council on the adoption or revision of such codes;
- (xi) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct;
- (xii) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct or other Council codes and protocols;
- (xiii) upon the application of any person consider whether any post should be included on, or removed from, the list maintained by the Council under Section 2(2) of the Local Government and Housing Act 1989 (Politically Restricted Posts);
- (xiv) the exercise of (i) to (xii) above in relation to Quedgeley Parish Council and the Members of the Parish Council;
- (xv) provide such advice and assistance as appropriate regarding the appointment of Independent Members of this Committee.

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9. Assessment Sub-Committee

The Sub-Committee of the Standards Committee shall have the functions, powers and responsibilities set out below and in Article 9 of this Constitution.

Membership: **4** (Quorum 3) [Proportional to the political composition of the Council].

Comprising: **4** Members, of whom at least one shall be an Independent Member of the Standards Committee, who shall chair the Sub-Committee, and one an elected Member. When the Assessment Sub-Committee considers a matter relating to the conduct of a person in their capacity as a Parish Councillor, the Sub-Committee shall have a Parish Council representative sitting on it.

The Members of the Assessment Sub-Committee may nominate an appropriate substitute who must also be a Member of the Standards Committee and who shall be entitled to attend in the absence of that Member for that specific case.

The quorum shall be 3 Members, with an Independent Member as Chair, and at least one elected Member of the Council and at least one Parish Council representative when considering a matter relating to the conduct of a Member as Parish Councillor.

A Member who takes part in a decision of a Sub-Committee discharging its functions under Section 57A above, cannot take part in the decision of the Sub-Committee discharging its functions under Section 57B.

An Independent Member of another Authority's Standards Committee may be seconded to this Committee to consider a particular complaint, or case, or for a period of time, and the Independent Members of this Committee may also be seconded to other Authorities similarly.

Requirement: Members appointed to the Standards Committee or a Sub-Committee shall be obliged to receive regular and appropriate training by the Monitoring Officer.

The Committee must appoint a Sub-Committee to discharge its functions under Section 57A (Written Allegations: Right to Make an Initial Assessment) an Assessment Sub-Committee; and Section 57B (Right to Request a Review of Decision not to act) a Review Sub-Committee; of the Local Government Act 2007 and it may appoint a Hearing Sub-Committee to discharge the functions under Regulations 17 to 20 of the Standards Committee (England) Regulations.

Frequency of Meetings

of Meetings: The Sub-Committee shall only meet where one or more allegations has been received which require to be assessed at that meeting.

(a) Role:

- (i) The Assessment Sub-Committee is established to receive allegations that a Member of the Council has failed, or may have failed, to comply with the Authority's Code of Conduct.
- (ii) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:-
 - (a) refer the allegation to the Monitoring Officer, with an instruction that they arrange a formal investigation of the allegation, or directing that they arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - (b) refer the allegation to the Standards Board for England;
 - (c) decide that no action should be taken in respect of the allegation; or

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- (d) where the allegation is in respect of a person who is no longer a Member of the Authority, but is a Member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;
- and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the Member concerned of that decision.
- (iii) Where the Sub-Committee resolves to do any of the actions set out in Paragraph (ii) above, the Sub-Committee shall state its reasons for that decision.
- (iv) Any Member who takes part in a decision of this Sub-Committee shall not be entitled to sit on any Review Sub-Committee that considers or reconsiders that decision.

10. Review Sub-Committee

The Sub-Committee of the Standards Committee shall have the functions, powers and responsibilities set out below and in Article 9 of this Constitution.

Membership: **4** (Quorum 3)

Comprising: 4 Members, of whom at least one shall be an Independent Member of the Standards Committee, who shall chair the Sub-Committee, and one an elected Member. When the Review Sub-Committee considers a matter relating to the conduct of a person in their capacity as a Parish Councillor, the Sub-Committee shall have a Parish Council representative sitting on it.

The Members of the Review Sub-Committee may nominate an appropriate substitute who shall be entitled to attend in the absence of that Member for that specific case.

The quorum shall be 3 Members, with an Independent Member as Chair, and at least one elected Member of the Council and at least one Parish Council representative when considering a matter relating to the conduct of a Member as a Parish Councillor.

A Member who takes part in a decision of a Sub-Committee discharging its functions under Section 57A above, cannot take part in the decision of the Sub-Committee discharging its functions under Section 57B.

An Independent Member of another Authority's Standards Committee may be seconded to this Committee to consider a particular complaint, or case, or for a period of time, and the Independent Members of this Committee may also be seconded to other Authorities similarly.

Requirement: Members appointed to the Standards Committee or a Sub-Committee shall be obliged to receive regular and appropriate training by the Monitoring Officer.

Frequency

of Meetings: The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Assessment Sub-Committee within three months of the receipt of the request for such a review from the person who made the allegation.

(a) Role:

- (i) The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a Member of the Council has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Assessment Sub-Committee that no action be taken in respect of that allegation.

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- (ii) Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Assessment Sub-Committee and shall then do one of the following:-
- (a) refer the allegation to the Monitoring Officer, with an instruction that they arrange a formal investigation of the allegation, or specifying that they take an alternative action as permitted by Regulations;
 - (b) refer the allegation to the Standards Board for England;
 - (c) decide that no action should be taken in respect of the allegation; or
 - (d) where the allegation is in respect of a person who is no longer a Member of the Authority, but is a Member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;
- and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the Member concerned of that decision.
- (iii) Where the Sub-Committee resolves to do any of the actions set out in Paragraph ii(b) above, the Sub-Committee shall state its reasons for that decision.

11. Hearing Sub-Committee

The Sub-Committee of the Standards Committee shall have the functions, powers and responsibilities set out below and in Article 9 of this Constitution.

Membership: 4 (Quorum 3) [Proportional to the political composition of the Council].

Comprising: The Hearing Sub-Committee shall comprise 4 Members of whom at least one shall be an Independent Member of the Standards Committee (who shall Chair the Sub-Committee), and one a City Council elected Member. If the Sub-Committee is considering a complaint about a Member of a Parish at least one of its Members shall be a Parish Council representative.

Requirement: Members appointed to the Standards Committee or a Sub-Committee shall be obliged to receive regular and appropriate training by the Monitoring Officer.

Frequency

of Meetings: The Hearing Sub-Committee shall meet as frequently as is necessary to perform its statutory functions or for training purposes.

(a) Role:

The Hearing Sub-Committee is established to:

- (i) receive reports following investigations into complaints, or other action which the Monitoring Officer has been directed to undertake, and all other steps associated with that function;
- (ii) conduct local determination hearings and all other steps associated with that function.

The Hearing Sub-Committee may conduct a pre-meeting if it considers it will assist the expeditious resolution of business including identifying areas of agreement / disagreement, how the evidence shall be adduced, and which parts of the hearing, or any documents, shall be private.

12. Audit and Governance Committee

The Committee shall have the functions, powers and responsibilities set out below and in Article 8 of this Constitution.

Membership: 7 (Quorum 3) [Politically Proportional].

Comprising: Non-Executive Members.

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Frequency

of Meetings: 4 meetings per annum together with such other meetings as Committee Chair shall consider necessary or appropriate.

Requirement: All Members appointed to the Audit Committee shall be obliged to receive regular and appropriate training, and frequent updates.

(a) Role:

- (i) To consider the Group Manager, Audit and Assurance's annual report and a summary of the internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements, including an opinion on the overall adequacy and effectiveness of the Council's internal control environment.
 - (ii) To consider summaries of specific internal audit reports, quarterly.
 - (iii) To consider an annual report on the performance of the internal audit service and review the effectiveness of the service in accordance with the Accounts and Audit Regulations.
 - (iv) To consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale.
 - (v) To consider the external auditor's annual letter, relevant reports, and the report of those charged with governance.
 - (vi) To consider specific reports as agreed with the external auditor.
 - (vii) To comment on the scope and depth of external audit work and to ensure it gives value for money.
 - (viii) To liaise with the Audit Commission over the appointment of the Council's external auditor.
 - (ix) To consider and review changes to the Council's constitution in respect of Contract Standing Orders, Financial Regulations, and Codes of Conduct and behaviour.
 - (x) To monitor the effective development and operation of risk management and corporate governance.
 - (xi) To consider summaries of specific risk management reports, quarterly.
 - (xii) To monitor Council policies on Whistleblowing, the anti-fraud and anti-corruption strategy and the Council's complaints process.
 - (xiii) To oversee the production of the authority's 'Annual Governance Statement' and recommend its adoption.
 - (xiv) To consider the Council's arrangements for corporate governance and recommend the necessary action to ensure compliance with best practice.
 - (xv) To consider the Council's compliance with its own published standards and controls.
 - (xvi) To approve the statement of accounts and the annual governance statement.
 - (xvii) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
 - (xviii) To consider the external auditor's report on issues arising from the audit of the accounts.
 - (xix) To commission work from internal and external audit.
 - (xx) To review any issues referred to it by the Chief Executive or a Corporate Director or any Council body
 - (xxi) To approve the Council's anti-fraud and corruption policies and any other governance policies deemed necessary.
- (b) The power and responsibilities of the Committee shall be as follows:**
- (i) The ability to require the Leader and Cabinet Members to attend and be questioned on audit, risk management and corporate governance matters relating to their roles and responsibilities.

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- (ii) The ability to require the Chief Executive, and Corporate Directors to attend and be questioned on audit, risk management and corporate governance matters relating to their roles and responsibilities.
 - (iii) The power to call expert witnesses from outside the Council to give advice on matters under review or discussion.
 - (iv) To discharge powers under section 101 of the Local Government Act 1972 acting as a Sub-Committee of the Council for Statement of Auditing Standards (610) purposes.
 - (v) To approve the Statement of Accounts and the Annual Governance Statement.
 - (vi) To approve the Internal Audit Periodic Plan, receive reports on progress and as a consequence approve any material changes to the plan.
- (c) All other matters will be recommended, as appropriate, to the Council, Leader, Cabinet or other Council body for decision.
- (d) Delegation to Officers
Those functions relating to statutory financial, audit and legal functions which have been delegated to officers are set out in the Council's Scheme of Delegation in Part 3 to this Constitution.

13. Organisational Development Committee

The Committee shall have the functions, powers and responsibilities set out below in Article 8 of this Constitution.

Membership: 5 (Quorum 2) (Politically Proportional)

Comprising: Members drawn from each of the political groups.

Frequency

of Meetings: The Corporate Director of Resources will call meetings as and when required and also for training purposes.

Requirement: Members appointed to the Organisational Development Committee shall be obliged to abide by Employment Legislation and current personnel policies, procedures and guidelines, especially in respect of recruitment, discipline and grievance.

(a) Role:

- (i) Consider all relevant matters relating to the salaries and contractual terms of the Chief Executive/Head of Paid Service, Corporate Directors, S151 Officer and Monitoring Officer.
- (ii) Identify the processes and to take actions to secure the recruitment and selection of the Chief Executive/Head of Paid Service, Corporate Directors, S151 Officer and Monitoring Officer.
- (iii) Determine the numbers and responsibilities of Corporate Directors and to take actions to give effect to this including, the declaration of the redundancy of Corporate Director posts where appropriate.
- (iv) Agree adjustments to officer structures and management organization.
- (v) Approve terms for retirement and redundancy at the Chief Executive, Corporate Director and statutory officer level.
- (vi) Approve and oversee the management of change process, including processes for appointments (to be made by the Chief Executive and/or the relevant Corporate Director(s)) to senior management positions and the Monitoring Officer, with, as necessary, consultation. After consultation with Employee Forum, modify personnel policies and to advise the Corporate Director of Resources in pursuit of his/her delegated powers on changes to personnel policies.

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- (vii) To form, as required, a panel of three Members to conduct employee grievance and disciplinary appeals involving the Chief Executive, Corporate Directors and Statutory Officers in accordance with the Council's grievance and disciplinary procedures. Panel members will require necessary training for this role.

14. Constitutional and Electoral Working Group

The Working Group shall have the functions, powers and responsibilities set out below.

Membership: **6** (Quorum 3) [Two representatives from each political party on the Council].

Comprising: The Returning Officer (Chief Executive), , Monitoring Officer, and Democratic and Electoral Services Manager.

Frequency

of Meetings: Quarterly meetings.

Requirement: Strategic, analytical and non-political.

(a) Role:

- (i) To review and recommend to Council changes to Parts 1-4 inclusive of the Constitution.
- (ii) To review the operation of the Scheme of Delegation to Officers.
- (iii) To receive reports from Statutory Officers regarding electoral or constitutional matters.
- (iv) To review arrangements for District, Parliamentary and European Parliamentary elections and make recommendations to the Chief Executive as Returning Officer.
- (v) To examine and make recommendations to the Chief Executive, on Government proposals to improve electoral and electoral registration arrangements and turn out.
- (vi) To make recommendations to Council in respect of community governance.
- (vii) To consider the detail of public petitions to trigger community governance reviews in respect of:
 - (a) creation of a Parish;
 - (b) naming of the Parish;
 - (c) establishment of a separate Parish Council;
 - (d) alteration of boundaries of existing Parishes;
 - (e) abolition of a Parish;
 - (f) dissolution of a Parish Council;
 - (g) changes to electoral arrangements of a Parish Town Council;
 - (h) potential grouping of Parish Councils or degrouping thereof
- (viii) To consider other potential community governance systems such as:
 - (a) Area Committees;
 - (b) Neighbourhood Management;
 - (c) Tenant Management Organisations'
 - (d) Area Community Forums;
 - (e) Residents' and Tenants' Associations;
 - (f) Community Associations
- (ix) To consider principal area reviews and internal warding schemes.
- (x) To develop, review and approve the Council's Member Development Programme.

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15. Equality Champions Group

The Group shall have the functions, powers and responsibilities set out below.

Membership: 3 (Quorum 2)

Comprising: 3 Members one from each of the three largest political groups.

Frequency of Meetings: 2 meetings per annum

Requirement: Each Member to represent and co-ordinate equality issues.

(a) Role:

Represent, promote and support equalities throughout the city.

16. ICT Working Group

The Group shall have the functions, powers and responsibilities set out below.

Membership: 3 (Quorum 2)

Comprising:

- (i) Each political group leader or their nominated representative
- (ii) The following officers –
 - Corporate Director of Resources
 - Group Manager of Business, Technology and Transformation
 - Customer Services Manager
- (iii) The above officers shall be entitled to nominate a representative if unable to attend meetings.

Requirement:

Frequency

of Meetings: 4 meetings per annum and special meetings may be called if necessary.

(a) Role:

The Council shall appoint an Information and Communication Technology Working Group with the following terms of reference:

(i) Scope

The scope of the Working Group is as follows:

- Members' use of Information and Communication Technology (ICT)
- Members' use of Telephone Systems
- ICT Training and Development for Members

(ii) Purpose of Group

- (a) To discuss Members' service issues with ICT management.
- (b) To consult Members on the introduction of corporate software which affects Members' services.
- (c) To consult Members on renewing local democracy through e-government and ICT Strategy with a view to moving towards the following:
 - (i) an annual Member IT plan specifically addressing Councillors' IT aspirations and needs;

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- (ii) to seek the full benefits of IT facilities available to Members, particularly as a means of increased engagement with the public and to make it easier for Members to find information they need;
- (iii) to examine more flexible ways of Member working, (e.g. using on-line calendar of meetings, on-line access to contact information, and increasingly receiving agenda, minutes and reports in electronic form rather than hard copy).
- (d) Periodically to review the Members ICT protocol and other protocols which affect the use of ICT by Members including use of the intranet, internet and individual Member web sites.
- (e) To promote training and development of Members in the use of information and communication technology.
- (f) To make recommendations to the Cabinet or Council in respect of E-Government projects.
- (g) To examine efficiency gains through Member use of ICT.

17. Employee Forum

The Forum shall have the functions, powers and responsibilities set out below and in Article 10 of this Constitution.

Membership: **6** (Quorum 4) [Proportional to the political composition of the Council].

Quorum: Two representatives from the employer and two representatives of employee. Substitutes may be appointed and attend.

Requirement: The minutes of the Employee Forum shall be reported to the Cabinet and any recommendation which requires a Cabinet decision shall be referred to Council or relevant Officer (under delegated authority).
The press and public shall not be permitted to attend the Employee Forum.

Comprising: The Forum shall consist of three elected Members of Gloucester City Council, who shall be appointed annually by the Council, and three representatives of all the trade unions having Members employed by the City Council. Members of the Forum shall retire annually and shall be eligible for re-appointment. If a Member of the Forum ceases to be a Member or employee of Gloucester City Council, she/he shall thereupon cease to be a Member of the Forum. Any vacancy shall be filled by the City Council, a union or combination of unions involved. The Cabinet Member for Performance and Resources may be an ex officio Member of the Forum, without voting rights, and may be substituted by the Leader of the Council in their absence.

Frequency

of Meetings: The Employee Forum shall meet as and when required, but not less than quarterly (prior to a formal meeting with elected Members, a management meeting shall be held between the Members of the Council, led by the Corporate Director of Resources). The trade unions shall have an opportunity to meet prior to the Committee. This meeting will not last longer than one hour.

The Chair or Vice Chair may direct the secretary to call a meeting at any time in the event of urgent business.

The annual meeting shall be held in June/July each year and the ordinary meetings shall be held at least each quarter. The Chair and Vice Chair may agree to dispense with any meetings on the advice of the secretary when neither side has any items of business on the agenda.

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A notice summoning a meeting together with an agenda setting out the items to be discussed shall be circulated to all Members of the Forum at least five working days before the date of the meeting, except in any emergency, when at least 24 hours notice will be given.

(a) Role:

The Council shall appoint an Employee Forum with the following constitution and terms of reference:

(i) Representation

The remit of the Forum shall cover all employees of Gloucester City Council.

The trade union places shall be allocated as follows:

Amicus – one representative

Unison – two representatives or three if Amicus is unable to fill its allocation

The names of the nominated representatives shall be confirmed annually by the trade union side to the Group Manager, Organisational Development.

The following may attend in an advisory capacity, but shall not be entitled to vote:

- (a) the full time trade union officers
- (b) the Corporate Director of Resources or nominated representative
- (c) the Chief Executive or nominated representative
- (d) a Corporate Director or nominated representative provided that a specific item relative to his/her service cluster / unit is under discussion or dispute.
- (e) any external person presenting current issues to the Forum.

(ii) Chair

A Chair and a Vice Chair shall be appointed annually at the first meeting each year. If the Chair appointed is a Member of the City Council, the Vice Chair shall be appointed from the employees' side, and vice versa. The Chair or, in his/her absence, the Vice Chair, shall preside over the meeting. In the absence of both, a Chair for the meeting shall be elected from those present. The role of Chair shall alternate annually between the two sides, except that either side may decline their turn. The Chair of a meeting shall not have a casting vote. The Forum shall allow officers, or other Members, to Chair the Forum from time to time to help with developing the skills of the individual concerned. Such agreement will be obtained by vote at the previous Forum. Requests to Chair the Forum will be made two weeks before Forum to the Corporate Director of Resources

(iii) Secretarial/Servicing Arrangement

The Corporate Director of Resources will be responsible for convening meetings, despatching agenda and recording the minutes. The Corporate Director of Resources shall appoint a secretary

(iv) Substitutes

Any Member of the Forum who is unable to attend a meeting, or any part thereof, may upon giving written notice thereof to the Corporate Director of Resources, authorise either a fellow Council Member or trade union representative as appropriate to deputise.

(v) Functions

The functions of the Employee Forum shall be:

- (a) To establish regular methods of consultation between the City Council and its employees in order to avoid and resolve conflicts, always provided that no question of individual discipline, individual promotion, or individual efficiency shall be within the scope of the Employee Forum.

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- (b) To consider any relevant matters from:
 - (i) the National or Provincial Joint Councils;
 - (ii) the Cabinet, a Committee or Forum of the City Council or by any of the recognised trade unions on which the Employee Forum may recommend action.
- (c) To consider matters affecting the health and safety of all employees of Gloucester City Council.
- (d) The Employee Forum may refer any questions coming before them for consideration by and for the advice of the appropriate Provincial Council and may inform the Provincial Council of any recommendation of the Employee Forum of more than local interest, always provided that such recommendation shall be approved by the City Council prior to its submission to the Provincial Council.
- (e) Provided that there shall be excepted from the foregoing functions any matters arising relating to individual salary grading appeals, which shall be referred to the appropriate appeal mechanism (Internal Appeals Procedure).

18. Gloucester Community Safety Partnership

The Gloucester Community Safety Partnership shall have the functions, powers and responsibilities set out below and in Article 10 of this Constitution.

Membership: 7 Responsible Authorities (Quorum 3) [Proportional to the political composition of the Council].

Comprising: The current membership of the Partnership Leadership Group is made up of one representative from each of Gloucester City Council, Gloucestershire County Council, Gloucestershire Constabulary, Gloucestershire Primary Care Trust, Gloucestershire Fire and Rescue Service, Gloucestershire Police Authority and Gloucestershire Probation Trust (the "Responsible Authorities"). This group may be expanded in the future by mutual agreement. Responsible Authorities can invite representatives from organisations or bodies which can assist in the delivery of the Partnership's goals to become Responsible Authorities ("Invited Members") and the Partnership Leadership Group can co-opt members.

Requirement: A representative must be present from each of the local authorities and Gloucestershire Constabulary for meetings to be quorate.

(a) Role:

The Gloucester Community Safety Partnership has been created to meet the requirements of the Crime and Disorder Act 1998 (the 1998 Act) as amended by the Police Reform Act 2002 and to serve the City of Gloucester.

(i) Responsible Authorities

Section 5 of the 1998 Act requires Gloucestershire County Council, Gloucester City Council and Gloucestershire Constabulary to formulate and implement a strategy for the reduction of crime and disorder in the area. Other organisations such as the police authority, probation and health authority have a legal responsibility to help them.

(ii) Main Objective

The primary objective of the Statutory Partnership is to reduce the levels of crime and fear of crime in Gloucester.

The Statutory Partnership must:

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- a) Carry out an audit to review the levels and patterns of crime and disorder;
- b) Consult the community on the findings of the audit;
- c) Publish the audit findings and the results of the consultation;
- d) Prepare a plan for tackling crime and disorder. This must be based on the audit findings;
- e) Monitor progress in meeting the targets set in the strategy and prepare reports; and
- f) From time to time review and revise the strategy to meet changing priorities.

The Statutory Partnership intends to:

- a) Encourage other relevant organisations to participate in achieving the aims and objectives set out in the three year strategy.
- b) Promote good practice amongst local statutory and non-statutory organisations to reduce the levels of crime and disorder.

(i) Executive Support

The Partnership will be supported by staff from the partner organisations. Senior staff will form a Leadership Group to lead this. Specialist sub-groups will also be established to focus on various aspects of the strategy. Separate terms of reference have been prepared for these sub-groups.

(ii) Powers

The Statutory Partnership will:

- a) Bid for sufficient resources, either financial or 'in kind' to deliver the plan;
- b) Allocate available resources to meet the priority objectives set out in the plan;
- c) Publish material to promote and advance the objects and work of the Statutory Partnership;
- d) Consult with local communities and commission surveys in the city about crime and disorder.

(iii) Votes of Members

To reach decisions other than general consensus at meetings of the Leadership Group, each Responsible Authority in the Partnership is entitled to only one vote. Where there is an equal split in voting, the Chair of the Leadership Group will have the casting vote.

(iv) Appointments of Chair and Vice Chair

Chair and Vice Chair will both be appointed from the Leadership Group by way of a simple majority vote.

(v) Venue

The Leadership Group will decide on an annual cycle the management and venues of its meetings. Meetings are currently held bi monthly at the offices of Gloucester City Council.

19. Grants and Community Services Forum

The Forum shall have the functions, powers and responsibilities set out below and in Article 10 of this Constitution.

Membership: 12 (Quorum 4) [Council Membership to be proportional to the political composition of the Council].

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Quorum: Shall consist of at least 2 voluntary sector representatives and at least 2 City Councillors.

Comprising: A total of six non-Cabinet Members of the City Council nominated by the Council (plus the Cabinet Member for Communities and Neighbourhoods who shall have the right to attend but not vote) and six representatives from the Voluntary and Community Sector as elected by and in accordance with a process agreed by the Gloucester Voluntary and Community Sector Forum. Evidence of the voluntary sector representative election process shall be provided to the City Council upon request. Every effort shall be made to ensure broad-based participation in the elections including by BME organisations

Frequency of Meetings: 2 meetings per annum.

Requirement:

(a) Role:

- (i) The Forum will play an advisory role on matters relating to grants and community services, making recommendations to the Cabinet and/or the Corporate Director of Resources as appropriate, where there is a majority view of the Forum. The Terms of Reference do not, however, extend to deliberations or decisions on individual grant allocation.
- (ii) To improve awareness and understanding amongst City Council Members and officers of the structure, organisation and workings of voluntary organisations in Gloucester.
- (iii) To assist the Council and the voluntary sector more broadly in promoting good practices in all aspects of voluntary sector services.
- (iv) To assist the Council in promoting the development of policy criteria and good practices in arrangements for funding of voluntary groups in Gloucester, and where appropriate to work towards a consistency of approach throughout the County.
- (v) To be the consultative Forum whose views the City Council can take into account on matters relating to grants and community services.
- (vi) To assist the Council in promoting equality of opportunity with particular regard to grant allocation and the delivery plan of the Community Services team.
- (vii) To assist the Council identify training and other support needs for voluntary organisations in Gloucester, particularly for those groups where changes arise as a result of change in City Council policy, funding conditions or arrangements.
- (viii) Chairing of meetings of the Forum shall be by a voluntary sector representative.
- (ix) The Forum is entitled to report and make recommendations (where there is a majority view).
- (x) All Members of the Forum will be entitled to place items on the agenda of the Forum giving not less than 14 days notice to Community Development Team Leaders, who will pass them to the Corporate Director of Resources, or where, in the opinion of the Chairman, the matter is deemed to be urgent in which case no specific period of notice is specified.
- (xi) Voting (should it prove necessary) will be one vote per Member.
- (xii) The Forum may appoint a representative to attend other appropriate fora or partnerships if appropriate or necessary.

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20. Gloucestershire Police and Crime Panel

The Gloucestershire Police and Crime Panel shall have the functions, powers and responsibilities set out below.

Membership: 12 (minimum of 10 elected members and 2 independent members) [To meet the balanced appointment objective set out in the Police Reform and Social Responsibility Act 2011].

Quorum: 3 or one third of membership.

Comprising: The membership of the Panel comprises a minimum of 6 District Councillors (one councillor from each district in Gloucestershire), 4 County Councillors and 2 independent members. The Panel may co-opt additional elected members.

Frequency

of Meetings: 6 per year (Note: the frequency may be subject to change depending on formal agreement)

The functions of the Panel are to be exercised with a view to supporting the effective exercise of the functions of the Police and Crime Commissioner. The Panel is under a duty to support, as well as challenge, the commissioner.

(a) Role:

- (i) To review the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner. The Panel must make a report or recommendations to the commissioner.
- (ii) To review the annual report and make a report or recommendations to the commissioner. The Panel is to ask the commissioner questions, as appropriate, on the annual report.
- (iii) To hold a confirmation hearing and review, make a report, and recommendation of proposed senior appointments made by the Police and Crime Commissioner, this includes:
 - a) The commissioner's chief executive
 - b) The commissioner's chief finance officer
 - c) A deputy police and crime commissionerThe Panel has the power to veto the appointment of the Chief Constable.
- (iv) To review and make a report and recommendation (as necessary) on the proposed precept. The Panel has the power to veto the proposed precept.
- (v) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- (vi) To fulfill functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
- (vii) To appoint an Acting Police and Crime Commissioner if necessary.

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Sub-delegation to Strategic Property, Estates and Valuation Services Manager	
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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 Chief Executive and Corporate Directors of Gloucester City Council, extensive powers to carry out Council functions both Executive and Non-Executive.
- 1.2 The Chief Executive 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 Chief Executive is taking action under urgency powers in accordance with paragraph 6. below.
- 1.3 The Chief Executive 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 a personal delegation meeting the required criteria. Each Corporate Director is responsible for maintaining a register of such delegations and for notifying the Group Manager, Legal and Democratic Services 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 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 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. Legal Services to be involved from earliest stage]

- 1.11 To authorise legal proceedings, in consultation with the Group Manager, Legal and Democratic Services, in respect of offences under Acts, Regulations, bylaws or orders

Part 3 - Responsibility for Functions

within the remit of the relevant Corporate Director or Chief Executive. Subject to any relevant enforcement policy or guidance from the Local Better Regulation Office.

Personnel, Staffing and Employee Relations

- 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 (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
 - 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 Group Manager, Legal and Democratic Services.
- 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 in 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 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, Challenge funding and other such funding bids or grants; subject to prior consultation with the Corporate Director of Resources 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.

Part 3 - Responsibility for Functions

- 1.23 To enter into procurement arrangements for the provision of goods and services for the execution of the Council's day to day affairs, subject to compliance with the Council's Financial Regulations, Contracts 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.
- 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 1.29) require the Chief Executive 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.
- 1.27 To determine the level of Fees and Charges for services within their Directorate, where the level is not set by statutory provision, provided that such determination is in accordance with the Council's approved Budgetary Framework.
- 1.28 To vary Fees and Charges for services within their Directorates within a year to take account of market conditions or other relevant factors, provided that such variations are in accordance with the Council's approved Budgetary Framework.
- 1.29 To determine any requests for reductions or waivers of Fees and Charges for services within their Directorate.

In respect of Property Matters:

- 1.30 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 the Group Manager, Legal and Democratic Services, and the Strategic Property, Estates and Valuation Service Manager, are lawful and are either in line with inflation or the tone of the property market.
- 1.31 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).
- 1.32 The letting of land and premises under the control of the relevant Service Unit.

In respect of Tenders and Quotations:

- 1.33 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.
- 1.34 The acceptance of the most advantageous tender for a capital scheme.
- 1.35 The acceptance of the highest tenders or quotations for the disposal of land, goods or equipment not required.

Miscellaneous

- 1.36 The serving of notices and making of orders in relation to their service area responsibilities, in consultation with the Group Manager, Legal and Democratic Services.
- 1.37 The taking of action in respect of civil emergencies and business continuity, including participating and contributing to the Emergency Plan.
- 1.38 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.

Part 3 - Responsibility for Functions

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.

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

- 3.1 The Chief Executive 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 Group Manager, Legal and Democratic Services will hold a record of such personal delegations.

4. Planned and Unplanned Absence of Chief Executive

- 4.1 In the planned absence of the Chief Executive a Corporate Director will be selected on a rota basis and will be authorised to act as Deputy Chief Executive to exercise any of the powers delegated to the Chief Executive. The rota will be maintained by the Monitoring Officer and held with the Chief Executive's PA and the powers restored to the Chief Executive on return.
- 4.2 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 to be communicated to all Members 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

Part 3 - Responsibility for Functions

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 Chief Executive, 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.
- 6.2 Where urgent matters arise and there is insufficient time to convene a meeting of the Cabinet or relevant Committee or Sub-Committee, or it would be disproportionate to do so in relation to the scale of the decision required, 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 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

Chief Executive (Head of Paid Service)

A. General Powers

1. The Chief Executive 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 to provide and maintain 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 Chief Executive 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 Chief Executive is hereby delegated and empowered to deputise for any Corporate Director or Group 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.
4. The Chief Executive is hereby appointed District Emergency Coordinator.

B. Proper Officer Responsibilities

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

Section	Legislation	Function
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

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Section 86	Local Government Act 1972	To 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
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
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
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.
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)
	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 jointly by the Chief Executive and Corporate Director of Resources)</i>
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.

Part 3 - Responsibility for Functions

	Regulatory Enforcement and Sanctions Act 2008	
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C. Specific Powers

The Council delegates the following specific powers to the Chief Executive 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. (The appointment to 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 Corporate Director of Resources and the Group Manager, Organisational Development.
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.

D. Sub-delegation

In addition to the sub-delegations detailed below, which are standing sub-delegations to specific posts, The Chief Executive 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 Chief Executive 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 Group Manager, Legal and Democratic Services.
- (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.

E. Sub-delegation to the Corporate Director of Services and Neighbourhoods

1. The Corporate Director is hereby appointed Deputy District Emergency Co-ordinator.

Part 3 - Responsibility for Functions

Corporate Director of Resources (S151 Officer)

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
 - ICT
 - Client for Revenues and Benefits, Investigations and Welfare Rights
 - Procurement
 - Payroll, Creditors/Debtors
 - Corporate Governance and Risk Management
 - Use of Resources Framework
 - S151 Officer Duties
 - Legal and Democratic Services, including Electoral Administration and Civic Support
 - Human Resources

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 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 designated as 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.
4. The Corporate Director of Resources (S151 Officer) will annually review the effectiveness of the system of internal audit and control, and provide a report to the Audit Committee in support of the Annual Governance Statement.

B. Proper Officer Responsibilities:

The Corporate Director of Resources (Chief Finance Officer - S151 Officer) 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

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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 2003 (as amended by the Accounts and Audit (Amendment) (England) Regulations 2006)	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 Office 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 Group Manager Legal and Democratic Services)
	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 Jointly by the Chief Executive and Corporate Director of Resources)
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	
	The Accounts and Audit Regulations 2003	
	The Local Authority (Capital Finance and Accounting) (England) Regulations 2003	
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
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

Part 3 - Responsibility for Functions

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 and that the document comprising the Authority's Forward Plan is published in accordance with the Local Authorities (Executive Arrangements)(Access to Information) (England) Regulations 2000

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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
Schedule 14 para. 25(7)	Public Health Acts 1875 – 1925	Certification of resolution under Public Health Acts 1875 – 1925
	Local Government Act 2000 – Executive Arrangements (Decisions, Documents and Meetings) (England) Regulations 2000.	The Proper Officer in relation to the 2000 Regulations

C. Specific Powers:

1. To review Financial Regulations, Contract Standing Orders and Procurement Rules in accordance with Legislation, CIPFA Guidelines and accounting best practice.
2. To maintain an internal audit system on behalf of the Council pursuant to Regulation 5 of the Accounts and Audit Regulations 2003.
3. 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 Committee.
4. To recommend to Council and Cabinet matters in respect of the Virement Statement Policy and Strategy.
5. To approve and/or recommend virements in accordance with the Council's Virement Policy.
6. 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.
7. To approve the Council's short-term financial investments.
8. To write off irrecoverable debts 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.
9. To exercise the functions of the Council in relation to ICT and Procurement.
10. To exercise the functions of the Council in relation to matters relating to e-government.
11. The determination of the maximum rate of recovery for Housing Benefit overpayments.
12. 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).

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13. 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.
14. 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.
15. To action staff salaries following re-evaluation of posts in accordance with the Council's job evaluation procedures in consultation with the Chief Executive.
16. To revise existing employment policies and terms and conditions following consultation with the Employee Forum and the Organisational Development Committee.
17. The appointment of Council representatives to outside bodies and organisations after consultation with the Chief Executive, the Leader and Deputy Leader of the Council and Group Leaders.
18. To act as lead officer in respect of the work of the Independent Members' Remuneration Panel and to implement Council's decisions in consultation with the Corporate Director of Resources including advertising changes to the Members' Allowances Scheme and publishing an annual summary.
19. To approve and vary the Council's ICT policies, in consultation with the Cabinet Members for Performance and Resources and the Chair of Audit Committee.
20. To act as the Council's Senior Information Risk Officer.

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 Group Manager Legal and Democratic Services;
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 Group Manager Financial Services

1. All non-contentious or urgent matters relating to the financial, revenues and benefits services of the Council.
2. 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 liaise with both internal and external Auditors.
4. To lead the annual review of the 3 Year Money Plan.

Part 3 - Responsibility for Functions

5. To lead the Annual Review of the Treasury Management Strategy / Plan and Annual budget setting process.
6. To lead the Annual Review of the Short-Term Investment Strategy.
7. To develop, implement and review the Council's Procurement Strategy and Policies.
8. To monitor performance and negotiate any necessary changes or improvements in respect of the Revenues and Benefits services.
9. In consultation with the Corporate Director of Resources, to write-off irrecoverable debts (including overpayments of benefit) of up to £5,000.
10. To impose sanctions in Benefit Fraud cases.
11. 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.
12. To grant discretionary housing payments.
13. To decide whether or not to recover an overpayment of Housing Benefit or Council tax benefit having regard to the circumstances of the individual.
14. To represent the Council in the County Court in debt recovery proceedings.
15. 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.
16. 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 Corporate Director of Resources.
17. 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 Corporate Director of Resources.
18. To determine locally defined Council Tax discounts in accordance with S13A of the Local Government Finance Act 1992.
19. To fix the local average rate of interest as defined in S438 of the Housing Act 1985.
20. Calculation of the annual Council Tax base for the City Council.
21. In consultation with the Corporate Director of Resources to write-off of irrecoverable debts up to £5,000.
22. 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.
23. To represent the Council at Valuation Tribunals and to authorise other Officers to attend and represent the Council at such Valuation Tribunals
24. 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).
25. To administer the Council's Concessionary Fares Scheme in line with national and local policies and legislation.
26. In consultation with the Group Manager Legal and Democratic Services 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.

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27. To approve the removal of goods where distress 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.

F. Sub-delegation to Group Manager Business Transformation and Technology

1. All non-contentious or urgent matters relating to the information and communication technology services of the Council.
2. To lead the development and implementation of the Council's ICT Strategy and associated policies including provision of services to external partners.
3. To be responsible for a robust ICT Systems Infrastructure including System and Data Security, Integrity including Systems of protection from intrusion.
4. To maintain an Asset Management Register of all ICT related equipment including hardware, firmware, software, licenses and any intellectual rights.
5. To be responsible for all internet and intranet facilities including on-line services, data quality and content copyright.
6. To be responsible for Freedom of Information requests as determined from time to time by the Corporate Director of Resources.
7. To be responsible for Data quality matters and in consultation with the Group Manager Legal and Democratic Services.

G. Sub-delegation to Group Manager Audit and Assurance

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.

H. Sub-delegation to Group Manager Legal and Democratic Services

1. All non-contentious or urgent matters relating to the Legal Services, Democratic, Electoral and Election 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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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:
 - Client for Housing, Streetcare and Leisure
 - Housing Strategy
 - Homelessness, Allocations
 - Environmental Health
 - Regulatory Services
 - Cemeteries and Crematorium
 - Customer Services
 - Shopmobility
 - Community Safety
 - Business Continuity Planning
 - Emergency Planning
 - Safeguarding Children
 - Policy and Partnerships including Community, Strategy, Engagement and Equalities
 - Performance Management and Review
 - Business improvement
 - Communications and Marketing
 - Health and Wellbeing

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.

B. Proper Officer Responsibilities:

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

Section	Legislation	Function
	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	

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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

2. 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:

1. 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.
2. 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.
3. 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 (except Part 8 High Hedges)
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 F	Contaminants in Food (England) Regulations 1997, 2007
13.	E	Control of Dogs Order 1992
14.	E	Control of Pollution Act 1974, and (Amendment) Act 1989
15.	E	Criminal Damage Act 1971
16.	E CS L	Criminal Justice and Public Order Act 1994
17.	E CS L	Criminal Justice and Police Act 2001 (Sections 12-16 and 19-20)
18.	E	Dangerous Wild Animals Act 1976
19.	E	Defective Premises Act 1972
20.	E	Dogs (Fouling Land) Act 1996 and Dogs (Fouling of Land) Regulations 1996
21.	E	Energy Act 1976

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22.	E	Environment Act 1995
23.	E	Environmental Damage (Prevention and Remediation) Regulations 2009
24.	E	<p><i>Environmental Protection Act 1990 (as amended)</i></p> <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 • Section 14 - Prohibition Notices • 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
25.	E	European Communities Act 1972
26.	E	Farm and Garden Chemical Act 1967
27.	E	Food and Environment Protection Act 1985 (Part III)
28.	E F	<p>Food Safety Act 1990 (as amended)</p> <ul style="list-style-type: none"> • Section 9 - Seizure and detention of food • Section 10 - Service of Improvement Notices • Section 12 - Service of Emergency Prohibition Notices • Section 29 and 30 - Taking of samples • Section 32 - Entry to premises • Section 49(3)(a) and (b) - Signing of documents
29.	L	Gambling Act 2005
30.	E	Hazardous Waste (England and Wales) Regulations 2005
31.	E	<p>Health Act 2006</p> <ul style="list-style-type: none"> • Section 9 and Schedule 1 – Fixed penalties • Section 10 and Schedule 2 – Powers of Entry
32.	E	The Smoke-free (Premises and Enforcement) Regulations 2006
33.	E	The Smoke-free (Penalties and Discounted Amounts) Regulations 2007
34.	E	The Smoke-free (Exemptions and Vehicles) Regulations 2007
35.	E	The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
36.	E	The Smoke-free (Signs) Regulations 2007
37.	E	<p>Health and Safety at Work etc Act 1974 To exercise the power of an Inspector specified in: -</p> <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.
38.	E	Highways Act 1835, 1864, 1980 and 1990
39.	E	Home Safety Act 1961
40.	L	House to House Collections Act 1939 and Regulations 1947
41.	E	Housing Act 1985
42.	E	Housing Act 1996
43.	E	Housing Act 2003
44.	E	Housing Act 2004
45.	E	Housing Grants Construction and Regeneration Act 1996
46.	E	Imported Food Regulations 1997

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47.	E	Land Drainage Act 1976, 1991, 1994
48.	E	Environmental Impact Amendment (Local Drainage Improvement Works) Regulations 1994
49.	E	Law of Property Act 1925
50.	L	Licensing Act 2003
51.	L	Local Government (Miscellaneous Provisions) Act 1976, and 1982
52.	E	Local Government Act 1972 and 1985
53.	E	Local Government Act 2003
54.	E	Local Government and Housing Act 1989
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.	L	Pedlars Act 1871
60.	E	Pet Animals Act 1951
61.	L	Police, Factories etc. (Miscellaneous Provisions) Act 1916
62.	E	Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended)
63.	E	Pollution Prevention and Control Act 1999
64.	E	Prevention of Damage by Pests Act 1949
65.	E F	Products of Animal Origin (Import and Export) Regulations 1996
66.	E F	Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (as amended)
67.	E	Public Health (Control of Diseases) Act 1984
68.	E	Public Health Act 1875, (Amendment Act 1890), 1936
69.	E	Public Health Acts 1936 and 1961
70.	E	Refuse Disposal (Amenity) Act 1978, Section 3(1)
71.	E	Regulatory Enforcement and Sanctions Act 2008
72.	CD (S&N)	Regulation of Investigatory Powers Act 2000
73.	E	Regulatory Reform (Housing Assistance) (England and Wales) 2002
74.	E	Reservoirs Act 1975
75.	E	Riding Establishment Acts 1964 and 1970
76.	E	Rights of Way Act 1990
77.	E	Rivers (Prevention of Pollution) Act 1951 (or 1961?)
78.	E	Rivers Pollution Act 1876
79.	E	Road Traffic Regulations Act 1984
80.	L	Scrap Metal Dealers Act 1964
81.	E	Slaughter of Animals Act 1958
82.	E	Slaughter of Poultry Act 1967
83.	E	Slaughterhouses Act 1974
84.	E	Sunbeds (Regulation) Act 2010
85.	E	Sunday Trading Act 1994
86.	E	Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, SI 1988, No. 1199
87.	E	Town and Country Planning (Environmental Impact Amendment) (England and Wales) Regulations 1999
88.	E	Town and Country Planning Act 1971
89.	E	Town and Country Planning Act 1990
90.	E	Town and Country Planning General Development Order 1995
91.	L	Town and Police Clauses Acts 1847 and 1889
92.	L	Transport Acts 1980, 1981 and 1985
93.	L	Vehicles (Crime) Act 2001
94.	L	The Motor Salvage Operators Regulations 2002
95.	E	Waste Management Licensing Regulations 1994
96.	E	Water Act 1989
97.	E	Water Act 2003
98.	E	Water Industry Act 1991

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99.	E	Water Resources Act 1991 (particularly Section 105)
100.	E	Waterworks Clauses Act 1847
101.	E	Weeds Act 1959 c54
102.	E	Wildlife and Countryside Act 1981
103.	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 Corporate Director of Resources 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 Corporate Director of Resources and the relevant Cabinet Member.
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 Group Manager will take full responsibility for their area of service and where a Group Manager is also absent then providing that other Group Managers within the Directorate are qualified, trained, experienced and competent they may deputise for the Group Manager in their absence.
13. To exercise the functions of the Council in relation to the strategies and policies regarding information management.
14. To have overall responsibility for Freedom of Information including training, public information and determining exemptions where necessary.
15. In accordance with approved Housing strategies, Council Policies, Financial Regulations and Contract Standing Orders, to:
 - (a) exercise the functions of the Council as Local Housing Authority except the provision of landlord services;
 - (b) approve the purchase or sale (a share or outright), of any dwelling, as may be required, in accordance with:-
 - (i) supporting priorities identified in the Housing Strategy;
 - (ii) assisting a household threatened with homelessness, where other options are demonstrated not to be feasible;
 - (iii) regeneration priorities supported by the Council;
 - (iv) offers arising from Statutory Provision or Lease including 'Right to Buy', 'Right of First Refusal';

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- (v) the acquisition and disposal strategy of the Council.
and in consultation with Corporate Director of Regeneration and the Strategic Property, Estates and Valuation Manager
- (c) approve the purchase of dwellings for Affordable Housing initiatives including the use of commuted sums and in consultation with the Corporate Director of Regeneration and the Strategic Property Estates and Valuation Manager where within budget;
- (d) 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.
- (e) prepare tender documents for Housing Needs Assessments or complementary research as permitted by legislation.
- (f) prepare tender brief, assessment bids in accordance with 'Best Value' principles, to select RSLs for development opportunities or preferred partner assessment.
- (g) prepare tender documents for and procurement of services to assist with Council's Statutory duties under Homelessness legislation.
- (h) in accordance with the Council's priorities influence Section 106 negotiations by advising Planning Officers of requirement for Affordable Housing on housing development sites.
- (i) provide responses to the Homes and Communities Agency regarding RSL stock disposals.

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 Group Manager Legal and Democratic Services;
- (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 Group Manager Housing and Neighbourhood Services

To deal with all non-contentious or urgent matters relating to the Council's Housing and Streetcare services.

E.1 Housing

- (a) To exercise the functions of the Council as Housing Landlord in accordance with the Council's Housing Strategy and Policies.
- (b) To Tender for complementary work as permitted by legislation.
- (c) To approve applications from Council tenants for the purchase of their dwellings within the right to buy procedure.

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- (d) To deal with the selection of Tenants and the allocation of permanent accommodation in the discharge of the Council's obligations.
- (e) To make such arrangements as are considered necessary to discharge the Council's functions in relation to homeless person.
- (f) The expenditure of Government grants related to provision of services required to assist with Council's statutory homelessness duties as permitted by legislation.
- (g) The allocation of permanent accommodation in "left in occupation" cases.
- (h) 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 Group Manager Legal and Democratic Services.

E.2 Streetcare

- (a) 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.
- (b) To liaise with the County Council on those matters referred in paragraph (a) and other functions not related to highways.
- (c) To exercise the Council's powers in respect of street furniture and informative signs.
- (d) To deal with matters in respect of tree planting, felling and lopping (open spaces and public areas).
- (e) To confirm road traffic regulation orders where no objection(s) has been received, in agreement with the Highways Agency.
- (f) The making of agreements for the execution of highway works.
- (g) To exercise the Council's powers relating to the removal of things so deposited in the highways as to be a nuisance.
- (h) To exercise the Council's powers relating to obstruction of Highways.
- (i) The implementation of temporary traffic regulation schemes and orders.
- (j) To deal with all matters relating to temporary road closures including giving public notice.
- (k) To respond to consultations upon the Statutory Waste Management Strategy, after consultation with the relevant Cabinet Member.
- (l) 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.
- (m) The management and approval of the provision and uses of the Council's country parks, parks, playing fields, allotments and open spaces.
- (n) To enter into allotment tenancy agreements, subject to such agreements being in a form approved by the Group Manager Legal and Democratic Services.

F. Sub-delegation to Group Manager, Environmental Health and Regulatory Services

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;

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Park Homes; Shops and Sunday Trading; "Clean Neighbourhoods and Environment"; Emergency Planning and Business Continuity; Private Sector Housing assistance including grants and loans; Empty Homes Strategy.

2. All urgent, sensitive and contentious licensing and enforcement matters in consultation with the 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 Group Manager, Environmental Health & Regulatory Services, is hereby appointed the Proper Officer in relation to: -

Section	Legislation	Function
	Food Safety Act 1990	All purposes relating to and including authority to authorise such other officer(s) as the Group Manager, Environmental Health Manager & Regulatory Services 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 Group Manager, Environmental Health & Regulatory Services is hereby authorised to: -

3. Enforce the provisions of the Environmental Protection Act 1990 where the City of Gloucester is the enforcing authority (Part I), a local authority (Part III and Part VIII).
4. 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.
5. Enforce the provisions of the legislation marked "E" in the table of Legislation detailed in paragraph 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.
6. Sign documents confirming that such officers mentioned in "G" below are duly authorised to act in any capacity determined by the Group Manager within the purview of Environmental Health and Regulatory Services.

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7. Exercise the functions of the Council in respect of Environmental Health.
8. Take action where housing does not meet the standards laid down in current legislation and statutory housing codes
9. Exercise the functions relating to health and safety at work specified in Paragraph 3 of Schedule to the Functions Regulations.
10. Approve arrangements for the disposal of the dead pursuant to the provisions of the Public Health (Control of Diseases) Act 1984.
11. Deal with all matters relating to business continuity and emergency planning.
12. Make discretionary and mandatory house renovation grants and approve action for breach of grant conditions (jointly with the Group Manager Legal and Democratic Services).
13. Determine the allocation of regeneration budgets in consultation with the relevant Cabinet Member, Leader and/or Deputy Leader of the Council.
14. 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.

F.1 Sub-delegation to Environmental Health Staff

1. The Corporate Director of Services and Neighbourhoods and the Group Manager, Environmental Health and Regulatory Services hereby delegates to those officers shown under the "Scheme of Delegated Powers" (Authorisations) 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 Legislation detailed in paragraph 3.C (Specific Powers) above.
2. Every officer shown in the "Scheme of Delegated Powers" (Authorisations) will be issued with a warrant determining the powers and responsibilities required under the legislation.

F.2 Sub-delegation to Food and Licensing Service 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 at paragraph C.3 (Specific Powers) above in consultation with the Group Manager Legal and Democratic Services.
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 Licenses 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 Licenses 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 sub-committee sitting as a Hearing Panel, as appropriate under the legislation.

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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 Licenses and, if necessary, to arrange a meeting of the Licensing sub-committee sitting as a Hearing Panel, 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.
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 provide 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 Financial Services Manager.

G. Sub-delegation to Group Manager, Customer Services and Business Improvement

1. All non-contentious or urgent matters relating to Customer Services, Leisure, Cemeteries and Crematoria, Business Planning and Performance, Shopmobility Policy Making, Community Development and Partnerships.
2. The Approval of the provision of recreational leisure, sporting activities, exchanges and entertainment.
3. To Vary charges for the hiring or letting of all leisure facilities within defined total financial targets.
4. The determination of all sports grant applications under £5,000 in value after consultation with the relevant Cabinet Member.
5. The management and approval of the provision and uses of the Council's disused burial grounds.
6. 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
7. The preparation of tender bids for non-construction related housing contracts
8. To approve the transfer of mortgage property on marital break-up or death or other family arrangements after consultation with the Group Manager Legal and Democratic Services. On transfer of the mortgage the Corporate Director of Resources will also be consulted.
9. To exercise the Council's functions in respect of Safeguarding Children
10. To deputise, in the absence of the Corporate Director of Services and Neighbourhoods , in matters relating to the activities of the service group.

H. 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.

Part 3 - Responsibility for Functions

I. 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.

J. 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.

K. Sub-delegation to Business Planning and Performance Service Manager

1. The negotiation and approval of performance through business improvement plans and annual reports for Gloucester City Homes, Aspire and Enterprise.

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Corporate Director of Regeneration

A. General:

1. The Corporate Director of Regeneration is authorised to discharge any function of Full Council, a Committee of the Council or of the Executive in relation to: -
 - Forward planning
 - Economic Development
 - Regeneration and Culture (Marketing Gloucester)
 - Museums and Heritage
 - Development Control
 - Building Control
 - Building Design
 - Property management
 - Facilities management (including catering)
 - Off Street Parking and Car Parking
 - Markets and Street Trading
 - Administration

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 Regeneration 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.

B. Proper Officer Responsibilities:

1. The **Corporate Director of Regeneration** is hereby appointed the Proper Officer in relation to: -

Section	Legislation	Function
Section 191	Local Government Act 1972.	Appointing officer
Section 20	The Party Wall Act 1996	Appointing officer
	The Building Act 1984	Action / enforcement provisions
	Building Regulations 2000 (as amended)	Action / enforcement provisions
Section 37	The Public Health Amendments Act 1890	Action / enforcement provisions
Section 20	The Building (Approved Inspectors, etc.) Regulations 2000	Action / enforcement provisions
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)

C. Specific Powers:

- (a) To approve grants and loans within the Economic Development budget provisions after consultation with the relevant Cabinet Member.

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- (b) To approve Funding bids for regeneration, after consultation with the Corporate Director of Resources and the relevant Cabinet Member.
- (c) 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.
- (d) The exercise the powers and functions of the Council relating to charging of fees under the Building Regulations and Planning Legislation.
- (e) The power 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.
- (f) The power to determine details submitted pursuant to Conditions.
- (g) The power to determine minor variations of a non-controversial nature to approved plans.
- (h) The power to determine applications for non-material amendments submitted under Section 96A of the Town and Country Planning Act 1990.
- (i) The power to provide a screening opinion under Regulation 5; require an environmental impact assessment 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.
- (j) To determine planning applications which are subject to prior agreements under Section 106 of the Town and Country Planning Act 1990.
- (k) To determine jointly with the Group Manager Legal and Democratic Services the wording of, and completion of agreements under Section 106 of the Town and Country Planning Act 1990.
- (l) 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.
- (m) To serve notices under Section 36 of the Building Act 1984 and under the Building Regulations 2000.
- (n) To take appropriate action under and to enforce the provisions of the Building Act 1984, the Building Regulations 2000 (as amended), Section 37 of the Public Health Amendments Act 1980, Section 20 of the Building (Approved Inspectors, etc.) Regulations 2000 (as amended), and section 317 of the Housing and Regeneration Act 2008.
- (o) 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).
- (p) The power to deal with Dangerous Buildings under Sections 77 and 78 of the Building Act 1984.
- (q) The determination of all forms of planning and other applications, and all forms of consent and other notifications (except as set out in paragraph (r) 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.

Part 3 - Responsibility for Functions

- 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.
 - Listed Building Consent.
 - Conservation Area consent.
 - Responses to consultations from neighbouring local authorities.
- (q) Subject to prior consultation with the Group Manager Legal and Democratic Services, to take the following action under the provisions of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991, and the Planning (Listed Buildings and Conservation Areas) Act 1990.
- (i) The service of Planning Contravention Notices, Enforcement Notices, Breach of Condition Notices, Notice of Intended Entry, Section 215 Notices and Requisitions for Information (Town and Country Planning Act 1990).
 - (ii) To issue Discontinuance Notices for advertisements and to institute proceedings against fly posting, including the removal or obliteration of posters and placards (Sections 224 and 225 of the Town and Country Planning Act 1990) (as amended).
 - (iii) To serve, and unless objections are received, confirm Tree Preservation Orders (Town and Country Planning Act 1990).
 - (iv) To serve Tree Replacement Notices under Section 207 (Town and Country Planning Act 1990) (as amended).
 - (v) To serve Stop Notices under S.183 of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991) and Temporary Stop Notices under Section 171E to 171H of the Town and Country Planning Act 1990 (as amended by Part 4 of the Planning and Compulsory Purchase Act 2004).
 - (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.
- (r) With the exception of proposals falling within 1 and taking into account the provisions of 2 below, the Corporate Director of Regeneration, who may delegate the authority to the Group Manager, Development Services, 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.
 - (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.

Part 3 - Responsibility for Functions

- (iv) Applications for 50 or more new houses/flats.
 - (v) Proposals which entail more than 1000 square metres of gross floorspace.
 - (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 Assessment.
 - (ix) Applications for change of use to hot food takeaway.
 - (x) Applications for the demolition of a listed building.
 - (xi) Applications for the development that significantly affects the setting of a grade 1 or 2* Listed Building or a Scheduled Ancient Monument.
 - (xii) 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.
 - (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 Regeneration, the Development Control or Service Manager, the Chair of the Planning Committee or Party Spokespersons.
 - (v) The Corporate Director of Regeneration and the Group Manager, Development Services will use their discretion to refer any matter to the Planning Committee (which would otherwise sensitive issues, or where it would be otherwise beneficial for the decision to be made by Members).
- (s) 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 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.
 - (t) To make such Orders as are appropriate and required in consultation with the Leader in relation to public car parking.
 - (u) To exercise the Council's powers under Part 8 of the Anti-Social Behaviour Act 2003 in relation to high hedges.

Part 3 - Responsibility for Functions

NOTE:

1. The exercise of delegated power by the Corporate Director of Regeneration and/or the Group Manager, Development Services pursuant to paragraphs p, q and r above shall be reported regularly to the Planning Committee.
2. Notwithstanding the provisions contained within the Scheme of Delegation to the Corporate Director of Regeneration, he/she will use his/her discretion to refer any matter to the Committee for determination, which in his/her view raises contentious or otherwise sensitive issues, or where it would be otherwise beneficial for the decision to be made by Members.

D. Sub-delegations:

In addition to the sub-delegations detailed below, which are standing sub-delegations to specific posts, The Corporate Director of Regeneration 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 Regeneration 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 Group Manager Legal and Democratic Services.
- (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 Group Manager, Development Services

- (a) All non-contentious or urgent matters relating to the Council's Development and Building Control Services.
- (b) All matters relating to the consent, retention or removal of Hedgerows; and the planting, felling and lopping of trees (private land).
- (c) All matters relating to footpaths and Bridleways.
- (d) To engage consultants and experts in respect of research, inquiries and appeals in accordance with Contract Standing Orders.
- (e) The Chief Executive has additionally delegated powers under the Proper Officer provisions relating to the Corporate Director of Regeneration, to the Group Manager, Development Services in respect of Development Services.

E1. Sub-delegation to Building Control Services Manager

- (a) In the absence of the Corporate Director of Regeneration and or the Group Manager, to exercise the specific powers identified above relating to building control matters.
- (b) The Chief Executive has additionally designated powers under the Proper Officer provisions relating to the Corporate Director of Regeneration, to the Building Control Services Manager, in respect of Building Control matters.

E2. Sub-delegation to Development Control Services Manager

- (a) In the absence of the Corporate Director of Regeneration and or the Group Manager, to exercise the specific powers identified above relating to Planning matters.

Part 3 - Responsibility for Functions

- (b) The Chief Executive has additionally designated powers under the Proper Officer provisions relating to the Corporate Director of Regeneration, to the Development Control Services Manager, in respect of Planning matters.

F. Sub-delegation to Group Manager, Regeneration Strategy and Delivery

1. All non-contentious or urgent matters relating to the Local Development Framework; Climate Change; Nature and Biodiversity; Landscape and Public Realm Design; Heritage and Conservation; Archaeology; Monuments; Capital Projects; Property Maintenance; Economic Development; Environmental Enhancement Schemes and Community Regeneration.
2. In consultation with the Cabinet Member with the portfolio of Heritage and Leisure approve and sign-off historic building grants and repairs to monument grants.
3. To clean-up and maintain and otherwise keep in good order historic monuments and historic buildings.

G. Sub-delegation to Group Manager, Cultural Services and Tourism

All non-contentious or urgent matters relating to Cultural Services and Tourism including matters and services concerning The Guildhall; The City Museum and Art Gallery; and The Tourist Information Centre.

- (a) The approval of the provision of cultural and tourist activities, exchanges and entertainment.
- (b) To make acquisitions of Museum exhibits within the current collecting policy guidelines.
- (c) To purchase artefacts within approved budgets up to a sum of £5,000 and above £5,000 after consultation with the relevant Cabinet Member.
- (d) The determination of all arts grant applications under £5,000 after consultation with the relevant Cabinet Member.

H. Sub-delegation to Group Manager, Regeneration Services, Facilities and Support

All non-contentious or urgent matters relating to the Council's non-housing corporate property, off-street parking, the market services of the Council and the facilities management of the Docks offices

- (a) The approval, withdrawal or refusal of applications for street trading consents including variation of charges within overall financial targets.
- (b) To manage the letting of accommodation at the North Warehouse, such authority to including determination of "free uses".
- (c) To approve the provision, maintenance and disposal of the Council's administrative and operational buildings.

I. Sub-delegation to Strategic Property, Estates and Valuation Services Manager

- (a) To enter into negotiations for the sale of freehold; short and long leasehold and licence interests in Council land and buildings.
- (b) 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 Corporate Director of Resources and relevant Cabinet Member, Leader and/or Deputy Leader of the Council.
- (c) To approve the appropriation of land and/or buildings from one Council purpose or function to another and the terms thereof.

Part 3 - Responsibility for Functions

- (d) 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.
- (e) To engage specific expertise and assistance as and when required in respect of surveys for individual Asset Management Plans and financial and environmental evaluations.
- (f) To ensure statutory testing is undertaken as required by legislation and to maintain records relating to each property asset of the Council.

J. Sub-delegation to the Projects and Property Maintenance Service Manager

- (a) To act as a Construction, Design and Management Contract Co-ordinator.

Part 3 - Responsibility for Functions

Group Manager Legal and Democratic Services (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 advisor to the Council

B. Proper Officer Responsibilities:

1. The Group Manager Legal and Democratic Services 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 Officers 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 Authority as evidence in any legal proceedings
Section 16	Local Government (Miscellaneous Provisions) Act 1976	Notices requiring details of interest in land
Section 81	Local Government Act 2000	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 Authority
Section 229 (5)	Local Government Act 1972	The officer to certify photographic copies of documents
Section 236 (10)	Local Government Act 1972	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 Local Government Act 1972 and the County Courts Act 1984
Section 238	Local Government Act 1972	The officer to certify printed copies of bylaws
	Local Government (Contracts) Act 1997 and Regulations	Certification of relevant powers to enter into contracts. (Authorised and appointed jointly with the Corporate Director of Resources)
	Freedom of Information Act 2000	Determination of appeals against refusal to provide information
Section 1 (1)	Data Protection Act 1998	To act as the Data Controller
	Local Government Act 2000	To ensure that copies of the constitution are available for inspection

Part 3 - Responsibility for Functions

2. The Group Manager, Legal and Democratic Services is hereby designated as the Council's Data Protection Officer pursuant to the Data Protection Act 1998.
3. The Group Manager Legal and Democratic Services 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 Chief Executive).

C. Specific Powers:

1. To authorise solicitors and legal staff to represent the City Council in legal proceedings.
2. After consultation with the appropriate Group 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 relevant Group Manager agreements under Section 33 of the Local Government (Miscellaneous Provisions) Act 1982.
5. To initiate all appropriate enforcement action under the provisions of Part V of the Criminal Justice and Public Order Act 1994 regarding unauthorised encampments.
6. To act as legal advisor to the Licensing Committee and Sub-Committees.
7. The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.
8. To appoint a Deputy Monitoring Officer.
9. 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.
10. The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
11. 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.
12. To approve jointly with the relevant Group Manager the issuing of a formal caution by the Investigating Officer, in accordance with the Council's guidance on the issuing of formal cautions.
13. To take and train Trainee Solicitors.
14. To maintain and coordinate the Register of complaints made to the Local Government Ombudsman.

Part 3 - Responsibility for Functions

15. 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.
16. To advise on the form, content and service of any "Stop Notice or Closure Notice" as appropriate.
17. To make discretionary and Mandatory house renovation grants and approve action for breach of grant conditions jointly with the Housing and Health Group Manager.
18. 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 Group Manager, Housing Services, Streetcare and Community Safety.

D. Sub-delegations:

In addition to the sub-delegations detailed below, which are standing sub-delegations to specific posts, The Group Manager Legal and Democratic Services 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 Group Manager Legal and Democratic Services 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 Group Manager Legal and Democratic Services.
- (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

Group Manager, Audit and Assurance

A. General Powers

1. The Group Manager, Audit and Assurance 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 Group Manager, Audit and Assurance is responsible for all Internal Audit matters considered to be sensitive, contentious or doubtful, and will consult with the Corporate Director of Resources (S151 Officer), Chief Executive (Head of Paid Service), Group Manager Legal and Democratic Services (Monitoring Officer) on such matters.
3. The Group Manager, Audit and Assurance will provide an objective assessment of the adequacy and effectiveness of internal control, risk management and governance arrangements.
5. The Group Manager, Audit and Assurance 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 Group Manager, Audit and Assurance, 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 Corporate Director of Resources to ensure that members of the Audit 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.

Part 3 - Responsibility for Functions

5. The Corporate Director of Resources, the Group Manager, Audit and Assurance and their authorised representatives shall have 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.
6. The Group Manager, Audit and Assurance 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 Group Manager, Audit and Assurance 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 Group Manager, Audit and Assurance 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 Group Manager Legal and Democratic Services.
- (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

STATUTORY INSTRUMENTS

2000 No. 2853

LOCAL GOVERNMENT, ENGLAND

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (Extract)

- (1) In connection with the discharge of the function-
 - (a) of formulating or preparing a plan or strategy of a description specified in column (1) of Schedule 3 to these Regulations;
 - (b) of formulating a plan or strategy for the control of the authority's borrowing or capital expenditure; or
 - (c) of formulating or preparing any other plan or strategy whose adoption or approval is, by virtue of regulation 5(1), a matter for determination by the authority, the actions designated by paragraph (3) ("the paragraph (3) actions") shall not be the responsibility of an executive of the authority.
- (2) Except to the extent of the paragraph (3) actions, any such function as is mentioned in paragraph (1) shall be the responsibility of such an executive.
- (3) The actions designated by this paragraph are-
 - (a) the giving of instructions requiring the executive to reconsider any draft plan or strategy submitted by the executive for the authority's consideration;
 - (b) the amendment of any draft plan or strategy submitted by the executive for the authority's consideration;
 - (c) the approval, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, of any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; and
 - (d) the adoption (with or without modification) of the plan or strategy.
- (4) The function of amending, modifying, varying or revoking any plan or strategy of a description referred to in paragraph (1), (whether approved or adopted before or after the coming into force of these Regulations)-
 - (a) shall be the responsibility of an executive of the authority to the extent that the making of the amendment, modification, variation or revocation-
 - (i) is required for giving effect to requirements of the Secretary of State or a Minister of the Crown in relation to a plan or strategy submitted for his approval, or to any part so submitted; or
 - (ii) is authorised by a determination made by the authority when approving or adopting the plan or strategy, as the case may be; and
 - (b) shall not be the responsibility of such an executive to any other extent.
- (5) Except to the extent mentioned in paragraph (6), the function of making an application-
 - (a) under subsection (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993(a), or
 - (b) under section 32 (power to dispose of land held for the purposes of Part II) or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985(b),shall be the responsibility of an executive of the authority.
- (6) The extent mentioned in this paragraph is the authorisation of the making of the application.

Part 3 - Responsibility for Functions

- (7) The function of making such an application as is referred to in paragraph (5), to the extent mentioned in paragraph (6), shall not be the responsibility of an executive of the authority.
- (8) Section 101 of the 1972 Act shall not apply with respect to the discharge-
 - (a) a function specified in paragraph (1) to the extent that, by virtue of that paragraph, it is not the responsibility of an executive of the authority;
 - (b) of the functions specified in paragraphs (4) and (5) to the extent that they are not the responsibility of an executive of the authority.
- (9) In connection with the discharge of the function of-
 - (a) making a calculation in accordance with any of sections 32 to 37, 43 to 49, 521, 52J, 52T and 52U of the Local Government Finance Act 1992(c), whether originally or by way of substitute; or
 - (b) issuing a precept under Chapter IV of Part I of that Act, the actions designated by paragraph (11) ("the paragraph (11) actions") shall be the responsibility of an executive of the authority.
- (10) Except to the extent of the paragraph (11) actions, any such function as is mentioned in paragraph (9) shall not be the responsibility of such an executive.
- (11) The actions designated by this paragraph are
 - (a) the preparation, for submission to the authority for their consideration, of-
 - (i) estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation and estimates of the calculation; or'
 - (ii) the amounts required to be stated in the precept;
 - (b) the reconsideration of those estimates and amounts in accordance with the authority's requirements;
 - (c) the submission for the authority's consideration of revised estimates and amounts.

Part 4 - Rules of Procedure

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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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Part 4 - Rules of Procedure

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and Business

In a year when there is an ordinary election of Councillors, the annual meeting shall take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting shall take place in May.

The annual meeting shall:

- (i) elect a person to preside if the Mayor (Chair) or Sheriff and Deputy Mayor (Vice-Chair) of Council are not present;
- (ii) elect the Mayor (Chair) of Council;
- (iii) elect the Sheriff and Deputy Mayor (Vice-Chair) of Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the Mayor and/or the Chief Executive;
- (vi) receive any declarations of interests from Members;
- (vii) elect the Leader;
- (viii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
- (ix) agree the scheme of delegation or such part of it as the Constitution determines it is for the Council to agree functions (as set out in Part 3, Table 1 of this Constitution); and
- (x) consider any business set out in the notice convening the meeting.

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting shall:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees;
- (iii) decide the allocation of seats [and substitutes] to political groups in accordance with the political balance rules;
- (iv) receive nominations of Councillors to serve on each Committee; and
- (v) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

2. ORDINARY MEETINGS ORDER OF BUSINESS

Ordinary meetings shall:

- (i) elect a person to preside if the Mayor (Chair) and Sheriff and Deputy Mayor (Vice-Chair) are not present;
- (ii) approve the minutes of the last meeting;
- (iii) deal with any business from the last Council meeting;
- (iv) receive any declarations of interest from Members and officers;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting;
- (vi) receive petitions and deputations from the public;
- (vii) receive any announcements from the Mayor, Leader, Members of the Cabinet, Scrutiny Committee Chair(s) or the Chief Executive;
- (viii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework, Members' Question Time (oral and written questions), issue debate and reports of the Overview and Scrutiny Committees for debate;
- (ix) consider the report of the Group Manager Legal and Democratic Services concerning recommendations to Council from other Committees;
- (x) consider motions;

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- (xi) receive reports from the Cabinet and the Council's Committees and receive questions and answers on any of those reports;
- (xii) an exception to the above rules will apply to the budget meeting of Council by the omission of Members' Question Time and issue debate business.

3. EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings:

Those listed below may request the Corporate Director of Resources to call Council meetings in addition to ordinary meetings:

- (i) the Council by resolution;
- (ii) the Mayor of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

The business transacted at an extraordinary meeting shall be restricted to the purpose for which the meeting has been called and shall not consider any other business.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES, SUB-COMMITTEES AND FORUMS

The Council shall, at the Annual Meeting (with the exception of the Cabinet, Licensing and Enforcement Committee, Planning Committee, Standards Committee and Audit Committee) appoint such Members as deputies as it feels necessary, subject to the following:-

- (i) one appointed deputy may attend a meeting in place of a Member of that meeting;
- (ii) for the Planning Committee, any named Member from each party group may receive training on planning matters in accordance with the Planning and Development Code of Practice and may attend a meeting in place of a Planning Committee Member who is unable to attend;
- (iii) for the Licensing and Enforcement Committee, any named Member from each party group may receive training on licensing and enforcement matters in accordance with the Probity in Licensing Code of Practice and may attend a meeting in place of a Licensing and Enforcement Committee Member who is unable to attend;
- (iv) a deputy attending a meeting in the place of a Member of that meeting shall:
 - (a) be regarded as a Member of that meeting;
 - (b) be entitled to speak and vote on any matter before the meeting (subject to the requirements relating to Declarations of Interest);
- (v) that the Member or political group shall advise the Corporate Director of Resources of the name of the appointed deputy by 12 noon two clear working days prior to that meeting (to ensure the relevant papers are supplied to the substitute Member), provided that in the event of genuine emergencies, the Chair of the relevant meeting, 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.

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6. DURATION OF MEETINGS

The length of time of meetings (excluding Planning Committee, Licensing and Enforcement Committee, Standards 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 signed by him or her by post to every Member of the Council or leave it at their usual place of residence. 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.

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) The Mayor or the Chair shall allow only one member of the public to speak on the matter for a reasonable period not exceeding 3 minutes.
- (3) Questions will be dealt with in the order they were received however priority will be given to Gloucester City Council residents.
- (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 save that, at the discretion of the Mayor or Chair, a supplementary question may be allowed from the original questioner for the purposes of clarification only.
- (6) At the discretion of the responding Cabinet Member or Chair where, in his/her opinion, the question requires further information to enable a full response to be given which is not available at the meeting, the Cabinet Member or Chair may either:-

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- (i) agree that a response will be made in writing at a later date to the questioner, in which case copies of the response shall also be sent to Members of the meeting; or
 - (ii) respond to the question, either orally or in writing, at the next meeting of the Council, the relevant Committee, or Forum.
- (7) The Mayor or Chair shall not allow the same question, or substantially the same question, to that put at a previous meeting of the Council, a Committee, or a Forum within the preceding six months, unless circumstances relating thereto have materially changed.

11. PETITIONS AND DEPUTATIONS FROM THE PUBLIC

- (1) All petitions received, including e-petitions, shall be dealt with in accordance with the Council's published petitions scheme a copy of which is appended to the Constitution.
- (2) Subject to the provisions of Rule 2, after the period set aside for public questions as provided in Rule 10, at all 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 present petitions or make deputations to the meeting **PROVIDED** that no such petitions or deputations shall be allowed in relation to:
 - (i) matters relating to individual Council Officers; or
 - (ii) matters relating to current or pending legal proceedings
- (3) Where any petition is presented or any deputation is made, the Mayor or the Chair shall allow only one member of the public to speak on the matter for a reasonable period not exceeding 3 minutes.
- (4) Where a petition is presented or a deputation is made:
 - (i) at a Council meeting, the Mayor shall refer the matter to the appropriate Cabinet Member or Committee Chair to respond on behalf of the Council;
 - (ii) at a Committee, or Forum meeting, the Chair shall respond.
- (5) Only one response shall be given to a petition or deputation and no debate shall be allowed on the petition, deputation or response.
- (6) At the discretion of the responding Cabinet Member or Committee Chair, the subject matter of the petition or deputation may be referred to a future meeting of the Council, the Cabinet, appropriate Committee, or Forum for consideration.
- (7) The Mayor or Chair shall not allow a petition to be presented or a deputation made on the same issue, or substantially the same issue, to that presented or made at a previous meeting of the Council, the Cabinet, a Committee, or a Forum within the preceding six months, unless circumstances relating thereto have materially changed.

12. QUESTIONS BY MEMBERS

12.01 Leader and Cabinet Members' Question Time

That a period of forty five minutes be set aside so that any Member of Council may ask the Leader of the Council or any Cabinet Member any question, without prior notice, upon

- any matters relating to the Council's administration;
- relating to any report of the Cabinet appearing on the Council's summons;
- a matter coming within their portfolio of responsibilities.

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The Mayor shall allow only one Member to speak on the matter for a reasonable period not exceeding 3 minutes per question.

Where there is one opposition Group, the opposition group leader shall have the opportunity to ask the first two questions and where there are two opposition groups, the opposition group leaders shall have the opportunity to ask the first four questions, two questions each respectively.

Every question shall be put and answered without discussion provided that a Member may, for the purpose of clarification, ask one supplementary question related to a question already put by themselves.

12.02 Written Questions to Cabinet Members

Subject to Rule 15, a Member of the Council may submit a written question to any Cabinet Member

- a matter coming with their portfolio of responsibilities subject to a copy of such question being delivered to the Corporate Director of Resources not later than 12.00 noon ten clear working days preceding the day of the Council meeting; provided that at the discretion of the Chair a question may be permitted without such notice relating to business which the Chair considers to be urgent upon the same being delivered to the Chair in writing; or
- relating to a report of the Cabinet appearing on the Council summons

Every question shall be put and answered without discussion provided that a Member may, for the purpose of clarification, ask one supplementary question related to a question already put by themselves and that no time limit be imposed on supplementary questions and answers.

12.03 Questions To Chairs of Meetings

That a period 15 minutes be set aside so that any Member of the Council may ask the Chair of a Committee any question upon any issue in respect of that Committee or in respect of an item shown in the minutes of the Committee after they have been approved by the relevant Committee.

12.04 Answers To Questions

Any answer may take the form of:-

- (a) a direct oral answer; or
- (b) where the desired information is contained in a publication of the Council, a reference to that publication; or
- (c) where the reply to the question cannot conveniently be given orally, a written answer circulated to Members of the Council and if not confidential, to the press.

13. MOTIONS ON NOTICE

- (1) Notice of every motion, other than a motion which under Rule 14 may be moved without notice, shall be given in writing, signed by the Member or Members of the Council giving the notice (or alternatively by electronic form, provided that the Corporate Director of Resources is satisfied with proof of identity), and delivered, by noon at least eight clear working days before the next meeting of the Council, to the Corporate Director of Resources by whom it shall be dated, numbered in the order in which it is received, and entered in a book which shall be open to the inspection of every Member of the Council.

Motions To Be Set Out in Summons

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- (2) The Corporate Director of Resources shall set out in the summons for every meeting of the Council all Motions of which notice has been duly given in the order in which they have been received, unless the Member giving such a notice intimated in writing, when giving it, that they propose to move it at some later meeting, or has since withdrawn it in writing.

Selection of Motions

- (3) Before the start of the Council meeting, Party Leaders will select, by a simple majority vote, which motions listed in the summons will be called for debate.

Motion Not Moved

- (4) If a motion set out in the Summons is not moved either by a Member who gave notice thereof or by some other Member it shall, unless postponed by the consent of the Council, be treated as withdrawn and shall not be moved without fresh notice.

Automatic Reference to the Cabinet or Appropriate Committee

- (5) If the subject matter of any motion of which notice has been duly given comes within the province of a Cabinet portfolio or any Committee, it shall, notwithstanding the provisions of Rule 15, be formally moved and seconded without speeches and thereupon shall automatically stand referred without discussion or debate to the Cabinet, or relevant Committee for consideration and report.

Scope of Motions

- 6) Every motion shall be relevant to some matter in relation to which the Council have powers or duties or which affects the City.

Motions Out of Order

- (7) If it shall appear to the Chief Executive that a motion, notice of which has been received, is not relevant to some matter in relation to which the Council has powers or duties or which affects the City, or is otherwise objectionable, the Chief Executive shall take the direction of the Chair as to whether or not it shall be placed on the Council summons, and the decision of the Chair thereon shall be final; but a Member may give oral notice of any motion which has been so ruled out of order, at the meeting at which it would have been submitted had it been on the Council summons, and, if the Council so direct, it shall be placed on the Council summons for the next meeting.

14. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the Summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to extend the time limit for speeches
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;

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- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to suspend a particular Council procedure rule
- (o) to exclude the public and press in accordance with the Access to Information Rules
- (p) to not hear further a Member named under Rule 23.3 or to exclude them from the meeting under Rule 23.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

15. RULES OF DEBATE

15.01 Motions and Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Rule 13, it has been put into writing and handed to the Chair before it is further discussed or put to the meeting. Provided that an amendment to Committee minutes shall be moved only after questions under Rule 12(3) have been answered and before Members speak to the minutes.

In respect of Minutes of a Committee which are before the Council for consideration and which contain resolutions which have been taken under delegated powers, a Councillor may move that a particular Minute is referred back to the Committee for further consideration, provided that any resolution referred to in the Minutes has not already been implemented, and further provided that subsequent debate on the referral back be in accordance with these rules for debate at Council.

15.02 Seconder's Speech

A Member when seconding a motion or amendment may, when doing so, state an intention to reserve the seconding speech until a later period of the debate.

15.03 Only One Member to Stand at a Time

A Member shall rise and speak only when called upon so to do by the Chair. While a Member is speaking the other Members shall remain seated unless rising to a point of order or in personal explanation.

15.04 Content and Length of Speeches and Questions

Speeches of Members or questions shall be directed to the matter under discussion or to a personal explanation or to a point of order. No speech or question shall exceed five minutes except by consent of the Council but no time limit shall be imposed on the mover of a motion or the response by an opposition group leader regarding the annual budget statement or the annual work programme.

15.05 When a Member May Speak Again

A Member who has spoken on any motion (save only to ask a question or questions) shall not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) if the motion has been amended since they last spoke, to move a further amendment;
- (c) if the Member's first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;
- (d) in exercise of a right of reply given by paragraph (15.11) or (15.13);
- (e) on a point of order;
- (f) by way of personal explanation.

15.06 Amendments to Motions

An amendment shall be relevant to the motion and shall be either:

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- (a) to refer a subject of debate to the Cabinet or a Committee for consideration or reconsideration; or
- (b) to leave out words; or
- (c) to leave out words and insert or add others; or
- (d) to insert or add words;

but an amendment shall not have the effect of negating the motion before Council by being directly contradictory, or contrary to it, or by introducing a new motion. Where some parts of an amendment are negatory and others are not, provided that the spirit of the motion has not been changed by the deletion of the negatory element of the amendment, the remainder of the amendment shall be allowed to stand.

15.07 Amendments to be Dealt with Singly

Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of.

Provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

15.08 Effect of Amendment if Carried or Lost

If an amendment be lost, other amendments may be moved on the original motion, provided that no amendment shall be moved which is of the same, or substantially similar effect, to the amendment which has been lost. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved, provided such further amendment is not inconsistent, or incompatible, with the alteration of the original motion made by the amendment which has been carried.

15.09 Alteration of Motion

A Member may with the consent of the Council signify without discussion:

- (a) alteration of a motion of which they have given notice; or
- (b) with the further consent of the seconder alter a motion which the Member has moved; if (in either case) the alteration is one which could be made as an amendment thereto.

15.10 Withdrawal of Motion

A motion or amendment may be withdrawn by the mover with the consent of the Member's seconder and of the Council, which shall be signified without discussion and no Member may speak upon it after the mover has asked permission for its withdrawal, unless such permission shall have been refused.

15.11 Right of Reply

The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall also have a right of reply at the close of the debate on the amendment, and shall not otherwise speak on the amendment. The mover of the amendment shall have no right of reply to the debate on the amendment which has been moved.

15.12 Motions which may be Moved During Debate

When a motion is under debate no other motion shall be moved except the following:

- (a) to amend the motion under Rule 15.6;
- (b) to proceed to next business under Rule 15.13(a) below;
- (c) that the question be now put under Rule 15.13(b) below;
- (d) to adjourn the debate or the meeting under Rule 15.13(c) below;

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- (e) that the Member named be not further heard on the particular amendment or motion or at the meeting under Rule 23.03;
- (f) by the Chair that a Member do leave the meeting either generally or during consideration of the amendment or Motion before the meeting under Rule 23.04
- (g) a motion under Section 100A(4) of the Local Government Act 1972, as amended, to exclude the public.

15.13 Closure Motions

A Member may move without comment at the conclusion of a speech of another Member, 'That the Council proceed to the next business', 'That the question be now put', 'That the debate be now adjourned', or 'that the Council do now adjourn', on the seconding of which the Chair shall proceed as follows:

- (a) on a motion to proceed to next business: unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first give the mover of the original motion a right of reply, and then put to the vote the Motion to proceed to next business (no vote on the issue under debate);
- (b) on a motion that the question be now put: unless in the Chair's opinion the matter before the meeting has been insufficiently discussed, the Chair shall first put to the vote the motion that the question be now put, and if it is passed then give the mover of the original motion his right of reply under paragraph 11 of this Rule before putting that Member's motion to the vote;
- (c) on a motion to adjourn the debate or the meeting: if in the Chair's opinion the matter before the meeting has not been sufficiently discussed and cannot reasonably be sufficiently discussed on that occasion the Chair shall put the adjournment motion to the vote without giving the mover of the original motion a right of reply on that occasion. The meeting shall stand adjourned until recalled under the Constitution.

15.14 Points of Order or Personal Explanation

A Member may, with the consent of the Chair, rise on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of these Rules or statutory provisions and the Member shall specify the Rule or statutory provision and the way in which it is considered it has been broken. A personal explanation shall be confined to correcting an incorrect statement about themselves or about what the Member has or is reported to have said.

15.15 Chair's Ruling on Point of Order or Explanation to be Final

The ruling of Chair on a point of order or on the admissibility of a personal explanation shall be final and not open to question.

15.16 Respect for Chair

Whenever the Chair rises during a debate a Member or Members then standing shall resume their seat(s) and the Council shall be silent.

15.17 Powers of Chair

At the Chair's discretion, such steps shall be taken as is considered necessary to ensure the proper and orderly conduct of the meeting and the efficient dispatch of business without infringing Members' democratic rights or freedom of speech.

16. PRESENTATIONS TO COUNCIL

- 16.01** The Mayor may on up to four times per Civic Year invite presentations lasting no more than 30 minutes (including questions and answers) from Strategic Partners and other influential bodies regarding current, strategic and future issues. Other presentations relevant to Council may be permitted as the Mayor sees fit.

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17. PREVIOUS DECISIONS AND MOTIONS

17.01 Motion to Rescind a Previous Decision

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least ten Members or unless the motion arises from a recommendation to the Council from the Cabinet or a Committee.

17.02 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least ten Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

18. URGENT ITEMS

Where there is a need to consider items of urgent business which are not specified in the summons to meeting, the Member or Officer wishing to raise the same shall before the commencement of the meeting discuss the matter with the Mayor, the Group Leaders, the Chief Executive and the Monitoring Officer and the Mayor's decision as to whether to consider the item shall be conclusive.

19. VOTING

19.01 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

19.02 Chair's Casting Vote

If there are equal numbers of votes for and against, the Chair will have a second or casting vote.

19.03 Show of Hands

Unless a recorded vote is demanded under Rule 19.04, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

19.04 Recorded Vote

If five Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the Minutes.

19.05 Right to Require Individual Vote to be Recorded

Where any Member requests it immediately after a vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the motion or abstained from voting.

19.06 Voting on Appointments

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

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20. MINUTES

20.01 Signing the Minutes

The Chair will sign the Minutes of the proceedings at the next suitable meeting. The Chair will move that the Minutes of the previous meeting be signed as a correct record. The only part of the Minutes that can be discussed is their accuracy.

20.02 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

The business transacted at an extraordinary meeting is restricted to the purpose for which the meeting has been called (Rule 3.1 above). An extraordinary meeting is not, therefore, a suitable meeting for the purposes of Rule 20.01 and the signing of the minutes of the preceding meeting will be deferred to the following suitable meeting.

20.03 Form of Minutes

Minutes will contain all motions and amendments in the exact form and order the Chair put them.

20.04 No Protest Recorded in Minutes

No protest or expression of dissent shall be entered in the Minutes of the Council.

21. RECORD OF ATTENDANCE

The Monitoring Officer will record the names of all Members present during the whole or part of a meeting on the attendance sheets to assist with the record of attendance.

22. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 24 (Disturbance by Public).

23. MEMBERS' CONDUCT

23.01 Standing to Speak

When a Member speaks at Full Council they must stand and address the meeting through the Chair. If more than one Member stands, the Chair will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

23.02 Chair Standing

Whenever the Chair rises during a debate a Member or Members then standing shall resume their seat(s) and the Council shall be silent.

23.03 Member not to be Heard Further

If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

23.04 Member to Leave the Meeting

If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

23.05 General Disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

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24. DISTURBANCE BY PUBLIC

24.01 Removal of a Member of the Public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

24.02 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

25.01 Suspension

All of these Council Rules of Procedure except Rule 19.02 and 19.04 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting or for that part of the meeting identified in the motion.

25.02 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

26. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

All of the Council Rules of Procedure apply to meetings of Full Council. Only Rules 5-11, 14, 19-25 (but not Rule 23.01) apply to meetings of the Cabinet, Committees, Sub-Committees, Forums and Working Parties.

27. ORDER OF SENIORITY OF MEMBERS

27.01 Members of the Council shall rank in order of seniority as follows:

The Mayor
The Sheriff and Deputy Mayor
The Leader of the Council
The Deputy Leader of the Council
Cabinet Members (in alphabetical order)
The Leaders of political groups

Thereafter according to the length of service with the Council (those with the same length of service being ranked in alphabetical order).

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BUDGET AND POLICY FRAMEWORK

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2. PROCESS FOR DEVELOPING THE FRAMEWORK

- (a) The Cabinet will publicise by including in the Forward Plan and other methods e.g. on its web site, in local press; a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chair of Overview and Scrutiny Committee will also be notified. The consultation period shall in each instance be not less than six weeks.
- (b) At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If the Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Overview and Scrutiny Committee has responsibility for fixing their own work programme, it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from the Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the executive's response.
- (c) Once the Cabinet has approved the firm proposals, the Corporate Director of Resources will refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Cabinet's proposals, amend them, refer them back to the Cabinet for further consideration, or in principle, substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised in accordance with Access to Information Procedure Rules and a copy shall be given to the Leader of the Council.
- (g) An in-principle decision will automatically become effective at least five days from the date of the Council's decision, unless the Leader informs the Corporate Director of Resources in writing within five days that he/she objects to the decision becoming effective and provides reasons why.
- (h) In that case, the Corporate Director of Resources will call a Council meeting within a further ten days. The Council will be required to re-consider its decision and the written submission within five days.
The Council may:
 - (i) approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or
 - (ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.

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- (i) The decision shall then be made public in accordance with Access to Information Procedure Rules, and shall be implemented immediately.
- (j) In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules. Any other changes to the policy and budgetary framework are reserved to the Council.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) Subject to the provisions of paragraph 5 the Cabinet, Committees of the Cabinet, individual Members of the Executive and any officers, Area Committees or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, Committees of the Cabinet, individual Members of the Cabinet and any officers, Area Committees or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) The Cabinet, a Committee of the Cabinet, an individual Member of the Cabinet or officers, Area Committees or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:
 - (i) if it is not practical to convene a quorate meeting of the Full Council; and
 - (ii) if the Chair of Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of Full Council and with the Chair of the Overview and Scrutiny Committee consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of Overview and Scrutiny Committee the consent of the Mayor, and in the absence of both the Sheriff and Deputy, will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a Committee of the Cabinet, and individual Member of the Cabinet or officers, Area Committees or joint arrangements discharging Cabinet functions

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must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

6. CALL-IN DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) Where the Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Financial Officer.
- (b) In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Financial Officer's report shall be to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview And Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Finance Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision, or its implementation, until the Council has met and considered the matter. The Council shall meet within ten days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:
 - (i) endorse a decision, or proposal of the Cabinet decision taker, as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
 - (ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Finance Officer.

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1. STATUS OF FINANCIAL REGULATIONS

Introduction

- 1.1 Gloucester City Council's Financial Regulations provide the framework for managing the Council's financial affairs. They apply to every Member and officer of the Council and anyone acting on its behalf.
- 1.2 The Regulations identify the financial responsibilities of Council, Cabinet, Overview and Scrutiny Members, the Head of Paid Service, the Monitoring Officer, the S151 Officer and other Corporate Directors. Special responsibilities are allocated to the Monitoring Officer and the S151 Officer (Corporate Director of Resources). The Cabinet, Corporate Director and Gloucester Leadership Team (GLT) should maintain a written record where decision making has been delegated to members of staff, including seconded staff.
- 1.3 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 1.4 The Corporate Director of Resources as the S151 Officer is responsible for maintaining a continuous review of the Financial Regulations and Contract Standing Orders, and submitting any additions or changes necessary to the Audit Committee before recommendation to Council for approval. The S151 Officer is also responsible for reporting, where appropriate, breaches of the Financial Regulations to Council and/or to Cabinet, and to the Scrutiny Committee or its equivalent.
- 1.5 To underpin the Financial Rules, the S151 Officer has responsibility for issuing in a timely manner, detailed financial management standards, advice and guidance that Members, officers and others acting on behalf of the Council are required to follow. The S151 Officer is also responsible for ensuring compliance with financial rules.
- 1.6 Such financial management standards, advice and guidance will be reviewed, and amended as necessary, by the S151 Officer.
- 1.7 Corporate Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the Financial Rules and other internal regulatory documents and that they comply with them. It is a disciplinary offence if a member of staff fails to comply with Financial Regulations, Contract Standing Orders or Procurement Rules and / or acts fraudulently or corruptly.
- 1.8 Members and employees have a duty to report any breaches of the Code of Conduct or of these Financial Regulations, Contract Standing Orders or Procurement Rules or any fraudulent corrupt practice to a Senior Manager and / or Group Manager, Audit and Assurance.

2. FINANCIAL REGULATION: FINANCIAL MANAGEMENT AND CONTROL

Introduction

- 2.1 Financial management covers all financial accountabilities in relation to the running of the Council. The S151 Officer is responsible for the compilation of policy statements on financial matters as they may determine which shall supplement these Financial Rules. These policies provide officers and Members with greater detail of the financial controls to be followed concerning revenue and capital expenditure and general financial matters. Policy Statements approved by Cabinet and Council shall have the same effect and standing as Financial Rules and shall be observed by all officers of the Council.

Council

- 2.2 Council is responsible for adopting the Constitution and Members' Code of Conduct and for approving the Policy Framework and Budget within which Cabinet operates. Council is also responsible for approving and monitoring compliance with the Council's overall framework

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of accountability and control as set out in the Constitution. Council is also responsible for monitoring compliance with the agreed policy and related Executive decisions.

- 2.3 Council is responsible for approving procedures for recording and reporting decisions taken. This includes decisions taken by Cabinet and decisions taken by Council and its committees. Details of who has delegated responsibility for decisions are set out in the Constitution.

Cabinet

- 2.4 Cabinet is responsible for proposing the Budget to Council, and for discharging executive functions in accordance with the Budget.
- 2.5 Executive decisions can be delegated to a Committee, Sub-Committee, a Cabinet Member, an officer or a joint committee.
- 2.6 Cabinet is responsible for establishing procedures to ensure that individual Cabinet Members consult with relevant officers before taking a decision within their delegated authority. In doing so, the individual Member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Committees of the Council

Overview and Scrutiny Committee

- 2.7 The overview and scrutiny process is responsible for scrutinising Cabinet decisions before or after they have been implemented and for holding Cabinet to account. Overview and Scrutiny is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Council.

Standards Committee

- 2.8 The Standards Committee is responsible for promoting and maintaining high standards of conduct amongst Councillors. In particular, it is responsible for advising Council on the adoption and revision of the Members' Code of Conduct, for monitoring the operation of the Code and investigating complaints of a Member's breach of the Code.

Audit Committee

- 2.9 The Audit Committee is responsible for overseeing the Council's Constitution in respect of Financial Regulations, Contract Standing Orders and Code of Governance and approval of the Statement of Accounts and Annual Governance Statement by Council.

Other Regulatory Committees

- 2.10 Various non Executive functions are exercised through politically balanced regulatory committees under powers delegated by Council. The regulatory committees report to Council.

The Statutory Officers

Head of Paid Service (and Chief Executive)

- 2.11 The Head of Paid Service is responsible for the corporate and overall strategic management of the Council as a whole. They must report to and provide information for Cabinet, Council, overview and scrutiny and other committees. They are responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to Executive and Council decisions. The Head of Paid Service is responsible for the manner in which the discharge by the Council of their functions is coordinated and for the organisation, appointment and proper management of the Council staff.

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Monitoring Officer

- 2.12 The Monitoring Officer is required under Section 5 of the Local Government and Housing Act 1989 to report to the Cabinet or Council if any proposal, decision or omission by the Council, Cabinet, or Officer will:
- (i) break the law; or
 - (ii) be maladministration
- and such report shall be considered within 21 days of circulation of the report to Members, and such action must be suspended until the report is so considered. The Monitoring Officer must consult the Head of Paid Services and the Corporate Director of Resources (S151 Officer).
- 2.13 The Monitoring Officer must ensure that Executive decisions and the reasons for them are made public. They must also ensure that Council Members are aware of decisions made by Cabinet and of those made by officers who have delegated Executive responsibility.
- 2.14 The Monitoring Officer is responsible for advising all Councillors and officers about who has authority to take a particular decision.
- 2.15 The Monitoring Officer is responsible for advising Cabinet or Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the Policy Framework.
- 2.16 The Monitoring Officer (together with the S151 Officer) is responsible for advising Cabinet or Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the Budget. Actions that may be contrary to or not wholly in accordance with the Budget include:
- initiating a new scheme or policy for which no budgetary provision has been made in the Budget
 - committing expenditure in future years above the Budget level
 - incurring Budget transfers above virement limits
 - causing the total expenditure financed from Council tax, grants and corporately held reserves to increase,
- 2.17 The Monitoring Officer is responsible for maintaining an up-to-date copy of the Constitution.
- 2.18 Section 5 of the Local Government and Housing Act 1989 require:
- (i) the Council to provide such staff, accommodation and other resources as the Monitoring Officer considers necessary to carry out his/her duties; and permit
 - (ii) the Monitoring Officer to appoint a Deputy

S151 Officer

- 2.19 The Corporate Director of Resources as S151 Officer has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. These arise from:
- Section 151 of the Local Government Act 1972
 - The Local Government Finance Act 1988
 - The Local Government and Housing Act 1989
 - The Accounts and Audit Regulations 2003
 - The Accounts and Audit (Amendment) (England) Regulations 2006
 - The Local Authority (Capital Finance and Accounting) (England) Regulations 2003

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- 2.20 The S151 Officer is responsible for:
- the proper administration of the Council's financial affairs
 - setting and monitoring compliance with financial management standards
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management
 - providing timely financial information
 - preparing the revenue Budget and capital programme
 - treasury management
 - all arrangements with the Council's bankers
- 2.21 Section 114 of the Local Government Finance Act 1988 requires the S151 Officer to report to Council, Cabinet and the external auditor if the Council or one of its officers:
- has made, or is about to make, a decision which involves incurring unlawful expenditure
 - has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
 - is about to make an unlawful entry in the Council's accounts.
- 2.22 Section 114 of the 1988 Act also requires:
- the S151 Officer to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under Section 114 personally
 - the authority to provide the S151 Officer with sufficient staff, accommodation and other resources, including legal advice where this is necessary to carry out the duties under Section 114.
- 2.23 The Chief Executive, S151 Officer, Monitoring Officer and Group Manager, Audit and Assurance shall hold regular Corporate Governance meetings to ensure the legal and corporate governance regime is working effectively and efficiently. At these regular meetings the Officers will consider matters concerning partnership and shared services.

Corporate Directors

- 2.24 Corporate Directors are responsible for:
- ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the S151 Officer
 - signing contracts depending on value (see Contracts Standing Orders) on behalf of the Council.
- 2.25 It is the responsibility of Corporate Directors to consult with the S151 Officer and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred and the Monitoring Officer / Group Manager Legal and Democratic Services before the Council is legally committed to any course of action.

Other financial accountabilities in relation to:

Virement

- 2.26 Council is responsible for agreeing procedures for virement of expenditure between Budget headings. Cabinet is responsible for the Council's virement policy statement and strategy for approval by Council and for reviewing compliance with the virement policy.
- 2.27 Corporate Directors are responsible for agreeing in-year virements within delegated limits, with the agreement of the S151 Officer. All requests for virement are subject to the validation of the S151 Officer in accordance with the virement policy.

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Accounting policies

2.28 The S151 Officer is responsible for setting accounting policies and ensuring that they are applied consistently, in accordance with relevant guidance and regulations.

Accounting records and returns

2.29 The S151 Officer is responsible for determining the accounting procedures and records for the Council, in accordance with relevant guidance and regulations.

The annual statement of accounts

2.30 The S151 Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (SORP) (CIPFA/LASAAC). Council is responsible for approving the annual statement of accounts.

3. FINANCIAL REGULATION: FINANCIAL PLANNING

Introduction

3.1 The key elements of financial planning are:

- Three year Money Plan -Revenue and Capital
- Revenue Budget
- Capital Programme
- Treasury Management
- Cashflow planning and balances management
- Prudential Indicators for forward capital planning

Policy Framework

- 3.2 Council is responsible for approving the Council Plan and Budget, which will be proposed by Cabinet.
- 3.3 Council is also responsible for approving procedures for agreeing variations to approved Budgets, plans and strategies.
- 3.4 Council is responsible for setting the level at which Cabinet may reallocate Budget funds from one service to another. Cabinet is responsible for taking in year decisions on resources and priorities in order to deliver the Budget and Council Plan within the financial limits set by Council.
- 3.5 Council is responsible for setting prudential indicators when it approves the revenue budget for Council Tax setting purposes.

Preparation of the Three Year Money Plan

- 3.6 The S151 Officer is responsible for proposing the annual Three Year Money Plan prepared on a three year basis to Cabinet for consideration before its submission to Council for approval.
- 3.7 Cabinet is responsible for issuing guidance on the content of the annual Budget, taking account of the Community Strategy, Corporate Plan, Key Decisions and Statutory Duties and Requirements and the approved medium term capital programme.
- 3.8 The S151 Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's Priorities.

Budgeting

- 3.9 The draft budget should integrate capital and revenue planning and should include allocation to different services and projects, proposed taxation levels, calculated mandatory prudential indicators; contingencies, and use of reserves.

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- 3.10 It is the responsibility of Corporate Directors to prepare annual service estimates and submit these to the S151 Officer for subsequent validation, consolidation and presentation to Cabinet.
- 3.11 The S151 Officer is responsible for ensuring that an annual revenue budget is prepared for consideration by Cabinet, before submission to Council as part of the process leading to the setting of the Council Tax. Council may amend the Budget or ask Cabinet to reconsider it before approving it.
- 3.12 The S151 Officer issues guidelines on budget preparation to Members and Corporate Directors. The guidelines will take account of:
 - legal requirements (in conjunction, where appropriate, with the Monitoring Officer)
 - the Three Year Money Plan
 - available resources (including the use of internal reserves and provisions)
 - spending pressures
 - best value and other relevant government guidelines
 - other internal policy documents

Revenue budget monitoring and control

- 3.13 The S151 Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. Expenditure will be monitored against budget and the overall position reported to Cabinet on a regular basis. The Chief Executive, Corporate Directors and the S151 Officer are responsible for ensuring that budgetary control is properly exercised and for taking appropriate action to ensure that budgets are not exceeded.
- 3.14 It is the responsibility of budget managers to control income and expenditure within their area and to monitor performance, through the Council's budget monitoring process approved by the S151 Officer. They should also take any action necessary to avoid exceeding their budget allocation and alert the S151 Officer to any problems.

Preparation and monitoring of the capital programme and prudential indicators

- 3.15 The S151 Officer is responsible for ensuring that the capital programme is prepared on an annual basis for consideration by Cabinet before submission to Council. All schemes to be included in the Capital Programme must have been evaluated and approved by the S151 Officer, or a nominated representative. The S151 Officer is responsible for assessing potential capital programme resources for the ensuing three financial years and preparing a rolling programme of expenditure for approval by Cabinet.
- 3.16 The S151 Officer will carry out monthly capital budget monitoring and consider the effect of any changes to the programme on the prudential indicators. Any such changes will be reported as soon as possible to Cabinet and Council.

Maintenance of reserves and provisions

- 3.17 It is the S151 Officer's responsibility to advise Cabinet and/or Council on prudent levels of reserves and provisions for the Council, in accordance with CIPFA guidelines.

4. FINANCIAL REGULATION: AUDIT AND CONTROL OF RESOURCES

Introduction

- 4.1 It is essential that robust systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

Audit requirements

- 4.2 The Accounts and Audit Regulations 2003 require every local authority to maintain an adequate and effective internal audit function. The S151 Officer shall arrange for

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compliance with these regulations and CIPFA/SOLACE guidance on Corporate Governance and Risk Management.

- 4.3 Internal Audit shall have 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.
- 4.4 The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- 4.5 The Council may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have Statutory rights of access.

Preventing fraud and corruption

- 4.6 The Corporate Director of Resources is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

Assets

- 4.7 Corporate Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

Treasury Management

- 4.8 Council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 4.9 Council is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in Local Authorities. The Cabinet proposes the policy statement to Council for approval. The S151 Officer has been delegated responsibility for implementing and monitoring the statement.
- 4.10 All money under the control of the Council is managed by the officer designated for the purposes of S151 of the Local Government Act 1972, referred to in the Code as the S151 Officer.
- 4.11 The S151 Officer is responsible for reporting to Cabinet (for information) and Council for decision a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- 4.12 All Executive decisions on borrowing, investment or financing shall be delegated to the S151 Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 4.13 The S151 Officer is responsible for reporting to Cabinet not less than twice in each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

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Staffing

- 4.14 The Council is responsible for determining the overall level of officer support for Executive and non-Executive functions and will also approve the staffing establishment.
- 4.15 The Head of Paid Service is responsible for providing overall management of staff and for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- 4.16 Corporate Directors are responsible for controlling total staff numbers by:
 - advising Cabinet on the budget necessary in any given year to cover estimated staffing levels
 - adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within the approved establishment in order to meet changing operational needs
 - the proper use of recruitment and selection procedures.
- 4.17 The Monitoring Officer can require the Council to provide such staff as he/she considers necessary to carry out the role.

5. FINANCIAL REGULATION: SYSTEMS AND PROCEDURES

Introduction

- 5.1 Sound systems and procedures are essential to an effective framework of accountability and control.
- 5.2 The S151 Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Corporate Directors may not make changes to the existing financial systems or establish new systems without the approval of the S151 Officer. However, Corporate Directors are responsible for the proper operation of financial processes in their own departments.
- 5.3 Any new system for maintaining financial records, or for the recording of assets, or changes to such systems, are discussed with the Group Manager, Audit and Assurance, prior to implementation.
- 5.4 Corporate Directors should ensure that their staff receive relevant financial training.
- 5.5 Corporate Directors must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation (see Group Manager Legal and Democratic Services delegations, paragraph B2). Corporate Directors must ensure that staff are aware of their responsibilities under this and all other legislation.

Income and expenditure

- 5.6 It is the responsibility of Corporate Directors to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on their behalf, or on behalf of the Cabinet or Council, in respect of payments, income collection and placing orders, together with the limits of their authority. The S151 Officer is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control. The S151 Officer will periodically report debt write off to the Cabinet.

Payments to employees and Members

- 5.7 The S151 Officer is responsible for payments of salaries and wages to all staff, including payments for overtime and allowances, and for payment of allowances to Members.

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Taxation

- 5.8 The S151 Officer is responsible for advising Corporate Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.
- 5.9 The S151 Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
- 5.10 Responsibility for the Council's tax returns connected with payments to employees and Members rests with the S151 Officer.

Trading accounts/business units

- 5.11 The S151 Officer will advise on the establishment and operation of trading accounts and business units.

Leasing

- 5.12 All leases entered into by the Council can only be on the authority of the Chief Executive, S151 Officer, and the Group Manager Legal and Democratic Services.

Banking

- 5.13 All cheques and payment forms shall be ordered only on the authority of the, S151 Officer and proper arrangements for their safe custody will be made.
- 5.14 Cheques on the Council's banking accounts shall bear the facsimile signature of the Corporate Director of Resources.

6. FINANCIAL REGULATION: EXTERNAL ARRANGEMENTS

Introduction

- 6.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

Partnerships

- 6.2 Cabinet is responsible for approving delegations, including frameworks for partnerships. Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- 6.3 Cabinet can delegate functions, including those relating to partnerships to officers. These are set out in the scheme of delegation that forms part of the Council's Constitution. Where functions are delegated, the Cabinet remains accountable for them to Council.
- 6.4 The Monitoring Officer and S151 Officer are responsible for promoting and maintaining the same high standards of conduct with regard to conduct and financial administration in partnerships that apply throughout the Council.
- 6.5 The S151 Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory.
- 6.6 The Monitoring Officer and S151 Officer must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies and must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- 6.7 Corporate Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

External funding

- 6.8 The S151 Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

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APPENDIX A: FINANCIAL MANAGEMENT AND CONTROL

A1 Financial Management Standards

A1.1 Why is this important?

All staff and Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is achieved in part by ensuring that every one is clear about the standards to which they are working, and the controls which are in place to ensure that these standards are met.

A1.2 Key controls

The key controls for financial management standards are:

- their promotion of those management standards and training on these throughout the Council;
- having in place a monitoring system to review compliance with financial standards, and that regular comparisons of performance indicators and benchmark standards are reported to the Audit Committee, Cabinet and Council.

A1.3 Responsibilities of Corporate Director of Resources

- To ensure the proper administration of the financial affairs of the Council.
- To set the financial management standards, and to monitor compliance with them.
- To ensure proper professional practices are adhered to, and to act as head of profession in relation to the standards, performance and development of finance staff throughout the Council.
- To advise on the key strategic controls necessary to secure sound financial management.
- To ensure that financial information is available to enable accurate and timely reporting of comparisons of national and local financial performance indicators.

A1.4 Responsibilities of Corporate Directors, Group and Service Managers

- To promote the financial management standards set by the Corporate Director of Resources in their service areas and to monitor adherence to those standards and practices.
- To promote sound financial practices in relation to the standards performance and development of staff in their service areas.

A2 Managing and Controlling Spending

Revenue Budget

A2.1 Why is this important?

Budget management ensures that resources allocated by Members are used for their intended purposes and that these resources are properly accounted for. budgetary control is a continual process enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism to call to account managers responsible for defined elements of the budget.

By identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual cash limit, approved in setting the overall budget. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the cash limited budget allocated to it.

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For the purposes of budgetary control by managers, a budget head will normally be a cost centre. However, it may be at a more detailed level in the standard coding structure if required.

A2.2 Key controls

The key controls for managing and controlling the revenue budget are:

- budget holders should be responsible only for income and expenditure which they can influence;
- each “£” of budgeted expenditure is allocated to a named budget holder;
- budget holders accept accountability for their budgets and the level of service to be delivered;
- all orders committing expenditure should be properly authorised and priced before issue;
- budget holders follow an approved certification process for all expenditure;
- income and expenditure is properly recorded and accounted for;
- performance levels/levels of service are monitored in conjunction with the budget and necessary action taken to align service outputs and budget.

A2.3 Responsibilities of Corporate Director of Resources

These responsibilities are carried out through dedicated finance officers reporting to the Corporate Director of Resources. To establish an appropriate framework of budgetary management and control which ensures that:

- budget management is exercised within the annual cash limits agreed by Council;
- each Corporate Director, Group Manager and Service Manager has available timely information on income and expenditure on each budget heading, to enable budget holders to fulfill their budgetary responsibilities;
- expenditure is committed only against an approved budget head containing adequate budgetary provision;
- all officers responsible for committing expenditure shall comply with relevant guidance, including Financial Regulations and Contract Standing Orders;
- each budget head has a single named Manager, determined by the Group Manager / Service Manager. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making which commits expenditure;
- significant variances from approved budgets are investigated and reported by managers regularly;
- procedures are in place for corrective action to be taken to manage significant variances.

To administer the Council's scheme of virement.

To submit reports to Cabinet, in consultation with the S151 Officer, where a Group Manager / Service Manager is unable to balance expenditure and resources within existing approved budgets under their control.

To prepare and submit regular budget monitoring reports on the Council's projected expenditure compared with the budget.

A2.4 Responsibilities of Corporate Directors, Group and Service Managers

To maintain budgetary control and to ensure that all income and expenditure is properly recorded and accounted for.

To ensure that a single accountable budget holder is identified for each item of expenditure. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making which commits expenditure.

Part 4 - Rules of Procedure

To ensure that spending remains within the service overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and, where it appears that areas of the budget are likely to be over or underspent, taking appropriate corrective action.

To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and that any necessary action is taken.

To advise the Corporate Director of Resources immediately where it is clear that they are unable to balance expenditure or income (when a loss of income arises) within existing approved budgets under their control.

To ensure prior approval by Council for new proposals (A report on new proposals should explain the full financial implications, after consultation with the Corporate Director of Resources. Unless Council has agreed otherwise, Corporate Directors must plan to contain the financial implications of such proposals within their cash limit).

To ensure compliance with the Council's scheme of virement.

To consult with the relevant Corporate Director and Corporate Director of Resources where it appears that a budget proposal, including a virement proposal, may impact materially on another service.

A3 Scheme of Virement (See Appendix F)

A3.1 Why is this important?

The scheme of virement enables Corporate Directors to manage budgets with a degree of flexibility within the overall policy framework determined by Council.

A3.2 Key Controls

The scheme is administered by the Corporate Director of Resources within guidelines set by the Council. Any variation from this scheme requires the approval of the Chief Executive and Corporate Director of Resources. Virement will only be used where there is a confirmed change to the spending plans agreed by Cabinet, it will not be used purely to offset budget variances.

Corporate Directors and budget holders are authorised to incur expenditure in accordance with the estimates agreed by Cabinet and approved by Council. Virement is a switching of resources between budget heads or capital schemes. For the purposes of these Rules a budget head is considered to be at an equivalent level to the standard service sub-division as defined by CIPFA. The scheme applies equally to a reduction in income as to an increase in expenditure.

Corporate Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. They should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Corporate Directors must plan to fund such commitments from within their own budgets.

A3.3 Responsibilities of Corporate Director of Resources

To prepare jointly with the appropriate Corporate Director/Group Manager a report to the Cabinet Member where virements in excess of £50,000 are proposed.

A3.4 Responsibilities of Corporate Directors, Group and Service Managers

A Corporate Director, Group Manager or Service Manager may exercise virement on budgets under their control for amounts up to and including £10,000 on any one budget head during the year.

Virements within a policy area of greater than £10,000 but less than £50,000 require the approval of the Corporate Director of Resources. Where the amount is greater than £50,000 but below

Part 4 - Rules of Procedure

£100,000 the virement requires the prior approval of the Cabinet Member for Performance and Resources.

The prior approval of Cabinet is required to any virement where it is proposed to vire between budgets managed by different Corporate Directors.

Virement which is likely to impact on the level of service activity of another Service should be implemented only after consultation with the relevant Group Manager.

No virement relating to a specific financial year will be made after 31 March in that year.

A4 Treatment of Year End Balances

A4.1 Why is this important?

The rules below cover arrangements for the transfer of resources between accounting years i.e. a 'carry forward'. Carry forwards will only be approved in the appropriate circumstances.

A4.2 Key controls

Appropriate accounting procedures are in operation to ensure that carried forward totals are agreed and correct.

Any under or overspend on revenue budgets will be written to General Fund revenue balances at the Financial Year end.

A4.3 Responsibilities of Corporate Director of Resources

To report the extent of overspends and underspends on service estimates to Cabinet and to Council.

To report to Cabinet and to Council any proposed carry forwards for both revenue and capital and their effect upon the balances of the Council.

A4.4 Responsibilities of Corporate Directors, Group and Service Managers

Any request to carry forward underspends of either revenue or capital resources must have prior approval from the Corporate Director of Resources

A5 Accounting Policies

A5.1 Why is this important?

The Corporate Director of Resources is responsible for the preparation of the Council's statement of accounts in the format required by the CIPFA Code of Practice on Local Authority Accounting in Great Britain, for the financial year ending 31 March.

A5.2 Key controls

The key controls for accounting policies are:

- suitable accounting policies are selected and applied consistently;
- judgments are made and estimates prepared which are reasonable and prudent;
- statutory and other professional requirements are observed to maintain proper accounting records;
- all reasonable steps have been taken for the prevention and detection of fraud and other irregularities.

Part 4 - Rules of Procedure

A5.3 Responsibilities of Corporate Director of Resources

To adopt suitable accounting policies and to ensure that they are applied consistently. The accounting policies will be set out in the statement of accounts which is prepared at 31 March each year, and will cover such items as:

- separate accounts for capital and revenue transactions;
- the basis on which year end debtors and creditors are included in the accounts;
- details of provisions and reserves;
- fixed assets;
- depreciation;
- work in progress;
- stocks and stores;
- deferred charges;
- accounting for value added tax;
- government grants;
- leasing;
- pensions.

A5.4 Responsibilities of Corporate Directors, Group and Service Managers

To adhere to the accounting policies approved by the Corporate Director of Resources.

A6 Accounting Records and Returns

A6.1 Why is this important?

Proper accounting records are one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This provides assurance that the accounts are properly prepared and proper accounting practices have been followed and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

A6.2 Key controls

The key controls for accounting records and returns are:

- all Cabinet Members, finance staff and budget managers operate within the required accounting standards of the Council;
- all the Council's transactions, material commitments and contracts and other essential accounting information have been recorded completely, accurately and on a timely basis;
- procedures are in place to enable accounting records to be reconstituted in the event of failure;
- balances and reconciliation procedures are carried out to ensure transactions are correctly recorded.

A6.3 Responsibilities of Corporate Director of Resources

To determine the accounting procedures and records for the Council. Where these are maintained in a Service other than resources, before making any determination, they will consult the Group Manager concerned.

To compile all accounts and accounting records or ensure they are compiled under his/her direction.

To comply with the following principles when allocating accounting duties:

Part 4 - Rules of Procedure

- separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums, from the duty of collecting or disbursing them;
- employees with the duty of examining or checking the accounts of cash transactions shall not themselves be engaged in these transactions.

To make proper arrangements for the audit of the Council's accounts in accordance with the Accounts and Audit Regulations.

To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable, and with the requirement for Council to approve the statement of Accounts before 30 June.

To administer the Council's arrangements for under and overspendings to be written to General Fund balances.

To ensure the proper retention of financial documents. The periods for which documents are to be retained will be specified separately to these financial procedures in the Council's Document Retention Policy (see Annex A2 – Contract Standing Orders).

To complete all statutory financial returns to government departments.

A6.4 Responsibilities of Corporate Directors, Group and Service Managers

To consult with the Group Manager, Audit and Assurance, and obtain the approval of the Corporate Director of Resources before making any changes to accounting records and procedures.

To comply with the principles of separation of duties when allocating accounting duties.

To maintain adequate records to provide an audit trail leading from the source of income / expenditure through to the accounting statements.

To supply information required to enable the Statement of Accounts to be completed, in accordance with guidelines issued by the Corporate Director of Resources.

To observe such accounting instructions as may be made from time to time.

To maintain detailed records to support claims submitted for expenditure funded from specific grants

To supply information required to enable all statutory financial returns to be submitted within timescales.

Part 4 - Rules of Procedure

APPENDIX B: FINANCIAL PLANNING

B1 Resource Allocation

B1.1 Why is this important?

A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfill need/desire. It is therefore imperative that resource allocation is carefully prioritised and that resources are fairly allocated, in order to fulfill all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

B1.2 Key controls

The key controls for resource allocation are:

- budget managers obtain appropriate resources for the specified level of service delivery;
- resources are acquired using an approved authorisation process;
- resources are only used for the purpose intended by Council, to achieve the approved policies and objectives, and are properly accounted for;
- resources are secured for use when required;
- resources are used with the minimum level of waste, inefficiency or loss.

B1.3 Responsibilities of Corporate Director of Resources

To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

To assist in the allocation of resources to managers.

B1.4 Responsibilities of Corporate Directors, Group and Service Managers

To work within budget limits and to utilise resources allocated and further allocate resources in the most efficient, effective and economic way.

To identify opportunities to minimise or eliminate resource requirements or consumption without a detrimental effect on service delivery.

B2 Capital Programme

B2.1 Why is this important?

Capital expenditure involves acquiring or enhancing fixed assets with a long term value to the Council, such as land, buildings and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create future financial commitments in the form of revenue running costs, they may also generate income.

There are strict controls on the financing capacity of the Council. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

B2.2 Key controls

The key controls for capital programmes are:

- specific approval by Council for the programme of capital expenditure;
- expenditure on capital schemes is subject to the approval of the Corporate Director of Resources;
- a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the Corporate Director of Resources and the Portfolio holder for Resources;

Part 4 - Rules of Procedure

- proposals for improvements and alterations to buildings must be approved by the Corporate Director of Resources;
- the development and implementation of asset management plans;
- accountability for each proposal is accepted by a named manager;
- monitoring of progress in conjunction with expenditure and comparison with approved budget;
- post project review to be undertaken on major capital schemes.

B2.3 Responsibilities of Corporate Director of Resources

To prepare capital estimates jointly with Corporate Directors and report them to Cabinet for approval at the same time as the revenue budget is agreed and approved. Cabinet will make recommendations on the capital estimates and on any associated financing requirements to Council.

To issue guidance concerning capital schemes and controls for example on project appraisal techniques. The definition of 'capital' will be determined by the Corporate Director of Resources, having regard to Government rules and accounting requirements.

To obtain authorisation by Cabinet for individual schemes where the estimated expenditure exceeds the capital programme provision by more than the specified amount.

To prepare and submit regular capital monitoring reports to Cabinet comparing expenditure to estimates, clearly identifying variances, with explanations for the variances and recommendations for any actions to be taken.

To approve with the Portfolio holder for Performance and Resources, capital projects in excess of £50,000 for commencement.

B2.4 Responsibilities of Corporate Directors, Group and Service Managers

To comply with guidance concerning capital schemes and controls issued by the Corporate Director of Resources.

To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Corporate Director of Resources.

To ensure that adequate records are maintained in respect of all capital contracts.

To proceed with projects only when there is adequate provision in the capital programme, and where projects exceed £50,000 with the agreement of the Corporate Director of Resources.

To prepare and submit monitoring reports, jointly with the Corporate Director of Resources, to Cabinet of any variation in contract costs greater than the approved limits. (See Contract Standing Orders)

To prepare and submit reports, jointly with the Corporate Director of Resources, to Cabinet, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount. (See Contract Standing Orders)

To ensure that they do not enter into credit arrangements, such as leasing agreements, without the prior approval of the Corporate Director of Resources and, if applicable, approval of the scheme through the capital programme.

To consult with the Corporate Director of Resources and seek Cabinet approval where the Group Manager / Service Manager proposes to bid for additional grants to be issued by Government departments to support expenditure which has not been included in the current year's capital programme.

Part 4 - Rules of Procedure

B3 Preparing Revenue Budgets and Three Year Money Planning

B3.1 Why is this important?

The Council needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Council's plans and policies.

The revenue budget must be constructed so as to ensure that resource allocation properly reflects the spending plans and priorities of the Council. Budgets, are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent.

Three year medium term planning involves a planning cycle in which each manager develops their own plans. As each year passes, another future year will be added to the three year money plan. Medium term planning ensures that the Council is always preparing for events in advance.

B3.2 Key controls

Specific budget approval for all expenditure.

Budget Managers accept accountability within delegations set by Cabinet for their budgets and the level of service to be delivered.

A monitoring process is in place to review regularly the effectiveness and operation of budget preparation and that any corrective action is taken.

Proper accounting practices and policies are adhered to.

B3.3 Responsibilities of Corporate Director of Resources

To prepare and submit reports on budget prospects for Cabinet, including resource constraints set by the Government. Reports should take account of medium term prospects, where appropriate.

To determine the detailed form of revenue estimates, consistent with the general directions of the Council, after consultation with Cabinet, and Corporate Directors.

To prepare and submit reports to Cabinet on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied.

To advise on the medium term implications of Government statements on public spending and distribution of central government resources.

To encourage best use of resources and value for money by working with Corporate Directors to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

To advise Council on Cabinet proposals in accordance with their responsibilities under S151 of the Local Government Act 1972.

In consultation with the Corporate Directors and in accordance with the laid down guidance and timetable to prepare detailed draft revenue and capital budgets for consideration by Cabinet and Council.

To have regard to:

- spending patterns and pressures revealed through the budget monitoring process;
- legal requirements;
- policy requirements as defined by Council;
- initiatives already underway when drawing up draft budget requirements.

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B3.4 Responsibilities of Corporate Directors, Group and Service Managers

To prepare estimates of potential revenue savings and growth requirements, in consultation with the Corporate Director of Resources, to be submitted to Cabinet.

To prepare budgets which are consistent with any relevant cash limits, with the Council's annual budget cycle and with guidelines issued by Cabinet. The format should be prescribed by the Corporate Director of Resources in accordance with Council's general directions.

To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

To consult with the relevant Group Manager / Service Manager, where it appears that a budget proposal is likely to impact on another service.

B4 Use of Reserves

B4.1 Why is this important?

Reserves are maintained as a matter of prudence.

B4.2 Key controls

To maintain reserves in accordance with the Code of Practice on Local Authority Accounting and agreed accounting policies.

B4.3 Responsibilities of Corporate Director of Resources

To advise on prudent levels of reserves for the Council, and to act on the advice of external audit in this matter.

Part 4 - Rules of Procedure

APPENDIX C: AUDIT AND CONTROL OF RESOURCES

C1 Internal Audit Requirements

C1.1 Why is this important?

The Corporate Director of Resources 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 Group Manager, Audit and Assurance, has direct access to the Head of Paid Service, Cabinet, Audit 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 Corporate Director of Resources

The Corporate Director of Resources has been delegated with 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 Group Manager, Audit and Assurance

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 Corporate Director of Resources may refer the matter to the Head of Paid Service and/or the Audit 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 the Group Manager Legal and Democratic Services and the Chief Executive will consider any disciplinary action in consultation with the appropriate Group Manager.

To report annually to the Head of Paid Service, S151 Officer and to the Audit 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 Committee.

Part 4 - Rules of Procedure

C1.5 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that auditors are given access at all reasonable times to premises, personnel, documents and assets which the auditors consider necessary for the purposes of their work.

To ensure that auditors are provided promptly with any information and explanations which they seek in the course of their work.

To consider and respond promptly to recommendations in audit reports.

To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

To notify the Corporate Director of Resources and Group Manager, Audit and Assurance, immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Corporate Director, Group Manager or Service Manager should take all necessary steps to prevent further loss and to secure records and documentation against removal, destruction or alteration.

C2 External Audit Requirements

C2.1 Why is this important?

The Local Government Finance Act 1982 set up the Audit Commission for local authorities and police authorities in England and Wales, which is responsible for appointing external auditors to each local authority. The Corporate Director of Resources is responsible for working with the external auditor and for advising Council, Cabinet and Corporate Directors on their responsibilities in relation to external audit. The external auditor has the same rights of access as the internal auditor to all documents which are necessary for audit purposes.

The basic duties of the external auditor are governed by Section 15 of the 1982 Act, under which auditors need to satisfy themselves that:

- the accounts are prepared in accordance with rules made under Section 23 of the 1982 Act and comply with the requirements of all statutory provisions applicable to the accounts;
- proper practice has been observed in compilation of accounts;
- the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

The Council's accounts are scrutinised by external auditors, appointed by the Audit Commission, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the Council and its income and expenditure for the year in question and complies with the legal requirements.

C2.2 Key controls

External auditors are appointed by the Audit Commission normally for a minimum period of five years. The Audit Commission prepares guidelines which the external auditors follow when auditing the Council's statement of accounts.

C2.3 Responsibilities of Corporate Director of Resources

To draw up the timetable and issue guidance for final accounts purposes and to advise staff and external auditors accordingly.

To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.

Part 4 - Rules of Procedure

C2.4 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purpose of their work.

To ensure that all paperwork and systems are up-to-date and available for inspection.

C3 Preventing Financial Irregularities

C3.1 Why is this important?

The Council will not tolerate fraud or corruption in the administration of its responsibilities whether from inside or outside the Council.

The Council's expectation of propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) that it comes into contact with, will act towards the Council with integrity and in a manner free of fraud and corruption.

C3.2 Key controls

The key controls regarding the prevention of financial irregularities are that:

- Council maintains sound internal control procedures in line with best accounting practice, in particular there is a clear separation of duties in accounting routines evidenced by maintaining appropriate audit trail information;
- the culture and tone of the Council is one of honesty and opposition to fraud and corruption;
- all Members, staff and organisations associated with the Council will act with integrity and lead by example;
- managers are required to deal swiftly and firmly with those who defraud the Council or who are corrupt.

C3.3 Responsibilities of Corporate Director of Resources

To maintain adequate and effective audit arrangements for the Council.

To ensure that financial irregularities are reported to the Head of Paid Service, Cabinet, Audit Committee, Group Manager, Audit and Assurance and the Monitoring Officer.

To determine the scope of any internal enquiries or investigations, subject to consultation with the appropriate Corporate Director and Monitoring Officer.

To decide, in consultation with the appropriate Corporate Director and Monitoring Officer, whether any matter under investigation should be referred for police investigation and take recovery action as appropriate on such matters.

To keep the Head of Paid Service and Monitoring Officer informed if a suspected irregularity occurs involving staff who are the responsibility of the Corporate Director of Resources.

To ensure, in conjunction with the appropriate Group Manager / Service Manager, that the Council's disciplinary procedures are followed where the outcome of an audit or other investigation indicates fraud or irregularity.

C3.4 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that all suspected irregularities are reported to the Corporate Director of Resources.

To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

Part 4 - Rules of Procedure

C4 Resources: Land, Buildings, Plant and Machinery

Security

C4.1 Why is this important?

The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth millions of pounds. It is important that assets should be safeguarded and used efficiently in the delivery of services, and that there should be arrangements for the security of both assets and service operations.

C4.2 Key controls

The key controls for the security of resources, such as land, buildings, fixed plant and machinery are:

- (a) budget managers obtain appropriate resources for the specified level of service delivery;
- (b) resources are acquired using an approved procurement process;
- (c) resources are used only for the purposes of the Council and properly accounted for;
- (d) resources are secured to be available for use when required;
- (e) resources no longer required are disposed of in accordance with the law and the Council rules so as to maximise benefits;
- (f) regular audits of assets are undertaken to ensure their continued existence and that they remain fit for purpose.

C4.3 Responsibilities of Corporate Director of Resources

To ensure that asset registers are maintained in accordance with good practice.

To receive information from Corporate Directors required for accounting, costing and financial records.

To assist and advise, in consultation with the appropriate Group Manager, the records to be maintained to ensure proper security and control of premises, stocks, stores, furniture equipment, cash and other items of value.

C4.4 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the appropriate Group Manager / Service Manager, in consultation with the Corporate Director of Resources and the Legal Services Manager, has been established as appropriate.

To ensure the proper security of all buildings and other assets under their control.

To periodically review land and buildings in order to identify any that are surplus to requirements.

Where land or buildings are identified as surplus to requirements, a recommendation for the sale of land should be the subject of a joint report by the appropriate Corporate Director and the Corporate Director of Resources.

Where the use of buildings or land is subject to appropriation between services, to refer the appropriation for approval by Cabinet, taking into account the alternative possible uses of the land.

To pass title deeds to the Legal Services Manager, who is responsible for custody of all title deeds.

To ensure that no Council asset is subject to third party or personal use by an employee without proper authority.

To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council.

To ensure that the Service maintains a register of moveable assets.

Part 4 - Rules of Procedure

To ensure assets are identified, their location recorded and that they are appropriately security marked and insured.

To consult the Corporate Director of Resources in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

To ensure cash holdings on premises are kept to a minimum and to advise the Corporate Director of Resources where there may be an exception to this case.

The disposal of all surplus equipment, stocks or stores expected to realise in excess of £5,000 should normally be by competitive tender or public auction in accordance with Contract Standing Orders unless, following consultation with the Corporate Director of Resources. A record of all such disposals shall be maintained.

To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Corporate Director of Resources.

To ensure that all their employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.

Inventories

C4.5 Responsibilities of Corporate Director of Resources

To advise on the form, layout and content of inventory records to be maintained by the Council.

C4.6 Responsibilities of Corporate Directors, Group and Service Managers

To maintain inventories in a form approved by the Corporate Director of Resources to adequately record and describe furniture, fittings and equipment, plant and machinery under their control.

To carry out an annual check of all items on the inventory in order to take action in relation to surpluses or deficiencies, annotating the inventory accordingly and reporting any material discrepancies to the Corporate Director of Resources.

Attractive and portable items, such as computers and cameras should be identified with security markings as belonging to the Council and appropriately controlled and secured.

To make sure that property is only used in the course of Council business unless the Corporate Director, Group Manager or Service Manager concerned has given permission otherwise.

Surplus ICT equipment is to be returned to the Group Manager, Business Transformation and Technology who shall reallocate it or dispose of it in accordance with IT disposal policy.

Stocks and Stores

C4.7 Responsibilities of Corporate Director of Resources

To advise on the arrangements for the care and custody of stocks and stores and the method of stock valuation to be used where appropriate.

C4.8 Responsibilities of Corporate Directors, Group and Service Managers

To make arrangements for the care and custody of stocks and stores in Services.

To ensure stocks are maintained at reasonable levels and subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.

To write-off discrepancies of up to £500 and seek advice from Internal Audit on discrepancies above this limit.

Part 4 - Rules of Procedure

To authorise or write-off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and stores should be by competitive quotations or auction unless, following consultation with the Corporate Director of Resources.

To seek approval from the Corporate Director of Resources to the write-off of redundant stocks and stores valued in excess of £500 and report any such write offs to Cabinet.

C5 Asset Disposal

C5.1 Why is this important?

It would be unsatisfactory and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and rules of the Council.

C5.2 Key controls

Assets are disposed of at the most appropriate time in accordance with Contract Standing Orders, and only when it is in the best interests of the Council, and that the best price is obtained. For items of significant value, disposal should be by competitive tender or public auction.

C5.3 Responsibilities of Corporate Director of Resources

To advise on best practice for disposal of assets.

To ensure appropriate accounting entries are made.

C5.4 Responsibilities of Corporate Directors, Group and Service Managers

To seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment.

To ensure that income received for disposal of an asset is promptly and properly banked and coded.

C6 Insurance

C6.1 Why is this important?

Insurance has been the traditional means of protecting against loss, but this cannot be seen as the complete answer. By reducing or even preventing the incidence of losses (whether they result from crime or accident), the Council will benefit from reduced costs of providing insurance cover and will also avoid the disruption and wasted time caused by losses and insurance claims.

C6.2 Key controls

Acceptable levels of retained risk are identified and evaluated and arrangements are in place for their funding, either by internal provision or external insurance as appropriate

C6.3 Responsibilities of Corporate Director of Resources

To determine and effect appropriate corporate insurance cover, through external insurance and/or internal funding,

To provide advice to Council and Cabinet on insurance matters.

To include all appropriate Council employees in a suitable fidelity guarantee insurance.

C6.4 Responsibilities of Corporate Directors, Group and Service Managers

To notify the Corporate Director of Resources promptly of all new or increased risks, properties or vehicles which require insurance and of any alterations affecting existing insurances.

Part 4 - Rules of Procedure

To consult the Corporate Director of Resources and the Group Manager Legal and Democratic Services in respect of the terms of any indemnity which the Council is requested to give.

C7 Treasury Management and Banking

C7.1 Why is this important?

Many millions of pounds pass through the Council's books each year. A few Councils have suffered high profile losses through inappropriate treasury management procedures. This led to the establishment of Codes of Practice. These aim to provide assurances that the Council's money is properly managed in a way which balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

The Council has adopted a Treasury Policy Statement based on the CIPFA Code of Practice for Treasury Management. All treasury management operations are carried out in accordance with this Statement and the Code.

C7.2 Responsibilities of Corporate Director of Resources

To arrange the borrowing and investment activities of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Council's Treasury Policy Statement.

To prepare an Annual Treasury Strategy, for the forthcoming financial year, for approval by Council prior to the start of that financial year, including the determination of statutory financing limits in accordance with Section 45 of the Local Government and Housing Act 1989. Subject to the foregoing, the Corporate Director of Resources is responsible for the management of the Council's loan debt and for the investment of surplus funds.

To manage, control and monitor the Council's banking arrangements, including the opening and closing of such bank accounts as are considered necessary within the terms of the overall banking arrangement. Opening or closing any bank account shall only be undertaken by, or with the approval of, the Corporate Director of Resources, or his nominated representative. The title of any such bank accounts shall include the words "Gloucester City Council".

Cheques, including National Giro payment forms, shall be ordered only on the authority of the Corporate Director of Resources, who shall make proper arrangements for their safe custody.

Cheques drawn on official bank accounts, including National Giro accounts, shall bear the facsimile signature of the Corporate Director of Resources.

C7.3 Responsibilities of Corporate Directors, Group and Service Managers

To comply with financial rules relating to banking arrangements and to follow the guidance on banking issued from time to time by the Corporate Director of Resources.

To advise the Corporate Director of Resources of material amounts due to be credited or debited to the Council's bank accounts in order to enable efficient cash flow management.

C8 Investments and Borrowing

C8.1 Responsibilities of the Corporate Director of Resources

Ensure that all borrowings and investments are made in the name of the Council.

Ensure that all securities in support of investments which are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in accordance with arrangements approved by the Corporate Director of Resources.

Part 4 - Rules of Procedure

To act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council. They may also authorise the premature repayment of individual bonds and mortgages.

All money temporarily uninvested, shall be aggregated for the purpose of treasury management and shall be under the control of the Corporate Director of Resources.

Unofficial or voluntary funds are, wherever possible, in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities or similar documents relating to the trust with the Corporate Director of Resources unless the deed otherwise provides.

To arrange, where funds are held on behalf of third parties, for their secure administration and maintain written records of all transactions.

To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

C8.2 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that no loans are made to third parties and no interests are acquired in companies, joint ventures, or other enterprises without the approval of Council, following consultation with the Corporate Director of Resources.

To ensure that all any unofficial or voluntary fund is declared to him/her by the controlling officer(s) and that annual accounts, audited by suitably qualified auditors, are submitted within a reasonable time after the end of each accounting period, to the body responsible for the management or control of each fund.

To ensure that all officers acting as trustees by virtue of their official position shall deposit securities or similar documents relating to the trust with the Group Manager Legal and Democratic Services unless the deed otherwise provides.

To inform the Corporate Director of Resources of the names of all such funds and of their controlling officer(s) and managing body. Where the Corporate Director, Group Manager or Service Manager so requests, the Corporate Director of Resources shall advise on the suitability of the form of accounts and of the audit arrangements.

C9 Staffing

C9.1 Why is this important?

In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level. An appropriate staffing strategy and policy should exist, in which staffing requirements and budget allocation should be matched.

C9.2 Key controls

The key controls for staffing are:

- (a) that procedures are in place for forecasting staffing requirements and cost;
- (b) that procedures are in place for monitoring staffing expenditure against budget;
- (c) that controls are implemented that ensure that staff time is used efficiently and benefits the Council.

C9.3 Responsibilities of Corporate Director of Resources

To ensure that budget provision exists for all existing and new employees.

To act as an advisor to Corporate Directors on areas such as National Insurance, pension contributions as appropriate.

Part 4 - Rules of Procedure

To ensure that an annual staffing budget is produced that is based upon the Council's agreed establishment.

C9.4 Responsibilities of Corporate Directors, Group and Service Managers

To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.

To ensure that the staffing budget is not exceeded and that it is managed to enable the agreed level of service to be provided within the Services' cash limit.

Under no circumstances to appoint additional posts to the agreed Establishment without first seeking approval from the Chief Executive to increase the Establishment and agreeing the source of finance with the Corporate Director of Resources.

Part 4 - Rules of Procedure

APPENDIX D: SYSTEMS AND PROCEDURES

D1 Systems and Procedures: General

D1.1 Why is this important?

The Council has many systems and procedures relating to the control of assets, including purchasing, cash receipting and financial ledger systems. Services are mainly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

The Corporate Director of Resources has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified of any new developments or changes.

D1.2 Key controls

Basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated

Performance is communicated to the appropriate managers on an accurate, complete and timely basis

Early warning is provided of deviations from target, plans and budgets that require management attention

Operating systems and procedures are secure.

D1.3 Responsibilities of Corporate Director of Resources

To make arrangements for the proper administration of the Council's financial affairs, including to:

- issue advice, guidance and procedures for the Council's officers and others acting on its behalf;
- determine the accounting systems, form of accounts and supporting financial records;
- establish arrangements for audit of the Council's financial affairs;
- approve any changes to be made to existing financial systems or new systems introduced.

D1.4 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that accounting records are properly maintained and held securely.

To ensure that vouchers and documents with financial implications are not destroyed except in accordance with arrangements approved by the Corporate Director of Resources.

To ensure that a complete management trail, allowing financial transactions to be traced from the original document to the accounting records, and vice versa, is maintained.

To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and minimise the risk of fraud or other malpractice.

To ensure that systems are documented and staff trained in operations.

To consult with the Corporate Director of Resources before changing any existing system or introducing new systems.

To ensure procedures are regularly audited to ensure appropriate staff training has occurred and authorisations have occurred.

To seek approval from the Corporate Director of Resources and Group Manager Legal and Democratic Services in situations where it is considered that the Financial Regulations or Contract Standing Orders should be waived or a procurement exemption applied.

Part 4 - Rules of Procedure

To establish a scheme of delegation identifying officers authorised to act upon the Corporate Directors behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.

To supply lists of authorised officers, with specimen signatures and delegated limits to the Corporate Director of Resources, together with any subsequent variations.

In consultation with the Group Manager, Business Transformation and Technology, to ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably offsite, or in an alternative location within the building.

In consultation with the Group Manager Legal and Democratic Services to ensure that, where appropriate, computer systems are registered in accordance with the Data Protection legislation and that staff are aware of their responsibilities under the legislation.

To ensure that relevant standards and guidelines for computer systems issued by the appropriate Group Manager / Service Manager are observed.

To ensure that computer equipment and software are protected from loss and damage through theft, vandalism etc.

To comply with the copyright, designs and patents legislation and, in particular, ensure that:

- only software legally acquired and installed by the Council is used on its computers;
- staff are aware of legislative provisions.

D2 Income

D2.1 Why is this important?

Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all of the income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cashflow and also avoids the time and cost of administering debts.

D2.2 Key controls

The key controls for income are:

- all income due to the Council is identified and charged correctly;
- all income is collected from the correct person, at the right time using the correct procedures and the appropriate stationery;
- all money received by an employee on behalf of the Council is paid without delay to the Council's bank account, and properly recorded;
- effective action is taken to pursue non-payment within defined timescales;
- formal approval for write-off is obtained;
- appropriate write-off action is taken within defined timescales;
- appropriate accounting adjustments are made following write-off action;
- all appropriate income documents are retained and stored for the defined period in accordance with the Document Retention Policy.

D2.3 Responsibilities of Corporate Director of Resources

To agree arrangements for the collection of all income due to the Council and approve the procedures, systems and documentation for its collection.

To agree the write off of bad debts up to £10,000 - £100,000 with Cabinet Member, Performance and Resources (see Delegation Section) in each case and to refer larger sums to Cabinet.

To ensure that appropriate accounting adjustments are made following write-off.

Part 4 - Rules of Procedure

D2.4 Responsibilities of Corporate Directors, Group and Service Managers

To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and review it regularly, within corporate policies.

To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.

To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts which are not paid promptly in consultation with the Legal Services Manager.

To issue official receipts or maintain other documentation for income collection.

To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.

To hold securely receipts, tickets and other records of income, for the appropriate period.

To lock away all income to safeguard against loss or theft until it can be banked, and to ensure the security of cash handling.

To ensure that income is paid fully and promptly into the Council's bank account in the form in which it is received. Appropriate details should be recorded on to the Cash Receipting system to provide an audit trail.

To ensure income is not used to cash personal cheques or other payments.

To record correctly the sums due to Council and to ensure accounts are raised promptly for work done, goods supplied or services rendered.

Corporate Directors have a responsibility to assist the Corporate Director of Resources in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf.

To keep a record of every transfer of official money between Council employees. The receiving officer must sign for the transfer and the giving officer must retain a copy.

To recommend to the Corporate Director of Resources all debts to be written off and keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.

To obtain the approval of the Corporate Director of Resources when writing off any individual amounts in excess of £500 and amounts for an individual debtor that in total exceed £500.

To notify the Corporate Director of Resources of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Corporate Director of Resources.

D3 Payments to Employees and Members

D3.1 Why is this important?

Employee costs are the largest item of expenditure for most Council services. It is, therefore important that there should be controls in place to ensure that payments are made only where they are due for services to the Council and that payments accord with individual's contracts of employment and conditions of service.

D3.2 Key controls

The key controls for payments to employees and Members are:

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- Proper authorisation procedures and adherence to corporate timetables for:
 - appointments, resignations, dismissals, suspensions and secondments;
 - absences from duty for sickness and unpaid leave;
 - changes in remuneration, other than pay awards;
 - information necessary to maintain records of service for superannuation, income tax, national insurance.
- Frequent reconciliation of payroll expenditure against approved budget.
- All appropriate payroll documents are retained and stored for the defined period in accordance with the "Guidelines on the Destruction of Financial Records". (See Annex 2 – Document Retention Schedule)

D3.3 Responsibilities of Corporate Director of Resources

To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to employees in accordance with procedures prescribed on the due date.

To record and control tax and other statutory deductions.

To make arrangements for payment of all travel and subsistence claims or financial loss allowance

To make arrangements for paying Members travel or other allowances upon receiving the prescribed form duly completed and authorised.

Claim forms submitted more than three months after the expenditure has been incurred shall only be paid on the approval of the Corporate Director of Resources.

To secure payment of salaries and wages by most economical means.

D3.4 Responsibilities of Corporate Directors, Group and Service Managers

To ensure appointments are made in accordance with the rules of the Council and approved establishments, grades, scales of pay and that adequate budget provision is available for the current financial year and subsequent years.

To notify the Corporate Director of Resources of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Corporate Director of Resources.

To ensure that adequate and effective systems and procedures are operated for personnel and payroll aspects, so that:

- payments are only authorised to bona fide employees;
- payments are only made where there is a valid entitlement;
- conditions, service and contracts of employment are correctly applied;
- employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness;
- there is an effective system of checking and certifying payroll forms.

To send an up-to-date list of the names of officers authorised to sign records to the Corporate Director of Resources, together with specimen signatories.

To ensure that payroll transactions are processed only through the payroll system. Corporate Directors should give careful consideration to the employment status of individuals employed on a "self employed consultant or sub-contract" basis. The Inland Revenue applies clear guidelines for employee status and in cases of doubt, advice should be sought from the Corporate Director of Resources.

To certify travel and subsistence claims and other allowances on a monthly basis. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of travel

Part 4 - Rules of Procedure

arrangements is achieved. Due consideration should be given to tax implications and the Corporate Director of Resources is informed where appropriate.

Claim forms submitted more than three months after the expenditure has been incurred shall only be paid on the approval of the Corporate Director of Resources.

To ensure that the details of any employee benefits in kind are notified to the Corporate Director of Resources to enable full and complete reporting within the Income Tax Self Assessment system.

To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the Document Retention Policy.

D3.5 Responsibilities of Members

To submit claims for Members' travel and subsistence allowances on a monthly basis and, in any event, within one month of the year-end.

D4 Ordering and Paying for Work, Goods and Services

D4.1 Why is this important?

Public money should be spent with demonstrable probity and in accordance with the Council's policies. The Council's procedures should help to ensure that services can receive value for money in their purchasing arrangements. These procedures should be read in conjunction with the Council's Procurement Strategy and Contract Standing Orders.

It is imperative that budget managers keep a tight control over their budgets. Control starts with commitments placed against individual budgets in the form of Orders.

D4.2 General

Every officer and Member of the Council has a responsibility to declare any links or personal interests which they may have with purchasers or suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council. The Monitoring Officer maintains a Register of Members' and Officers' Interests for this purpose.

Official orders must be in a form approved by the Corporate Director of Resources.

Official orders must be issued for ALL work, goods or services to be supplied to the Council with only the following exceptions:

- Bailiff and Recovery Agent Costs
- Utility bills (gas/electricity/water/oil/telephones and any other metered service)
- Approved petrol accounts
- Pre-paid postage
- Housing renovations grants (capital)
- Inland Revenue payments
- Officer and Member expenses/allowances
- Housing Benefit /Council Tax/Business Rates refunds or payments
- Commissions
- All payments to the Council
- Refunding overpaid fees to customers
- Rent Refunds
- Superannuation payments
- Treasury / banking charges
- Barrister's fees / Court fees / Solicitor's fees
- ECDL test
- Insurance premiums

Part 4 - Rules of Procedure

- Rail warrants
- Medical fees
- CRB and DVLA checks

Officers shall not give verbal orders, unless by reason of urgency (e.g. out of hours service) any such orders must be confirmed by an official order on the next working day in relation to legal work in writing.

Each order must conform with the directions of the Council on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior written approval of the Corporate Director of Resources and Monitoring Officer.

The normal method of payment of money due from the Council shall be by BACS or other instrument drawn on the Council's bank account by the Corporate Director of Resources. The use of direct debit shall require the prior agreement of the Corporate Director of Resources.

Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.

D4.3 Key controls

The key controls for ordering and paying for work, goods and services are:

- all goods and services are ordered only by appropriate persons;
- all goods and services shall be ordered in accordance with the Council's Procurement Strategy and Contract Standing Orders;
- all goods and services to be ordered using the Council's purchasing system, except those detailed in section 4.2;
- goods and services received are checked to ensure they are in accordance with the order
- payments are authorised by officers who can certify that goods have been received to price, quantity and quality;
- all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method;
- all appropriate payment documents are retained and stored for the defined period in accordance with the Finance Document Retention Policy and Schedule;
- all expenditure including VAT, is accurately recorded against the right budget and any exceptions corrected;
- in addition, electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

D4.4 Responsibilities of Corporate Director of Resources

To ensure that all of the Council's financial systems and procedures are sound and well administered.

To approve any changes to existing financial systems and to approve any new systems before they are introduced.

To approve the form of official orders, and associated terms and conditions.

To make payments from the Council's funds on the appropriate authorisation that the expenditure has been duly certified in accordance with Financial Rules.

To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.

To make payments to contractors on the certificate of the appropriate Group Manager / Service Manager which must include details of the value of work, retention money, amounts previously certified and amounts now certified.

Part 4 - Rules of Procedure

To provide advice and encouragement on making payments by the most economic means.

To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment confirming:

- receipt of goods or services;
- that the invoice is addressed to Gloucester City Council;
- that the invoice has not previously been paid;
- that prices and arithmetic are correct;
- correct accounting treatment of tax;
- the invoice is correctly coded;
- discounts have been taken where available;
- that appropriate entries will be made in accounting records.

To ensure that all appropriate payment records are retained and stored for the defined period in accordance with the Council's Document Retention Policy.

D4.5 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that only orders generated from the Financial System are used for all goods and services other than the exceptions specified earlier.

To ensure that orders are only used for goods and services provided to the Council. Individuals must not use official orders to obtain goods or services for their private use.

To ensure that only agreed staff authorise orders and to maintain an up-to-date list of such authorised staff whose names and signatures shall be forwarded to the Corporate Director of Resources. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained in accordance with Contract Rules. Value for money should always be taken into consideration in accordance with the Council's Procurement Strategy.

To ensure that goods and services are checked on receipt to ensure they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order.

Payment should not be made on a statement or other document other than the formal invoice.

All invoices recommended for payment must be certified by an appropriate officer and must, wherever possible, reference the purchase order reference.

To encourage suppliers of goods and services to receive payment by the most economic means. Payments should, however, not be made by direct debit unless essential and with the prior approval of the Corporate Director of Resources.

To ensure that the Council obtains best value for money from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the guidelines and best practices set out in the Council's Procurement Strategy and Contract Rules.

To ensure that employees are aware of the national Code of Conduct for local government employees and any locally adopted codes or rules relevant to employees' conduct.

To ensure that no loan, leasing or rental arrangements are entered into without prior agreement from the Corporate Director of Resources. This is because of the potential impact on the Council's borrowing powers, to protect the Council against entering into unapproved credit arrangements and to ensure value for money is being obtained.

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To notify the Corporate Director of Resources of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Corporate Director of Resources.

To notify the Corporate Director of Resources immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.

D5 Taxation

D5.1 Why is this important?

Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

D5.2 Key controls

The key controls on taxation are:

- budget holders are provided with relevant information and kept up-to-date on tax issues;
- budget holders are instructed on required record keeping;
- all taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
- records are maintained in accordance with instructions;
- returns are made to the appropriate authorities within the stipulated timescale.

D5.3 Responsibilities of Corporate Director of Resources

To complete all Inland Revenue returns regarding PAYE.

To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.

To provide details to the Inland Revenue regarding the Construction Industry Tax Deduction Scheme:

To maintain up-to-date guidance for Council employees on taxation.

D5.4 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that the correct VAT liability is attached to all income and that all VAT recoverable on purchases complies with HM Customs and Excise Regulations.

To ensure that all persons employed by the Council are added to the payroll and tax deducted from any payments, except where the individuals are bona fide self employed or are employed by a recognised staff agency.

To follow the guidance on taxation issued by the Corporate Director of Resources

Part 4 - Rules of Procedure

APPENDIX E: EXTERNAL ARRANGEMENTS

E1 Partnerships

E1.1 Why is this important?

The days of the all-purpose authority that plans and delivers everything are over. It is in partnership with others - public agencies, private companies, community groups and voluntary organisations - that the future of local government lies. Local authorities will deliver some services, but their distinctive leadership role will be to bring together the contributions of the various stakeholders. They will need to deliver a shared vision of services by bringing cohesion and co-ordination to the fragmentation of local interests.

Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what, in partnership with others, they achieve.

E1.2 General

The main reasons for entering into a partnership are:

- the desire to find new ways to share risk;
- the ability to access new resources;
- to forge new relationships.

A partner is defined as either:

- an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project; or
- a body whose nature or status give it a right or obligation to support the project.

Partners participate in projects by:

- acting as a project deliverer or sponsor, solely or in concert with others;
- acting as a project funder or part funder;
- being the beneficiary group of the activity undertaken in a project.

Partners have common responsibilities:

- to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organization;
- to act in good faith at all times and in the best interests of the partnership's aims and objectives;
- be open about any conflict of interests which might arise;
- to encourage joint working and best value between themselves, promote the sharing of information, resources and skills between public, private and community sectors;
- to hold confidentially any information received, as a result of partnership activities or duties, that is of a confidential or commercially sensitive nature;
- to act wherever possible as ambassadors for the project.

E1.3 Key Controls

The key controls for Council Partners are:

- to be aware of their responsibilities under Financial Rules and Contract Rules;
- to ensure risk management processes are in place to identify and assess all known risks;
- to ensure project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise;

Part 4 - Rules of Procedure

- to agree the roles and responsibilities of each of the partners involved in the project before the project commences;
- to communicate regularly with other partners throughout the project so that problems can be identified and resolved;
- Regular reviews are made by the Council to ensure that the partnership is delivering the aims agreed in the project appraisal ad that all parties are delivering their commitments as agreed.

E1.4 Responsibilities of Corporate Director of Resources

To advise on effective controls which will ensure that resources are not wasted.

To advise on the key elements of funding a project:

- scheme appraisal for financial viability;
- risk appraisal;
- resourcing, including taxation issues;
- audit requirements.

E1.5 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that the approval of Cabinet is obtained before any negotiations are concluded on partnership arrangements.

To maintain a register of all partnership arrangements entered into in accordance with procedures specified by the Corporate Director of Resources.

To provide appropriate information to the Corporate Director of Resources to enable a note to be entered into the statement of accounts.

To ensure the appropriate access to records belonging to partner organisations.

E2 External Funding

E2.1 Why is this important?

As local authorities are encouraged to provide ‘seamless’ service delivery through working closely with other agencies and private service providers, the scope for external funding has increased.

E2.2 Key controls

To ensure that key conditions of funding and that any statutory requirements are complied with.

E2.3 Responsibilities of Corporate Director of Resources

To ensure that all funding notified by external bodies is received and properly recorded in the Council’s accounts.

E2.4 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that all claims for funds are made by the due date.

E3 Work for Third Parties

E3.1 Why is this important

Current legislation enables the Council to provide a range of services to other bodies. Arrangements should be in place to ensure that any risk associated with this work is minimised.

Part 4 - Rules of Procedure

E3.2 Key controls

To ensure that proposals are properly costed in accordance with guidance provided by the Corporate Director of Resources.

To ensure that contracts are drawn up using guidance provided by the Corporate Director of Resources and that the formal approvals process is adhered to.

E3.3 Responsibilities of Corporate Directors, Group and Service Managers

To ensure that the approval of Cabinet is obtained before any negotiations are concluded to work for third parties.

To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Corporate Director of Resources.

To ensure that appropriate insurance arrangements are made.

To ensure that the Council is not put at risk from any bad debts.

To ensure that no contract is subsidised by the Council.

To ensure that, wherever possible, payment is received in advance of the delivery of the service.

To ensure that the Service has the appropriate expertise to undertake the contract.

To ensure that such contracts do not impact adversely upon the services provided for the Council.

To ensure that all contracts are properly documented.

To provide appropriate information to the Corporate Director of Resources to enable a note to be entered into the statement of accounts.

Part 4 - Rules of Procedure

APPENDIX F: SCHEME OF VIREMENT

This table represents the Council's approved Scheme of Virement which is maintained by the S151 Officer and should be read in conjunction with Section A3 of the Financial Regulations.

Value	Authorisation	Description
£0 - £10,000	Group Manager's decision in consultation with Group Manager, Financial Services	Approval to vire between expenditure heads within Cost Centres.
£0 - £50,000	Corporate Director's decision consultation with Group Manager, Financial Services	Approval to vire between Cost Centres within the Directorate or Policy area and/or, Revenue to Capital and vice-versa.
£0 - £50,000 across Directorate	S151 Officer decision	Approval
£50,000 - £100,000	Portfolio holder decision – may be a key decision if it meets the key decision criteria	S151 Officer recommends to portfolio holder. Approval is sub-delegated jointly to the Cabinet Member for Performance and Resources.
In excess of £100,000 or virements from revenue to Capital or vice-versa	Council decision Full Cabinet Decision – key decision if it meets the key decision criteria (c)	S151 Officer recommends to Cabinet.

Note:

- (i) Virements involving staff budgets and indirect costs do not represent ongoing commitments and authorisation should be sought from the Group Manager, Financial Services, before considering any such virement.



CONTRACT STANDING ORDERS 2009

Including Procurement Rules

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Part 4 - Rules of Procedure

1. Introduction

- 1.1 Under Section 135 of the Local Government Act 1972, Gloucester City Council is given powers to make rules of procedure as to contracts. These Contract Standing Orders and Procurement Rules are the Council's framework for the procurement of goods, supplies, services and for the execution of works. Following them will ensure value for money, propriety and the proper spending of public money.
- 1.2 Advice or guidance on the interpretation or application of Contractual Standing Orders can be obtained from the Group Manager Legal and Democratic Services, the Corporate Director of Resources or the Chief Executive.
- 1.3 Advice and guidance on procurement processes, procedures and issues can be obtained directly from the Corporate Procurement Team.
- 1.4 Officers and Members involved in procurement are obliged to make available all documentation including quotations, tenders and contracts; and to cooperate with any investigation or inspection undertaken by the Monitoring Officer, the Council's Internal Auditor, External Auditor, the Audit Committee or a Scrutiny Committee.
- 1.5 Please see annex1 - Glossary of Terms, Definitions and Interpretations for the clarification of terms used throughout these Standing Orders.

Definition of Procurement

- 1.6 The purpose of procurement activity shall be to achieve best value for local people in accordance with the Council's statutory or approved objectives and priorities. This should include an innovative approach to building partnerships with the private and not-for-profit sectors within a robust contractual framework. Officers with responsibility for procurement shall ensure that they are able to demonstrate achievement of best value by having regard to a combination of economy, efficiency and effectiveness.
- 1.7 Local Authorities have a duty to secure continuous improvement (Gershon) and through procurement should challenge how the best outcomes for citizens can be achieved.
- 1.8 A five year Procurement Strategy and procurement policies will be reviewed annually and be published on the Council's Intranet and Web Site.
- 1.9 All officers or Members involved in procurement must receive appropriate training as determined by the Group Manager Financial Services, the Group Manager Legal and Democratic Services and the Corporate Director of Resources.
- 1.10 Where procurement is undertaken directly or indirectly through a partnership arrangement, these Standing Orders together with the Council's Financial Regulations shall govern purchasing, tendering and contract procedures in accordance with current legislation and European Regulation /Procurement Directives.
- 1.11 In any joint procurement arrangements with other local authorities or public bodies, the Contract Standing Orders of the Lead Authority / public body shall apply unless otherwise agreed between all partners to the agreement.
- 1.12 Members and employees have a duty to report any breaches of the Code of Conduct, or of these Standing Orders or any fraudulent and corrupt practice to a Senior Manager and/or Group Manager, Audit and Assurance.

2. General Principles

- 2.1 In order to ensure compliance with these Standing Orders it is essential that there is good communication between the Lead Procurement Officer, Group Manager Financial Services and the Group Manager Legal and Democratic Services.

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2.2 For all non-regular procurement the Lead Procurement Officer must involve the Group Manager Financial Services and the Group Manager Legal and Democratic Services prior to undertaking the procurement exercise and liaise throughout the process especially in respect of formal contract arrangements and ensuring the procurement processes and principles are followed.

Procurement Principles

2.3 At the outset of any new procurement project or exercise, the Lead Procurement Officer must consider and obtain advice or guidance on the application of these Contract Standing Orders and the full implications of the procurement. The Lead Procurement Officer will adhere to the following principles which underpin these Standing Orders:-

- (a) the need to maintain fairness, transparency, equality and integrity in the Council's procurement activity;
- (b) the need to ensure that value for money and propriety are present in Council's procurement and the award of contracts:
 - (i) All procurement must be fully funded from within approved budgets unless the Corporate Director of Resources agrees to vire funding under the Council's Virement scheme and/or agrees supplementary expenditure.
 - (ii) The full implications of the procurement must be identified at the outset of any procurement including "*estimated procurement value, VAT, Tax, and Insurance*", as well as evaluating Sustainability and Environmental Issues.
 - (iii) The Council's approved methods of Payment,
- (c) the need to comply with appropriate legislation and public procurement regulations; and in particular: -
 - (i) The Council's Constitution
 - (ii) Financial Regulations;
 - (iii) The Scheme of Delegation;
 - (iv) The Decision-Making Criteria
 - (v) European Union procurement regulations where contracts for supplies, services or works are likely to exceed the Public Procurement thresholds (revised biennially)
 - (vi) The Construction (Design and Management) Regulations 2007
- (d) all decisions taken under delegated authority must be recorded in the contract file (see record management) and where applicable available for public inspection;
- (e) contracts over £5000 (total value) must be recorded in the "Contracts Register" which is maintained by the Group Manager Financial Services (See Paragraph 18.1);
- (f) procurement must be undertaken in accordance with the Council's Procurement Policies;
- (g) every procurement process and contract must be designed to achieve best value and positive outcomes for the Council and contribute to corporate priorities;
- (h) electronic methods of procurement should be used wherever possible.

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3. Scope and Application of Standing Orders

- 3.1 These Standing Orders are part of the Council's Constitution and must be complied with, in conjunction with the Council's Financial Procedure Rules. They take precedence over the delegated powers of Members and officers and non-compliance may result in a breach of the "Codes of Conduct" and in disciplinary action.
- 3.2 These Standing Orders apply to all procurement and contracts undertaken by or on behalf of the City Council unless to do so would be to the Council's disadvantage (such as joint procurement arrangements led by another local authority). This includes single and recurrent purchases, and regardless of the source of funding for the contract.
- 3.3 The Lead Procurement Officer must consult the appropriate Corporate Director where any proposed procurement may have strategic implications, or impact upon a service area other than that of the Lead Officer, (for example the purchase of vehicles).
- 3.4 All values specified in these Standing orders are exclusive of VAT.
- 3.5 Procurement of ICT hardware, infrastructure, firmware, software or licenses may only be undertaken with the prior approval of the Group Manager, Business Transformation and Technology and in line with the Council's ICT Strategy and ICT Policies. Procurement must fully take into account associated expenditure such as training, support, maintenance and licensing.
- 3.6 Nothing in the Contract Standing Orders shall be construed as removing or diminishing the responsibility of all involved to meet individual and collective accountabilities.
- 3.7 It is a disciplinary offence if a member of staff fails to comply with these Contract Standing Orders and / or acts fraudulently or corruptly.
- 3.8 No Member shall enter into any contract on the Council's behalf or shall be permitted to become surety under any agreement between the Council and a contractor employed by it.

Review of Contract Standing Orders

- 3.9 The Corporate Director of Resources, the Group Manager Legal and Democratic Services and the Audit Committee will keep these Contract Standing Orders under constant review (at least annually) and recommend to Cabinet and Council that they be adopted within the Constitution.

4. Procurement Overview

New Financial Year Requirements

- 4.1 In each financial year, the Council shall review its Procurement Policies and the effect (if any) on these Standing Orders. The Review should set out current contracts and those to be procured for the forthcoming five financial years.
- 4.2 The Council may publish a Prior Information Notice (PIN) in the OJEU listing the contracts for services and supplies which it expects to procure for the financial year.
- 4.3 In respect of contracts for works, the Council shall publish a PIN in the OJEU when the works are approved.

Awarding Contracts

- 4.4 The Council shall only award a contract that meets the Council's statutory or approved objectives and priorities; and where there is the best value for money, except contracts where lowest price was pre-determined to be the appropriate criteria.
- 4.5 The Lead Procurement Officer must, prior to the award, ensure that there are sufficient funds in place to sustain the contract.

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- 4.6 A contract may only be awarded by an officer with the requisite delegated authority to award contracts. (see Scheme of Delegation).
- 4.7 Procurements valued at above £500,000 are deemed to be "Key" decisions and therefore must be included on the leaders Forward Plan for Cabinet to determine.
- 4.8 In all circumstances, except low value procurement, financial and other references shall be taken up prior to determination to ensure the supplier's suitability and standing for the Contract.
- 4.9 No contract shall commence until an official order for the procurement has been issued.
- 4.10 Except where the appropriate Corporate Director may otherwise direct, contractors shall not be allowed to commence work unless authorised in writing by the Council that they may do so and, where required,
 - (a) any necessary performance bond has been secured and delivered to the Council, or other security accepted as therein provided; and
 - (a) the construction phase Health and Safety Plan, in accordance with Construction (Design and Management) Regulations 2007, has been approved by the CDM Coordinator.
- 4.11 As soon as practicable after a tender has been accepted, (subject to contract) the Group Manager Legal and Democratic Services shall be authorised to disclose the accepted figure and name of the successful tenderer to all unsuccessful tenderers.
- 4.12 The Lead Procurement Officer shall provide a debriefing to unsuccessful tenderers on written request based upon the Evaluation Criteria.

Contract Management (see Project Management – paragraphs 9.20 and 9.21)

- 4.13 Lead Procurement Officers must ensure that the performance of all contracts is managed throughout the period of the contract, and an appropriate contract review meeting takes place with the contractor at an appropriately regular interval.
- 4.14 If the Lead Procurement Officer has reason to believe that the estimated final cost of any contract will exceed the available budget, he/she must inform the Group Manager Financial Services immediately.

Execution of Contracts

- 4.15 Any contracts valued above £50,000 shall be under the common seal of the Council and be executed by the supplier, either under seal or pursuant to Section 1 of the Law of Property (Miscellaneous Provisions) Act 1989 or Section 130 of the Company's Act 1989, except:-
 - (a) contracts relating to the purchase, sale or other dealings with land;
 - (b) contracts for the supply of goods where payment is not made until after the satisfactory delivery of goods;
 - (c) contract for the execution of services of works in accordance with the schedule of rates for which no total contract sum is specified.
- 4.16 The Group Manager Legal and Democratic Services or an officer with the appropriate delegated powers may sign all other contracts.
- 4.17 Electronic signatures may be used in accordance with the Electronic Signature Regulations 2002, provided the sufficiency of security arrangements has been approved by the Group Manager, Audit and Assurance.

Terms and Conditions

- 4.18 Every procurement process must specify the Council's requirement in a clear and precise manner, using the appropriate outcome performance measures. Where a tender exercise is

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to be used, the Specification and Terms and Conditions of Contract must be fully prepared by the Lead Procurement Officer and approved by the Group Manager Legal and Democratic Services before the contract opportunity is advertised and shall be included with each purchase order and invitation to tender or negotiate

- 4.19 Specifications must reflect the relevant policies of the Council such as Health and Safety, Anti Fraud, Equalities, Environmental and Data Security etc., and must not be discriminatory or distort competition or consist of non-commercial matters.
- 4.20 All procurement must be made under the Council's standard Terms and Conditions, unless to do so would be to the Council's disadvantage. Any proposed variation to or departure from the Council's standard Terms and Conditions must be agreed in advance by the Group Manager Legal and Democratic Services.
- 4.21 Where contracts are subject to the Regulations, the rules relating to technical specifications shall be followed and any reference to a technical standard, make or type shall be prefaced with the words "or equivalent". This requirement applies to both Part A and Part B Services.
- 4.22 Specific or proprietary products, sources or processes should not be specified unless this is essential for meeting the Council's requirement to provide best value. Where procurement is to be undertaken under Public Contract Rules, the specification must encourage the use or provision of an equivalent product, source or process. Where appropriate, a non-discriminatory quality standard should be specified.

Framework Agreements

- 4.23 This is an agreement with suppliers, the purpose of which, is to establish the terms and conditions governing contracts to be awarded during a given period and under which specific purchases, or "call offs", can be made throughout the period of the Agreement. This means that supplies, services or works within the "framework" of the Agreement do not have to be put through the normal procurement exercise.
- 4.24 The Framework Agreement should be set up using the normal procurement rules and complying with the Regulations (if applicable). An agreement can be set up by the Council or another public body, which has followed an appropriate procurement exercise, and can be used if "call off" will provide best value.
- 4.25 "Call off " can be in one of two ways:
 - a) a direct award to a supplier who provides the most economically advantageous terms if the detail is sufficiently precise for the particular contract; or,
 - b) a mini competition between those Suppliers party to the Framework Agreement of meeting the particular need, which involves refining or supplementing the basic terms to reflect the particular circumstances.

Quotations

- 4.26 Competitive quotations are not required for Low Value procurement contracts or orders (see paragraph 9A of these Rules). Where practicable a written quotation shall be obtained from the Supplier before a formal purchase order can be issued. The purchase order form shall specify the services, supplies or works to be provided and set out the price and terms of payment.

Tenders

Tender Thresholds (see also paragraph 9 of these Rules)

- 4.27 These Standing Orders define the financial procurement thresholds and the procurement procedures relating to those thresholds. Lead Procurement Officers must strictly abide by these Standing Orders and where there is any doubt, conflict or need for judgement

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regarding estimated procurement values, the decision will rest with the S151 Officer and Monitoring Officer.

The Invitation to Tender (ITT) or Negotiate (ITN)

- 4.28 Every invitation to tender or negotiate shall be issued under general terms and conditions which shall:
- (a) state that the Council does not bind itself to accept the lowest tender (or highest, as the case may be);
 - (b) draw the attention of all contractors tendering to the requirement of Standing Order 11.14 – Cancellation of Contracts in Case of Fraud or Corruption; and
 - (c) require the tenderer to give a written undertaking that the amount of the tender has not been calculated by agreement or arrangement with any third person and that the amount of the tender has not been communicated to any third person and shall not be communicated to any person until after the closing date and time for submission of tenders.
- 4.29 The ITT or ITN shall include details of the Council's requirements for the particular contract including as appropriate:-
- (a) a description of the services, supplies or works being procured;
 - (b) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the suppliers to prepare their tenders;
 - (c) a specification and instructions on whether any variations are permissible;
 - (d) the Council's terms and conditions of contract;
 - (e) the evaluation criteria including any weightings as considered appropriate;
 - (f) pricing mechanism and instructions for completion;
 - (g) whether the Council is of the view that TUPE may apply;
 - (h) form and content of method statements to be provided;
 - (i) rules for submitting tenders and whether tenders may be submitted electronically;
 - (j) any further information which will inform or assist Supplier's in preparing tenders.
- 4.30 The Lead Procurement Officer will ensure that every invitation to tender gives prospective suppliers sufficient basic information regarding the nature of the proposed contract.

Tender Evaluation

- 4.31 Tenders subject to the Regulations shall be evaluated in accordance with the relevant Regulations and the evaluation criteria set out in the ITT or the ITN. All other contracts, except contracts where lowest price was predetermined to be the appropriate criteria, shall be awarded on the basis of the offer which represents Best Value for Money to the Council.
- 4.32 The Council shall accept only the most advantageous tender, in accordance with the pre-determined evaluation criteria.
- 4.33 Where the most advantageous tender exceeds the estimated cost of works or goods by £5000 or more or 10% (whichever is the greater), a report must be submitted by the Lead Procurement Officer to the relevant Corporate Director, who may accept or reject the tender.
- 4.34 Where the Public Contract Rules apply to the procurement, or the anticipated value of procurement is within 15% of the Public Contract Rules thresholds, it must be undertaken in accordance with the relevant procedure as defined by the Public Contract Rules.

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Evaluation Team

- 4.35 For each contract subject to the Regulations or above the £50,000 threshold, the relevant Corporate Director shall form an Evaluation Team with responsibility for evaluating tenders. (For these contracts, the relevant Corporate Directors shall be consulted and where he/she/they consider it appropriate, representatives of those officers shall be included in the Evaluation Team).

European Procurement Rules (Public Contract Rules)

- 4.36 Where an estimated value of a contract exceeds the current EU threshold (see Summary Table) then the contract shall be tendered in accordance with the Regulations and may be tendered under the open, restricted or, in exceptional circumstances (see Regulations), the negotiated procedure.
- 4.37 A contract notice in the prescribed form shall be published in the OJEU in order to invite tenders for or expressions of interest for Part A Services contracts and contracts for supplies and works subject to the Regulations. Contracts for Part B Services¹⁸ do not need to be advertised in OJEU. The rules relating to technical specifications and the publication of contract award notices shall be observed for all contracts as shall the EC Treaty and the general principles of EC law including non-discrimination, equal treatment, proportionality and transparency.
- 4.38 The Regulations set out the minimum timescales for receipt of expressions of interest and tenders (bids for the negotiated procedure). Where the Council has published a Prior Information Notice announcing its forthcoming contracts for the year ahead, then the Council may rely on reduced timescales if appropriate.

European Contract Award Notice

- 4.39 Where a contract has been tendered pursuant to the Regulations, the Council shall publish a contract award notice in OJEU no later than 48 days after the date of award of the contract. Contract award notices are not required for Part B Services except where the Council published a contract notice prior to commencement of the procurement.
- 4.40 Contracts to be let where the estimated value exceeds the current E.U. thresholds shall comply with E.U. procedures, as laid down in Directives relating to Supplies, Services and Works. If the Council's Standing Orders and E.U. Directives are in conflict, the E.U. procedures shall prevail.
- 4.41 Lead Procurement Officers must obtain advice or guidance on the applicability and/or application of European Union Directives and Regulations from the Group Manager Legal and Democratic Services.

Procurement Cards

- 4.42 The Council will evaluate the benefits of procurement cards in relation to low value procurement, and perceives that benefit will accrue, deploy procurement cards having first established the necessary control mechanisms.

E-Procurement

- 4.43 Gloucester City Council is committed to meeting the objectives set out in the National Procurement Strategy for Local Government and using where appropriate e-procurement solutions.
- 4.44 Wherever possible, procurement should be undertaken electronically, subject to the existence of appropriate processes and systems. This includes, but is not limited to, electronic submission of tenders, electronic transmission of purchase orders and invoices, and the use of electronic auctions and dynamic purchasing systems where applicable.

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4.45 The National Procurement strategy for Local government advises that every Council should be engaged in using an appropriate e-marketplace. The Council is committed to working with neighbouring authorities to identify and implement an appropriate market place solution, whilst being mindful of the potential impact on small and medium businesses. The Council will endeavour to ensure that SME's are not disadvantaged, and where practical offer advice to small business who wish to develop their ability to engage in e-commerce.

Letters of Intent

4.46 Letters of intent shall only be used in exceptional circumstances after consultation with the Group Manager Legal and Democratic Services, Group Manager, Audit and Assurance and the Group Manager Financial Services. For example:-

- (a) where a Supplier is required to provide services, supplies or works prior to formal written acceptance by the Council; or
- (b) where the Council's form of tender does not include a statement that until such time as a formal contract is executed, the Council's written acceptance of a tender shall bind the parties into a contractual relationship.

Pressure Selling and Undue Influence

4.47 Any Officer or Member who encounters pressure selling or other undue influence e.g. harassment or the offer of inducements, in the awarding of contracts or obtaining supplies and services, should report the matter to the Monitoring Officer or Group Manager, Audit and Assurance, who will instruct the Procurement Manager to make a permanent record of such occurrences. No further tender from such person shall, in the absence of an explanation satisfactory to the Monitoring Officer and Group Manager, Audit and Assurance concerned, be considered for a minimum period of two years.

5. Regulation and Compliance

5.1 Every contract made by or on behalf of the Council shall comply with these Standing Orders and with the Council's Financial Regulations (provided they are not inconsistent with any statutory requirement or provision). Deliberate contravention of Standing Orders may be deemed gross misconduct under the Council's Disciplinary Rules.

5.2 Wherever it may appear, reference to any sum of money shall be deemed to be a sum exclusive of recoverable Value Added Tax.

5.3 No attempt to avoid the tendering or quotation thresholds shall be allowed on the basis of the price of individual articles when the requirement is for several articles of the same kind or from the same contractor, nor shall two or more orders or contracts be used to keep the total sum below the thresholds.

5.4 These Contractual Standing Orders apply equally to any partnership where the Council exercises management control or is acting as the Lead Procurement Authority.

Legislation

5.5 Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions and shall comply with:

- (a) all relevant statutory provisions;
- (b) the relevant European procurement rules (i.e. the EU Treaty, the general principles of EU law and the EU public procurement directives implemented by the UK Regulations);
- (c) the Council's constitution including these Contract Standing Orders, the Council's Financial Regulations and scheme of delegation; and
- (d) the Council's strategic objectives, procurement strategy and policies.

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Code of Conduct (Members and Officers)

- 5.6 It is mandatory that the highest standards of conduct and probity are observed by Members and officers engaged in the procurement process, awarding and / or management of Council contracts.
- 5.7 In all their dealings, they must preserve the highest standards of honesty, integrity, impartiality and objectivity and comply with Council's Standing Orders, Financial Regulations and applicable Codes of Conduct.

Declaration of Interests (see Part 5 – Code of Conduct)

- 5.8 Officers must promptly give written notice to the Corporate Director who will notify the Monitoring Officer of any interests (financial or non-financial) in any contract of the Council in accordance with the Officers' Code of Conduct. The Lead Procurement Officer after consultation with the Monitoring Officer shall ensure that such employees are not involved in any aspect of the procurement process.
- 5.9 No Contract will be placed with a Member of the Council, nor any supplier in which any Member of the Council, or his/her employer, sponsor or relative has a material interest, unless competitive tenders have first been invited and the contract awarded to the tender which provides the most advantage to the Council. The Monitoring Officer will keep a record of any such contracts and will determine whether or not any interest is material to the contract. (See Members Code of Conduct for definition of 'relative').

Gifts and Hospitality

- 5.10 Members and officers should treat with extreme caution any offer or gift, favour or hospitality that is made to them personally. Members and staff are held personally responsible for all decisions they make or advice they give and therefore, the acceptance or offer of gifts or hospitality risks damaging public confidence in local government.
- 5.11 Therefore as a general rule Members and officers must not accept any gift; or hospitality from contractors or potential contractors or from any firm or organisation with whom the Council has had, is having or may have any dealings of any kind.
- 5.12 Members and Officers (all Staff) must immediately enter in a register kept for this purpose by the Monitoring Officer (Members) and Corporate Directors (Officers) particulars of any gift or hospitality.

Employment and TUPE

- 5.13 The Council is committed to ensuring the wellbeing of its workforce and to well-motivated employees, fully enabled to deliver effective and efficient services to the customer.
- 5.14 Staff will be consulted at all relevant stages of a procurement project in situations likely to result in the transfer of staff.
- 5.15 The TUPE regulations apply to transfer situations, and in such cases the Council will use its best endeavours to ensure that transferring staff have their terms and conditions of employment protected

6. Procurement Methods, Processes and Procedures

Pre-procurement Procedures

- 6.1 Before undertaking procurement, it is essential that the Lead Procurement Officer has identified and fully assessed the requirement and any options. The Lead Procurement Officer must:-
 - (a) establish fully the Council's requirements, including whether there is a genuine need for any procurement to take place;

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- (b) investigate whether the Council's requirements can be met by other means (such as re-use or recycling of existing equipment);
- (c) consider whether there is an appropriate Framework Agreement that should be used;
- (d) establish a business case and estimated value for the procurement;
- (e) familiarise the relevant procurement value threshold (see Summary Table). Guidance and advice is available from the Group Manager Financial Services or Group Manager Legal and Democratic Services.
- (f) determine the correct and proper procedure for procurement that will secure the best combination of costs, benefits and efficiency gains for the Council;
- (g) maintain a Contract File to include all Contract Documentation and a written comprehensive record of decisions and procedures followed throughout the procurement process to completion;
- (h) where a tender process is to be undertaken, ensure the Council's procedures in respect of advertising and evaluation are followed;
- (i) where a tender process is to be undertaken, ensure the Council's procedures for the receipt, opening, registration and evaluation of tenders is followed;
- (j) issue official purchase order(s) detailing the price of the goods/services to be supplied, or the means by which the price is to be determined (See Financial Regulations); except:-
 - i) where an approved purchasing card or call-off contract is drawn on, the original over-arching Purchasing Order Reference must be used; or
 - ii) where procurement is through a Joint Procurement Partnership, the Lead Authorities, Procurement rules and Purchase Order Scheme will be used.

Pre-Qualification

- 6.2 In all circumstances, except low value procurement, the Council shall only enter into a contract with a supplier if it is satisfied as to the suppliers:-
 - (a) eligibility;
 - (b) financial standing;
 - (c) technical capacity.
- 6.3 Technical capacity includes the supplier's quality management systems including personnel, training, equal opportunities, health and safety and environmental management systems where relevant to the performance of the contract.
- 6.4 The details of the above should be checked by taking up references which must be given by the Supplier.

Collaboration and Partnership

- 6.5 Gloucester City Council supports the concept of collaborative procurement gaining efficiency through Government Portals, Consortia, Catalysts or Local Authority partnerships. The Council will actively participate with other authorities and organisations where appropriate and feasible, to seek economies through joint procurement, joint commissioning and shared services.
- 6.6 The Council, through membership of consortia groups such as, The Gloucestershire Procurement Partnership, The South West Procurement Federation and The South West Regional Centre of Procurement Excellence, shall seek to develop standardised procurement practices and documentation.

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- 6.7 Collaboration and Partnership may include: -
- (a) Providing purchasing efficiencies through Consortia and other Contract Frameworks;
 - (b) Offering contract management expertise, programme management and assurance, performance management, and legal and policy advice;
 - (c) Identifying an accredited list of Contractors or Suppliers for the client;
 - (d) Selecting Contractors or Suppliers in order for the client to run a Mini Competition;
 - (e) Running a Mini Competition on the Council's behalf;
 - (f) Dealing with the whole procurement process.
- 6.8 The Lead Procurement Officer in consultation with the Group Manager Financial Services shall consider, before all other procurement options, whether Collaborative or Partnership procurement is an effective alternative (subject to the individual circumstances of the Contract). If not, the Lead Procurement Officer will record the fact and the reasons why this option is not appropriate.
- 6.9 Any joint procurement arrangements with other Local authorities or public bodies including membership or use of Purchasing Consortia shall be approved by the relevant Cabinet Member(s) prior to the commencement of any procurement on behalf of the Council.
- 6.10 Collaborative procurement may relieve the Council of certain obligations in these Standing Orders (see Standing Order 8 – Contract and Procurement Exemptions).

Open Procedure

- 6.11 The Council publishes a notice requesting experience and interest of all suppliers expressing an interest are invited to tender.
- 6.12 If the publication of a notice in OJEU is not required, the notice shall be published in the local press, on the Council's website and in any appropriate national press and/or trade journals in order to target the appropriate market for the particular contract.
- 6.13 The advertisement shall contain details of the proposed contract and specify a time limit within which interested parties may express an interest in tendering for the contract. After the expiry of the deadline date for expressions of interest, the Council shall send any party expressing an interest an ITT, which shall specify the return date for tenders.

Restricted Procedure

- 6.14 The Council publishes a notice requesting expressions of interest and only those suppliers selected by the Council are invited to tender. Suppliers shall be selected on the basis of published pre-qualification criteria. Prior approval of the pre-qualification criteria should be obtained as referred to in paragraph 9.19.
- 6.15 If publication of a notice in OJEU is not required the advertising requirements are the same as in the Open Procedure except that the notice shall state that a restricted procedure is being used. If the Regulations apply a minimum of five suppliers shall be invited to tender and in all other cases a minimum of three shall be invited to tender.

Negotiated Procedure

- 6.16 Negotiated procedures shall only be used in exceptional circumstances and only with the prior written approval of the Corporate Director in consultation with the relevant Cabinet Member, Leader and/or Deputy Leader, Group Manager Legal and Democratic Services and Group Manager, Audit and Assurance.

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- 6.17 The Council publishes a notice requesting expressions of interest and only those suppliers selected by the Council are invited to negotiate. Suppliers are selected on the basis of published pre-qualification criteria.
- 6.18 If publication of a notice in the OJEU is not required, the advertising requirements are the same as in the Open Procedure Restricted Procedure, except where the procurement falls within one of the exemption provisions of the Regulations.
- 6.19 Any notice shall state that a negotiated procedure is being used.
- 6.20 The Lead Procurement Officer shall select three suppliers who comply with the published criteria with whom to negotiate.
- 6.21 At least two officers, at least one of whom shall be a Corporate Director or their delegate, shall be present at all times during the negotiations.
- 6.22 Council shall keep proper records of all negotiations and all participants shall sign these as such. These records shall be retained for 6 years for audit purposes and 12 years for contracts made under the Council's seal (see appendix 2 – Document Retention).
- 6.23 At all times during the negotiations, the Council shall comply with and implement the principles of non-discrimination, equal treatment, proportionality and transparency.

Competitive Dialogue

- 6.24 A competitive Dialogue procedure may be used for "particularly complex contracts" where an open or restricted procedure will not allow the award of a procurement contract.
- 6.25 An advertisement is placed in the most appropriate media requesting the submission of "expressions of interest" in the tender.
- 6.26 Respondents will then complete and return a prequalification questionnaire by a set date.
- 6.27 Suppliers will then be short-listed and invited to participate in a competitive yet flexible dialogue with the Council, which may be in the form of verbal and written submissions and interviews.
- 6.28 The dialogue may take the form of successive stages in which the number of potential suppliers is systematically reduced until a smaller number of suppliers are invited to submit their final tender.

Contract Extensions

- 6.29 Any contract may be extended in accordance with its terms. Where the terms do not expressly provide for extension, such extension may be negotiated BUT shall be determined by the Corporate Director in consultation with the relevant Cabinet Member, and Statutory Officers.
- 6.30 Where a Contract has been awarded under Public Procurement Rules (European) it may only be extended by negotiation in accordance with the rules set out in the Regulations. Where the contract no longer falls within the European threshold the matter shall be determined by the Corporate Director in consultation with the relevant Cabinet Member, and Statutory Officers.
- 6.31 The Corporate Director shall always be satisfied that extension will achieve Best Value for Money and is reasonable in all the relevant circumstances. Extensions may not be used as a way to avoid re-tendering process

7. Roles and Responsibilities

- 7.1 The Council will develop a procurement toolkit and appropriate training for all Members and Officers involved in the procurement process.

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- 7.2 Any procurement carried out on behalf of the Council may only be undertaken by Officers with the appropriate delegated authority to carry out such tasks. Officers shall be informed by their Corporate Director to the extent or limitation of any delegated authority and any applicable financial thresholds.
- 7.3 The Group Manager Financial Services may authorise members of their staff to place orders against Framework Agreements which have been entered into by the Council providing that the expenditure does not exceed approved budgets.

Cabinet

- 7.4 Contracts valued in excess of £500,000 fall within the category of "Key Decisions" (Article 13) and must be published in the Leader's forward plan and may not be implemented until the Call-in process has been complete.
- 7.5 Any contract awards which: -
- constitute "Key Decisions" or
 - involve any potential transfer of the Council's employees to a supplier shall be referred for a decision to the Cabinet.
- 7.6 All decisions taken by the Cabinet or Portfolio Holder are regarded as "Executive Decisions" and therefore subject to scrutiny in accordance with the Council's Constitution. All other decisions taken under delegated authority shall be recorded and available for public inspection.
- 7.7 The Council will hold Corporate Directors, Group Managers and other such authorised officers accountable for any decisions they make under these Contract Standing Orders and/or the approved scheme of delegation or the failure to comply therewith.
- 7.8 These Contract Standing Orders must be read in conjunction with statute and case law and in any conflict with those the statute and/or case will take precedence. In these cases the Group Manager Legal and Democratic Services must be consulted.

Corporate Director

- 7.9 Corporate Directors shall ensure that a Lead Procurement Officer is appointed for each procurement project or contract and that all procurement activity is undertaken in accordance with Legislation, the Constitution and Procurement Policies and that :-
- the Lead Procurement Officer is sufficiently trained and competent to carry out their responsibilities;
 - processes and procedures are in place and are followed in respect of maintaining a Contract file and sufficient audit trails.

- 7.10 Corporate Directors are responsible for the maintenance of the gifts and hospitality register for their service area in coordination with the Monitoring Officer.

Group Manager Financial Services

- 7.11 The responsibility for monitoring procurement activity will rest with the Group Manager Financial Services, whose role will be to:
- to ensure all procurement was informed by opportunities for seeking corporate efficiencies;
 - be accountable for the provision of accessible information regarding purchasing plans, and market intelligence;
 - provide advice on contracting options;

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- provide advice, where the manager responsible for the procurement cannot reconcile risk management and opportunities;
- recommend procurement specialists, where appropriate, to ensure project coordinators and Lead Procurement Officers are able to make informed choices where options exist;
- collect annually, procurement information in order to make a statistical return to the Department for Communities and Local Government for onward transmission to the European Commission concerning the contracts awarded during the year under the European rules;
- to determine appropriate levels of training for staff and Members involved in the Procurement Process.

Lead Procurement Officer

- 7.12 The responsibility for compliance with these Contract Standing Orders and Procurement Rules and the Council's Financial Procedure Rules in respect of procurement rests with the Lead Procurement Officer unless specified otherwise.
- 7.13 To prepare a detailed specification, including appropriate plans, of the procurement.
- 7.14 To manage, monitor progress and closely supervise the procurement process and/or work.
- 7.15 Liaise and coordinate with other Officers regarding Council Services affected by the procurement.
- 7.16 To inform the Group Manager Legal and Democratic Services of every invitation to tender, specifying the title of the tender and the return date and time, the estimated value, and the officer to attend the opening.

Group Manager Legal and Democratic Services

- 7.17 The Group Manager, Legal and Democratic Services shall have responsibility for co-ordinating responses in respect of procedures and legislation covering procurement. In addition, the Group Manager will:-
- (i) be responsible for the Receipt, Opening and Acceptance of Tenders;
 - (ii) liaise with the Corporate Procurement Team and Corporate Directors in respect of procurement activities; and
 - (iii) provide legal advice through the Legal Services Team, and S151 Officer.

8. Contract and Procurement Exemptions

- 8.1 This Standing Order allows exemption from competitive tendering or quotations save to the extent that no exemption from E.U. Directives is allowed.
- 8.2 The Corporate Director concerned shall document and certify the reasons for applying this Standing Order and where the amount exceeds £25,000, the certification shall be endorsed by the Corporate Director in consultation with the appropriate Cabinet Member prior to the acceptance.
- 8.3 When applying this Standing Order, wherever possible quotations shall be obtained; and contractors shall be obtained from a national database.

Exemptions may be applied in the following circumstances:-

- (a) individual agency contracts for the provision of temporary staff;
- (b) employment contracts (including the appointment of external Barristers and Solicitors);

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- (c) the work to be executed or the purchase of services, goods, services and materials with a value below Public Contract Rules thresholds, and which are required as a matter of urgency e.g. for the repair of or replacement parts for existing machinery, plant or property;
- (d) the supplies or services to be provided relate to goods, services and materials which are proprietary articles or the supplies or services are sold or charged only at a fixed price and no satisfactory alternative is available or if for other reasons there would be no genuine competition for either the goods, material or services;
- (e) repairs are required to, or the supply of parts for, existing proprietary machinery;
- (f) the work to be executed, or the purchase of goods, services and materials to be supplied including acceptable substitutes, are of a specialised nature or are obtainable only from one supplier;
- (g) a proposed contract would form part of an existing contract, awarded in accordance with these Standing Orders, provided that:-
 - (i) wherever practical, the possibility of a further contract for work forming part of a serial or continuation programme, or constituting an extension of an existing contract for supplies or services, shall have been given to contractors at the time of the invitation to tender for the initial contract;
 - (ii) the terms of the proposed contract have been negotiated with the contractor on the basis of the rates and prices contained in the initial contract;
 - (iii) where the proposed contract is estimated to exceed the higher procurement threshold, the Council shall approve such negotiated terms prior to acceptance;
 - (iv) the Corporate Director concerned shall refer the proposed contract to the Group Manager Legal and Democratic Services for the preparation of appropriate contract documentation.
- (h) tenders or quotations have been invited on behalf of any consortium, association or similar body of which the Council is a member, or on behalf of any other local authority, or public body, with whom the Council has a contract, agency agreement, partnering agreement or similar, provided that the approved procedure of any such body for the invitation of tenders and quotations has been followed. (Although the Council is not going out to tender, this exemption does not avoid competitive tendering. Its use, therefore, does not require approval, documentation, or reporting as specified above);
 - (i) where purchases are made using a pre-approved call-off contract;
 - (j) where purchases are to be made at auctions or public fairs;
 - (k) where advantage can be taken at short notice of special offers, which produce savings or benefits to the Council, and where the item is clearly required and such savings or benefits are clearly demonstrated;
 - (l) where contracts have been procured in accordance with Public Contract Rules by another local authority, a local authority consortium or other joint procurement arrangement, another public body, or government-sponsored framework agreement, provided that the Council has the legal power to participate in such a contract. Where there is any doubt as to this power, the Group Manager Legal and Democratic Services will adjudicate.

Other Exemptions

- 8.4 Except for the circumstances outlined above, exemption from any of the provisions of these Standing Orders requires the prior approval of the Cabinet and shall not be approved until the Cabinet is satisfied that: -
- (i) there are legitimate circumstances justifying departure from these Standing Orders;

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- (ii) the exception will not contravene any legal requirement, including the Public Contract Rules;
 - (iii) a report from the Group Manager Financial Services and/or Group Manager Legal and Democratic Services provides evidence that the exception is to the Council's advantage and is necessary to achieve the Council's objectives.
- 8.5 The Group Manager, Legal and Democratic Services, together with the Group Manager Financial Services, will maintain a central register of all requests for exceptions for audit purposes.

Waivers of Contract Standing Orders

- 8.6 Waivers of any of these Contract Standing Orders shall only be given in exceptional circumstances and only with the prior written approval of the Group Manager Legal and Democratic Services after consultation with Corporate Director of Resources and relevant Corporate Director. Waivers may not be made retrospectively unless approved by the Cabinet or Council and will be recorded in the minutes of the meeting.
- 8.7 Where procurement is the subject of a report to Members, the report shall clearly state the specific Contract Standing Orders to be waived.

9. Financial Thresholds and Procurement Valuation

Procurement Valuation

- 9.1 Contract values should be calculated for the sake of consistency in accordance with the Regulations even when they are not applicable. The Council should make the best use of its purchasing power by aggregating purchases wherever possible. Supplies, services or works shall not be split in an attempt to avoid the applicability of this Contract Standing Orders or the Regulations.
- 9.2 Corporate Directors must ensure that a pre-tender estimate of anticipated costs is prepared and recorded in writing.
- 9.3 Unless otherwise specifically provided, where a value or an estimated value is given in these Contract Standing Orders it means the aggregate value payable in pound sterling exclusive of Value Added Tax over the entire contract period.
- 9.4 Contracts must not be artificially under or over estimated or divided into two or more separate contracts where the affect is to avoid the application of Contract Standing Orders. These shall apply to the aggregated contracts.
- 9.5 If procurement is required, the Lead Officer must:
- (a) estimate its value before committing the Council to any expenditure, and establish whether the Public Contracts Rules apply. Information on the Public Contract thresholds is given in the Summary attached, on the Council's intranet and from the Legal Services section;
 - (b) ensure that the estimated value can be met from the appropriate budget (capital and/or revenue). If some or all of the contract price is funded by a third party (e.g. government agency) this funding must be included in the estimated value;
 - (c) ensure that he/she is aware of relevant threshold values under the Public Contract Rules. Information on the Public Contract thresholds is given in the procurement section of the Council's intranet and the Legal Services section;
 - (d) establish a business case for the procurement;
 - (e) determine whether this requirement can be met through any existing contract or Framework agreement.

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- 9.6 For the purpose of these Standing orders, the value of a contract should be taken to include all relevant costs, including procurement costs, maintenance costs, and any ongoing revenue or capital costs, which may be incurred by the Council, over the expected lifetime of the contract.
- 9.7 For "one-off" procurement the estimated value will be the order value.
- 9.8 For recurrent purchases of the same type of services or supplies, the estimated value for the purposes of compliance with the Public Contract Rules threshold will be the sum of all recurrent spending over the expected lifetime of the contract.
- 9.9 The Lead Procurement Officer cannot authorise acceptance where the tender is in excess of Public Contract Rules threshold and therefore any procurement near the threshold must undertake a Public Contract compliant tender exercise.

A) **Low Value Procurement (£0 - £5000)**

- 9.10 Competitive quotations are not required for Low Value procurement contracts or orders. Where practicable a written quotation shall be obtained from the Supplier before a formal purchase order can be issued. The purchase order form shall specify the services, supplies or works to be provided and set out the price and terms of payment.
- 9.11 Any appropriate Framework Agreements in place shall be used regardless of value, provided the Standing Order requirements in relation to delegated authority are met.
- 9.12 Where a verbal quotation is received this must be confirmed in writing, and these shall be retained on a file kept for that purpose by the Lead Procurement Officer.

B) **Intermediate Value Procurement (£5,000 - £50,000)**

- 9.13 For Intermediate procurement at least 3 written quotations shall be invited before a formal purchase order is issued specifying the supplies, services or works to be provided. E-mailed quotations are acceptable for these purposes provided they are delivered to a secure e-mail address (quotations@gloucester.gov.uk).
- 9.14 If it is not possible to obtain three written quotations due to the specialist nature of the supplies, services or works to be provided a waiver of these Contract Standing Orders should be obtained in advance of quotations being sought – see Standing Order 3.10.
- 9.15 A risk analysis must be undertaken for intermediate value procurements and a written record kept of the outcome.
- 9.16 Where the risk in a specific procurement is perceived to be high, then that procurement shall be treated as "High Value Procurement" and managed under the Council's project management arrangements.

C) **High Value Procurement (in excess of £50,000 and below European Threshold)**

- 9.17 For High Value procurements a contract award procedure shall be conducted in accordance with these Contract Standing Orders. The commencement and outcome of the contract award procedure shall be recorded in the Contracts Register held by the Group Manager Financial Services.
- 9.18 Prior to the commencement of the contract procedure the Lead Procurement Officer shall develop the Procurement Approach.

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- 9.19 Prior approval of the proposed contract award procedure including pre-tender questions (PTQ's) the evaluation criteria to be applied, shall be sought from the relevant Cabinet Member.
- 9.20 A risk analysis must be undertaken for high value procurements and a written record kept of the outcome. Where the risk is perceived to be high, then that procurement shall be managed under the Council's project management arrangements.
- 9.21 ALL high value procurements above the value of £100,000 must be managed under the Council's project management arrangements.

D) European Threshold (Variable Bi-Annually)

- (i) Any contract to be let, the estimated value of which exceeds the current E.U. thresholds, shall comply with E.U. procedures, as laid down in Directives relating to Works, Supplies and Services. If the Council's Standing Orders and E.U. Directives are in conflict, the E.U. procedures shall prevail.
- (ii) The Group Manager Legal and Democratic Services shall be consulted as to the procedures to be adopted to ensure compliance with E.U. Directives.
- (iii) Unless otherwise required by E.U. Directives, the procedures shall be as specified in Standing Order 5.

E) The £500,000 Procurement Threshold (£500,000 or over)

Procurement over the £500,000 threshold may be a key decision and / or be reserved for Council or Cabinet decision. Therefore the procurement is the subject of a report to the appropriate decision maker as determined by the Monitoring Officer and the S151 Officer.

10. Quotation and Tender Procedures

Quotation Procedures

- 10.1 Where quotations are to be invited, they shall be obtained, wherever possible, from contractors whose names appear on a national database.
- 10.2 Contractors shall be requested to submit all quotations in writing or electronically (see paragraph 4.4), which shall be date stamped upon receipt.
- 10.3 In the case of quotations not exceeding £25,000, the Lead Procurement Officer concerned shall be authorised to accept the lowest quotation (see paragraph 4.4), if payment is to be made by the Council, or the highest quotation, if payment is to be received by the Council. Where quotations exceed £25,000 acceptance is in accordance with Standing Order 15.
- 10.4 The Lead Procurement Officer concerned shall place an official order with the successful contractor. If a formal contract is considered necessary refer to Standing Order 18.3-18.5.
- 10.5 Where the procurement rules require that quotes are obtained, the Lead Procurement Officer must ensure that a record of such quotes is retained for a period of two years from the date of receipt for audit purposes.

Tender Procedures

Approved Lists of Suppliers

- 10.6 Where there is no appropriate list in the national database and Tendering by Public Notice is considered inappropriate, a Special List shall be compiled.

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- 10.7 The Group Manager Legal and Democratic Services in consultation with the Lead Procurement Officer concerned, shall give public notice:-
- (a) in sufficient local newspapers to ensure reasonable coverage of the whole District;
 - (b) in one or more relevant specialist or trade newspapers or journals where the contract is estimated to exceed £100,000;
 - (c) in the 'Official Journal of the European Union', where the contract is estimated to exceed the European Union threshold as specified in Outline of Contractual Standing Orders;
 - (d) on the Council's official website;
 - (e) specifying details of the contract, inviting contractors to apply for permission to tender, and stating the last date and time for receipt of applications.
- 10.8 After the expiry of the period specified in the public notice, the Lead Procurement Officer shall, in consultation with the Group Manager Financial Services, compile a Special List containing the minimum number of contractors specified in Standing Order 2, selected from among those who applied for permission to tender, or, where fewer than the minimum number have applied, to all contractors considered suitable, and the invitation to tender, with tender forms, shall be sent to such contractors.
- 10.9 Special Lists must not be used for any contract estimated to exceed the European Union thresholds.
- 10.10 The Group Manager Financial Services shall maintain approved lists of Suppliers that meet its pre-qualification requirements. Quotations and tenders for contracts that are not subject to the Regulations may be invited from suppliers included on an approved list. Where the Council intends to use an approved list for services, supplies or works contracts, the selection of which contractors should be included on such list should itself be advertised. A regular review of lists should be undertaken.

When using an approved list of suppliers the Lead Procurement Officer should ensure a rotation of suppliers.

Tenders - Public Notice

- 10.11 In any case where tenders for a contract are to be obtained in response to a public notice, the Group Manager Legal and Democratic Services, in consultation with the Lead Procurement Officer concerned, shall give public notice:-
- (a) in sufficient local newspapers to ensure reasonable coverage of the whole District;
 - (b) in one or more relevant specialist or trade newspapers or journals where the contract is estimated to exceed £100,000; and
 - (c) in the 'Official Journal of the European Union', where the contract is estimated to exceed the European Union threshold.
 - (d) on the Council's official website;
- 10.12 The notice shall specify details of the contract, and invite tenders for its execution, and such invitation shall otherwise comply with Standing Orders 2 and 8.

Submission of Tenders

- 10.13 Tenders shall be submitted in accordance with requirements set out in the ITT. Any tenders received shall be addressed to the Group Manager Legal and Democratic Services in a sealed envelope endorsed with the word "Tender" followed by the subject matter to which it relates. Such envelope shall not bear any mark (including company postage franks) which would identify the sender. Samples are available from the Group Manager Legal and Democratic Services

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Receipt of Tenders

- 10.14 The Group Manager Legal and Democratic Services will oversee the process relating to the receipt of tenders.
- 10.15 All duly submitted tenders shall:-
 - (a) be immediately date-stamped upon delivery (unopened)
 - (b) have the exact time of receipt endorsed thereon
 - (c) be kept and remain unopened in the safe custody of the Group Manager, Legal and Democratic Services until the time and date specified for its opening.
- 10.16 Any tender received after the date and time specified for receipt shall not be considered, but shall be recorded as being received late and remain unopened.

Opening of Tenders

- 10.17 All tenders received by the closing date and time shall be opened together (one after another) by the Group Manager, Legal and Democratic Services in the presence of a the Corporate Procurement Officer and the Lead Procurement Officer or their nominees. Where the contract is of High Value, sensitive or contentious, the relevant Portfolio Holder may attend the opening.
- 10.18 Each officer / Member present will initial the front cover of each Tender opened and against the contract value in the tender document or in such other places as the Group Manager sees fit. Any Tender received after the specified time for receipt will remain unopened and those officers / Members present will initial the tender envelope/package.
- 10.19 The names of the tenderers and the amounts shall be entered in the register of tenders received which shall be signed by the officers / Members present.
- 10.20 Where as permitted under these Standing Orders a tender has been invited from only one contractor, the Group Manager, Legal and Democratic Services may arrange for such tender to be opened as soon as it is received in his office, provided that this shall be done in accordance with these Standing Orders.
- 10.21 The Lead Procurement Officer will then take custody of the opened tenders for evaluation purposes and after completion of the tender process will ensure they are added to the Contract file. (See Annex 2 - Retention Summary)

Errors, Alterations and Corrections to Tenders

- 10.22 Where the initial examination of the tenders reveals arithmetic errors in extension, cast or carry forward, such errors shall be corrected to arrive at a new tender total. In the case of any potentially successful tenders the Lead Procurement Officer concerned shall inform the tenderer/s of such errors as are apparent, and allow the tenderer/s the opportunity of confirming the tender total or correcting the errors.
- 10.23 Where the detailed examination of the tenders reveals errors other than arithmetic errors, such errors shall not be altered or corrected. The Lead Procurement Officer shall inform the potentially successful tenderer of such errors as are apparent, and allow the tender the opportunity of confirming the tender total without alteration, or of withdrawing the tender.
- 10.24 Where corrections to a tender are permitted, the consequent amendments to the tender must be initialled by the tenderer.
- 10.25 If the potentially successful tender is withdrawn, the contractor should confirm this in writing and the next tender in competitive order shall be considered.
- 10.26 If the errors discovered are such that they invalidate the whole tender (such as where the whole basis on which the tender has been prepared is in error, or where the tender does

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not comply with the Council's required specification in respect of the work for which tenders are being sought) the Lead Procurement Officer shall, in consultation with the Group Manager Legal and Democratic Services, disregard the tender. The reasons for disregarding the tender shall be documented and retained on file.

- 10.27 If acceptance of the tender requires reporting to either Cabinet or Council, the Lead Procurement Officer shall prepare and submit a detailed report to the next appropriate meeting and include details of any amendments made to the tenders submitted, or of any tenders disregarded.
- 10.28 In the event of any person withdrawing a successful tender or declining to sign a form of contract on being called upon to do so, no further tender from such person shall, in the absence of an explanation satisfactory to the Group Manager Legal and Democratic Services, be considered for a period of two years. The Group Manager, Legal and Democratic Services shall be given written confirmation of the decision in order to ensure compliance.

Acceptance of Tenders

- 10.29 The acceptance of a successful Tender must be put in writing and recorded in the Contracts Register and Contracts File. Unsuccessful Tenderers should also be notified in writing.

Post Tender Negotiation

- 10.30 Where procurement is conducted pursuant to the Regulations through either the Open Procedure or the Restricted Procedures no post tender negotiations are permitted. The Lead Procurement Officer may seek clarification from suppliers where appropriate.
- 10.31 Prior to the awarding of the contract, it is acceptable to enter into post-tender negotiations with those suppliers or contractors who submitted tenders and who have a reasonable chance of gaining the contract. The negotiations must involve two Council Officers and be fully documented and clearly indicate:
 - (a) the justification for use of the post-tender negotiation;
 - (b) the aim of the negotiations and the methods used;
 - (c) a precise record of all exchanges both written and oral (verbal);
 - (d) the approval of the Chief Executive / Corporate Director (as appropriate).
- 10.32 The same information must be provided to each of the tenderers involved in the negotiation.

Post Contract Negotiation or Variation to Contracts

- 10.33 Post contract negotiation or a variance of a contract can only be undertaken with the successful tenderer, after the contract has been awarded and with the authorisation of the Corporate Director of Resources and in consultation with the Group Manager Legal and Democratic Services.
- 10.34 For high value, sensitive or complex procurements the Guidance and Advice of the Group Manager Legal and Democratic Services should be sought prior to undertaking such negotiations and the Portfolio Holder notified.
- 10.35 Details of the post contract negotiations must be recorded and retained with the contract documentation.
- 10.36 Any variation or substantial change in design of any works or additional expenditure is involved it shall be reported to the Corporate Director of Resources and for "High Value" Procurements to the Cabinet. The Lead Procurement Officer shall only need to report additional expenditure on a contract where the final cost is likely to exceed the contract sum by:

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- 15% or £15,000 whichever is the greater, in the case of contracts with a value in excess of £50,000; or,
- where the final costs are likely to exceed the budget allocation.

Equality of Tenders

- 10.37 Where, for the same contract, two or more tenders or quotations are potentially successful, priority shall be given to the tender or quotation of a local contractor. In this Standing Order the expression "local contractor" means any contractor whose registered office or principal or other place of business is situated within the Authority's District. If both or neither contractor is local, the Corporate Director, Group Manager or Service Manager concerned shall, in consultation with the Chief Executive, be authorised to select a successful contractor, with a record of the reason for the decision being held on the contract file.

E-Tendering

- 10.38 The Lead Procurement Officer, in consultation with the Group Manager Financial Services shall:-
- (a) access national databases and identify any relevant lists of contractors;
 - (b) select the minimum number of contractors specified or, where there are fewer than the minimum number, all contractors considered suitable, and the invitation to tender, with tender forms, shall be sent to such contractors;
 - (c) Additional contractors can be added to the minimum list by the officer concerned provided that if one of these contractors is the successful tender the contract cannot be awarded until the tenderer has been accredited.
- 10.39 Lead Procurement Officers may conduct any tendering exercise or a negotiated procedure or enter into any contract using electronic means (e-procurement), subject to:-
- (a) the e-procurement using a system approved by the Council;
 - (b) it is not significantly restricting or distorting competition;
 - (c) all provisions of the Contract Standing Orders applying to e-procurement contract and tendering procedures, unless varied by the following provisions.
- 10.40 RFQ's and ITT's may be transmitted by electronic means (excluding faxes). Quotations and tenders may be submitted by electronic means provided that:-
- (a) evidence that the transmission was successfully completed is obtained and recorded;
 - (b) each tender submitted electronically is supplemented by an identical signed hard copy original submitted in the manner prescribed in the advertisement or the ITT documents before the tender return date; and
 - (c) electronic tenders are kept in a separate secure folder (tenders@gloucester.gov.uk) under the control of the Group Manager Legal and Democratic Services, which is not opened until the deadline has passed for receipt of tenders.

E-Auctions

- 10.41 Authorised officers may carry out an electronic auction where they are satisfied that it is in the interests of the Council to do so, (see OGC 'decision tool' at <http://www.ogc.gov.uk/index.asp?docid+1001034andsyncNav=1#7>) and where they are satisfied that the electronic auction is in accordance with EU Procedure Rules (see http://europa.eu.int/comm/internal_market/publicprocurement/legislation_en.htm).
- 10.42 An electronic auction may only be carried out where this has been stated in the tender documents issued to contractors.
- 10.43 Through each phase of an electronic auction the Lead Procurement Officer shall instantaneously communicate to all tenderers sufficient information to enable them to

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ascertain their relative rankings at any moment. The Lead Procurement Officer may also, at any time, announce the number of participants in that electronic auction. In no case may the Lead Procurement Officer disclose the identities of the tenderers during any phase of an electronic auction.

- 10.44 Any electronic auction will be subject to such additional procedural requirements as the Group Manager Financial Services considers necessary.

11. Risk Assessment, Best Value and Competition

Risk Assessment

- 11.1 Gloucester City Council's adoption of project management methodology underpins these procurement procedures enabling a new approach to risk management, trading off risk and reward, and planning and managing contingencies.

Best Value

- 11.2 The primary objective of best value starts with well based and informed decisions on what citizens want and what they can afford and to stay informed about changes in their priorities.
- 11.3 Best value techniques helps to define outcomes, challenges service delivery and encourages competition all leading to continuous service improvement.
- 11.4 Procurement is fundamental to achieve "value for money" for the authority – i.e. finding the most economically advantageous option that fits the specification including required quality standards. This may on occasions require a balance to be achieved and judgement to be made between adequately meeting needs and cost.

Competition

- 11.5 Local government has responsibilities to local communities to promote economic development. The Council will balance the priorities of business decisions and supporting the local economy whilst conforming to legislation and regulation governing public procurement. Local businesses will be supported by the Council by way of explaining requirements and opportunities to enable them to compete with contractors from other areas, in this regard the Council will comply with the Competition Act 1999 and no supplier will be given an unfair advantage.

Safeguards for Due Performance

Quality Standards

- 11.6 The Council will include (where appropriate) standard terms and conditions within its contracts to ensure the required standards of service are achieved and maintained. Contractors and suppliers will therefore demonstrate commitments to, and provide evidence of complying with:

- British and International quality standards where appropriate;
- the Council's Equalities Policy;
- the Climate Change Policy;
- Data Protection, Data security, and Data Integrity;
- TUPE.

and

- Informing the Council of suspected or known fraud and corruption (Anti-Fraud Policy and Whistle Blowing Policy).
- Informing the Council of any finding of unlawful discrimination against the relevant organisation and any steps taken in response to that finding.

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- Ensuring sub-contractors carrying out work on their behalf observe the principles of the Council's contracts equality scheme.
- Providing access to relevant Information and Records; and assistance by a Statutory Officer of the Council or duly authorised person.

Compliance to these standards will help protect the Council's Interests, reputation, assets and successful outcomes from the procurement

Liquidated Damages

- 11.7 Every contract exceeding £50,000 shall, unless the Corporate Director concerned and the Group Manager Legal and Democratic Services consider it inappropriate, provide for the payment of liquidated damages by the contractor in the event of delay on the part of the contractor. The basis for calculating liquidated damages shall be determined in consultation with the Group Manager Legal and Democratic Services and shall seek to recover actual loss to the Council. The amount to be specified in each such contract shall be determined in consultation with the Corporate Director of Resources.
- 11.8 Claims arising from contracts in respect of matters not clearly within the terms of any existing contract will be determined by the Group Manager Legal and Democratic Services on the Council's legal liability and by the Corporate Director of Resources on the financial considerations.

Failure to Deliver

- 11.9 In every contract for the supply of goods, services or materials, a clause shall, unless the Group Manager Financial Services and the Group Manager Legal and Democratic Services consider it inappropriate, be inserted to secure that, should the contractor fail to deliver the goods, services or materials, or any portion thereof, within the time or times specified in the contract, the Council, without prejudice to any other remedy for breach of contract, shall be at liberty to determine the contract either wholly or to the extent of such default, and to purchase other goods, services and materials as the case may be, of the same or similar description, in order
- (i) to make good such default; or
 - (ii) in the event of the contract being wholly determined, to replace or procure elsewhere the goods, services and materials remaining to be delivered.

- 11.10 The clause shall further secure that the amount by which the cost of so purchasing other goods, services and materials exceeds the amount which would have been payable to the contractor in respect of the goods, services and materials, if they had been delivered or provided in accordance with the contract, shall be recoverable from the contractor.
- 11.11 In every contract for the supply of goods, services or materials, a clause shall, unless the Group Manager Legal and Democratic Services considers it inappropriate, be inserted to provide that the goods, services and materials shall not be deemed to have been delivered to the Council unless and until the said goods, services and/or materials shall have been unloaded from the conveyance which delivered them to the location specified by the Council.

Prohibition on Unauthorised Assignment or Underletting

- 11.12 A clause shall, unless the Lead Procurement Officer concerned and the Group Manager Legal and Democratic Services consider it inappropriate, be inserted in every written contract prohibiting the assigning or sub-letting of the contract without the previous written consent of the Council.

Part 4 - Rules of Procedure

Cancellation of Contracts in Cases of Corruption or Fraud

- 11.13 In every written contract a clause shall be inserted empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation, if the contractor or any person on his behalf shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or for having done or forborne to do any act in relation to the obtaining or execution of the contract or any other contract with the Council, or for showing or forbearing to show favour or disfavour to any person in relation to the contract or any other contract with the Council, or if the like acts shall have been done by any person employed by him or acting on his behalf (whether with or without the knowledge of the contractor), or if, in relation to any contract with the Council, the contractor or any person employed by him or acting on his behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) and (3) of the Local Government Act 1972.

Novations (Transfers)

- 11.14 In appropriate circumstances the Council may agree to novate (transfer) a contract. This decision must be taken by the Cabinet, or Committee of the Cabinet for contracts of a value in excess of £50,000 and by the Corporate Director for contracts of a value up to £50,000.

Termination of Contract

- 11.15 For any contract exceeding £500,000 in value, termination shall be approved by the Cabinet.
- 11.16 Contracts of a lesser value may be terminated by the relevant Corporate Director in consultation with the relevant Cabinet Member and the Group Manager Legal and Democratic Services; or earlier, by agreement, prior to the expiry date or in accordance with the termination provisions set out in the contract.

12. Other Financial Issues

Periodic and Interim Payments

- 12.1 Corporate Directors, Group Managers or Service Managers or other such authorised officer shall notify the Corporate Director of Resources of the details of all works, goods and services contracts, or sub-contracts, which provide for interim or periodic payments, as soon as they are made. Invoices and valuation certificates shall be forwarded to the Corporate Director of Resources for payment and recording, in the contracts payment register.
- 12.2 All interim payments to contractors shall be on certificates issued by the Corporate Directors, Group Managers or Service Managers or other such authorised officer, showing the value of work to date, the balance remaining and the amount of retention money.
- 12.3 Claims from contractors in respect of matters not clearly within the terms of the contract shall be referred to the Group Manager Legal and Democratic Services for consideration of any legal liability to a contractor.
- 12.4 Following practical completion of a contract the Lead Procurement Officer shall supply the Corporate Director of Resources and Group Manager, Audit and Assurance (where the contract exceeds £50,000) with a detailed statement of the contractor's final claim in respect of the whole of the work, materials and such items executed and delivered under the contract.

Part 4 - Rules of Procedure

- 12.5 The Group Manager, Audit and Assurance shall periodically examine contractors' final accounts and relevant supporting documents as necessary, prior to the final payment being released. (Note CDM penultimate payments)
- 12.6 Where completion of a contract is unreasonably delayed, it shall be the duty of the Lead Procurement Officer, in consultation with the Group Manager Legal and Democratic Services, to certify under the contract whether, and, if so, how much, should be deducted as liquidated and ascertained damages, and to notify the Corporate Director of Resources accordingly.

Accreditation

- 12.7 Contractors obtained via national databases would have already been subjected to review and accreditation, therefore no additional reference will be required, save to the extent that any contractor obtained via Public Notice or Special List, must be subject to accreditation before the contract is awarded.

Contractors, Technical and Bankers References

- 12.8 Where a potentially successful tenderer has been obtained from other than national databases, financial vetting must be undertaken in respect of any contract the value of which exceeds £25,000.
- 12.9 In order to undertake financial, technical and performance vetting the Lead Procurement Officer will provide, and the contractor must complete, a "Request for Status Enquiry" form. This should be supplied to all contractors as part of the tender documents and will be specific to that contract.

Technical References

- 12.10 Where a potentially successful tenderer has been obtained from other than the national database, a Contract shall not be awarded until suitable technical references have been obtained.

Performance Bonds and Parent Company Guarantees

- 12.11 For high value procurements (over £50,000) up to and including a contract value of £200,000, the Lead Procurement Officer in consultation with the Group Manager Financial Services, Corporate Director of Resources and Group Manager Legal and Democratic Services shall consider as part of its pre-qualification assessment and evaluation process whether a performance bond and/or a parent company guarantee (if applicable) shall be required from the preferred supplier.
- 12.12 A Performance Bond shall be obtained in all cases where the Lead Procurement Officer, in consultation with the Group Manager Legal and Democratic Services and the Corporate Director of Resources, considers it to be necessary.
- 12.13 Notwithstanding 12.11, the Council shall require a Performance Bond or similar security (in the sum of at least 10% of the contract value) in a form to the satisfaction of the Group Manager Legal and Democratic Services and the Corporate Director of Resources for the due performance of every contract exceeding £200,000.

13. VAT, Tax and Insurances

- 13.1 The Lead Procurement Officer and the Group Manager Financial Services must consider the full financial effects of each Intermediate and High Value procurement before the Contract is awarded. If there is a significant ongoing effect or liability in respect of VAT, Tax or Insurance, then, the Corporate Director of Resources must be informed and his/her authorisation will be required. Failure to comply may result in disciplinary action.

Part 4 - Rules of Procedure

Insurances

- 13.2 The Lead Procurement Officer shall consult with the Corporate Director of Resources in respect of the appropriate type (employee liability, public liability, professional indemnity, etc.) and level of insurance requirements for each contract.

14. Depreciation

- 14.1 The professional advice of a valuer will be required to determine the full effect of depreciation of Assets and Equipment.

15. Construction Design and Management

- 15.1 Where any work is to be undertaken by the Council which involves demolition, building or construction work including the installation of any fixed equipment (eg. electrical, mechanical or computer equipment) the Council's CDM Group should be notified of such projects at the conception of the project. The CDM Regulations apply to all works mentioned above and those invited to submit tenders or quotations shall only be eligible to do so if they are considered competent under the Regulations and can comply with them.
- 15.2 In any contract where the CDM Group consider that the Construction (Design and Management) Regulations apply the contract shall include a clause to the effect that "practical completion" shall not be certified, and hence the penultimate payment shall not be made until The Contractor has supplied to the Council's CDM Coordinator necessary information for compiling and updating the Health and Safety File.

16. Land and Property

- 16.1 The disposal of land and property may only be undertaken in accordance with the Council's Land and Property Disposal Policy and must be valued by an independent Valuer prior to disposal.
- 16.2 Where land is no longer required by the Council for the purpose for which it is held, or an alternative use, the Council shall agree the form and method of disposal in accordance with the Land and Property Disposal Policy. Where the matter has been delegated to a Corporate Director or the Gloucester Leadership Team (and subject to the agreement of local Members) planning consent for its most beneficial use shall be obtained.
- 16.3 Where land is to be disposed of by tender, tenders shall be invited by public notice in appropriate newspapers and journals; and Standing Orders 10, 11 and 12 shall apply.
- 16.4 Where proposals are invited in response to a development brief, negotiations shall not be conducted with any one or more applicants unless the Council has considered a report on the legal, financial and other implications.
- 16.5 Where the disposal is by auction, it must be subject to a reserve price not less than a qualified valuer's current valuation.
- 16.6 Where the method of disposal is not by auction or public tender, the exchange of contracts shall not be authorised under this Standing Order unless the Council is satisfied, based on valuation advice, that the consideration offered is not less than the best that can reasonably be obtained or have agreed to an alternative method of disposal.

Land and Property Transactions

- 16.7 Every contract for the sale of land or property by the Council shall comply with these Standing Orders. In addition, the disposal of public open space and land at an undervalue shall be dealt with in accordance with Section 123 of the Local Government Act 1972 and any Ministerial Consent issued in respect thereof.

Part 4 - Rules of Procedure

Exceptions

- 16.8 No exception to the provisions of Section 123 of the Local Government Act 1972 shall be made other than by
- (a) the Council; or
 - (b) the Cabinet; or
 - (c) in the case of urgency, a Corporate Director, after consultation with the Group Manager Legal and Democratic Services, relevant Cabinet Member.
- 16.9 A written record of the decisions and the reasons for them shall be made and be open for inspection by any Member of the Council.

Disposal of Land or Property

- 16.10 Except where the Cabinet or Council authorise some other means of disposal of land or property shall be disposed of only in one of the following ways:-
- (a) **Public Tender** in accordance with the procedure set out in paragraph 6.12
 - (b) **Public Auction** (see paragraph 16.5).
 - (c) '**Trading In' Goods** at the best price obtainable against the purchase of other goods on behalf of the Council.
 - (d) **Exchange for goods** or land of an equal value or subject to appropriate monetary adjustment where not of equal value. *Where authorised by the Council, the Cabinet, or a Corporate Director after consultation with the Strategic Property, Estates and Valuation Services Manager, the relevant Cabinet Member.
 - (e) **Sale by Private Treaty** with not less than three prospective purchasers. *Where authorised by the Council, the Cabinet, or a Corporate Director after consultation with the Strategic Property, Estates and Valuation Services Manager, the relevant Cabinet Member.
 - (f) **Sale to Another Local Council or Public Body** at District Valuer's valuation.
 - (g) **Sale in Accordance with a Statutory Requirement or Procedure**
 - (h) **Sale in Accordance with a Procedure Approved by the Council** to be in accordance with a procedure approved by the Council or Strategic Property, Estates and Valuation Services Manager after consultation with the Cabinet.

Procedure for Disposal of Land or Property by Public Tender

- 16.11 Where land or property is to be disposed of by public tender the following procedure shall apply:-

Public Notice of Disposal

- 16.12 At least 14 days public notice shall be given in a local or national newspaper or appropriate trade journal inviting tenders, and shall include:-
- (i) details of the land or property to be sold;
 - (ii) the closing date and time for the receipt of tenders;
 - (iii) the manner in which tenders are to be submitted, including a requirement that tenders be submitted in a plain sealed envelope (i.e. with no name or mark indicating the sender) addressed to the Group Manager Legal and Democratic Services and marked:
**'Tender for the Purchase or lease of (details of goods or land)
to be received by (closing date and time).'**
 - (iv) a statement that the Council does not bind itself to accept the highest or any other tender.

Part 4 - Rules of Procedure

Acceptance of Highest Tender

- 16.13 Acceptance of the highest tender may be authorised by:-
- (i) the Council; or
 - (ii) a Cabinet; or
 - (iii) the Corporate Director acting under delegated powers.
- 16.14 Acceptance of the successful tender shall be evidenced in writing by the Lead Procurement Officer and shall incorporate paragraph 11.13 (Bribery and Corruption). Where required by law or these rules a formal contract shall be prepared by the Group Manager Legal and Democratic Services for signing or sealing by or on behalf of the successful tenderer and the Council.

Acceptance of Tender not the Highest

- 16.15 Acceptance of a tender not the highest shall only be authorised by:-
- (i) the Council; or
 - (ii) a Cabinet; or
 - (iii) in case of urgency, an Corporate Director after consultation with the relevant Cabinet Member, Leader and/or Deputy Leader of the Council (in accordance with the Protocol for Decision Taking and Recording).

and a written record of the decision to accept not the highest valued tender and the reasons shall be made and be open for inspection by any Member of the Council.

Disposal of Goods or Land of Minimal or Insignificant Value

- 16.16 Minimal or insignificant value in relation to any one item is a sum not exceeding £5,000 (or an estimated annual rental value not exceeding £1,500).
- 16.17 A Corporate Director, on behalf of the Council, in the ordinary course of the day to day running of their service may dispose of:-
- (i) goods or land of minimal or insignificant value;
 - (ii) salvaged materials.

but in any event the Corporate Director should, nevertheless, seek to obtain the best price for the Council and two or more competitive quotations should be sought, wherever this is practicable.

17. Consultants, Sub-Contractors and Agents

Consultants

- 17.1 The appointment of all consultants shall be carried out in accordance with this Standing Order except where the value of the contract is estimated not to exceed £5,000, where Standing Order 9A) will apply.
- 17.2 Where a Corporate Director / Group Manager considers that it is in the Council's best interests to appoint a consultant, subject to budgetary provision, he/she shall submit the name of at least three consultants to the Chief Executive except in a case where the Corporate Director / Group Manager considers that a particular individual, partnership or company is specially relevant to the project or commission. The Corporate Director / Group Manager, in consultation with the Chief Executive, shall select the consultant to be appointed.

Part 4 - Rules of Procedure

- 17.3 It shall be a condition of the engagement of the services of any consultant (not being an officer of the Council) who is to be responsible to the Council for the supervision of a contract on its behalf, that in relation to that contract the consultant shall:-
- (a) comply with the requirements of these Standing Orders and Financial Regulations, as if a employee of the Council;
 - (b) at any time during the carrying out of the contract, if requested, produce to the appropriate Corporate Director, Group Manager or Internal Audit, all records and vouchers maintained in relation to the contract;
 - (c) on completion of the appointment, transmit all such records to the appropriate Corporate Director / Group Manager; and
 - (d) where a partnership or company is appointed, agree to a condition whereby the appointment may be determined at the discretion of the Council if the particular individual whose personal skill is of primary importance to the Council ceases to be a partner in, or employed by that partnership or company.

17.4 No consultant shall make any decision on whether to award a contract or whom a contract should be awarded to. The Corporate Director / Group Manager shall ensure that the consultant's performance is monitored.

17.5 Details of any consultants used by the Council shall be notified to the Chief Executive.

Sub-Contractors

17.6 Where under the terms of a contract a sub-contractor or supplier is to be nominated to a main contractor, the procedure shall comply with these Standing Orders on Contracts as though the sub-contract were a contract with the Council; provided that the Lead Procurement Officer concerned shall be authorised to nominate without further Committee approval the sub-contractor or supplier submitting the lowest tender which delivers "Best Value for Money", unless the tender is more than 15% or £75,000, whichever is the lower, in excess of the sum included as an item in the bill of quantities or specification.

17.7 The terms of any such invitation shall require an undertaking by the tenderer that if he is selected he shall (if so required) enter into a sub-contract with the main contractor on terms which will indemnify the main contractor against his own obligations under the main contract in relation to the work or goods included in the sub-contract.

17.8 In any contract where part of the work is to be carried out by a person acting as a nominated sub-contractor to the main contractor, the Lead Procurement Officer concerned shall require the nominated sub-contractor to enter into an appropriate form of warranted agreement with the Council, provided that the requirement for a warranty agreement may be dispensed with where the Group Manager, of Audit and Assurance, in consultation with the Group Manager Legal and Democratic Services, is of the opinion that it is not necessary.

17.9 If a sub-contractor, supplier or sub-consultant is to be nominated or named to a main contractor, quotations or tenders must be invited in accordance with these Standing Orders and the terms of the invitation shall be compatible with the main contract.

18. Contract and Procurement Record Management

Contracts Register

18.1 The Group Manager Financial Services will maintain a Register of all Contracts in excess of £5,000 including Partnering Agreements and Contracts for Shared Services. The Contract Register may be maintained electronically.

Part 4 - Rules of Procedure

Contracts File (Manual or Electronic)

- 18.2 The Lead Procurement Officer must maintain a file for each Intermediate, High Value or European Regulations procurement. The file must contain all documents relating to that procurement including decisions made by officers, Members, Cabinet, or Council. The file must also contain the tender specification, background documents, variations, extensions etc. The file/records must be held for the minimum period specified in these Standing Orders.
- 18.3 The CDM Coordinator must maintain a Health and Safety file as required by the Construction (Design and Management) Regulations 2007.

Formal Contracts

- 18.4 The acceptance of any offer not exceeding £50,000, but exceeding £25,000, shall be subject to a formal written contract, prepared by the Group Manager Legal and Democratic Services and signed by the Chief Executive or Group Manager Legal and Democratic Services and the contractor.
- 18.5 The acceptance of any offer exceeding £50,000, shall be subject to a formal written contract under seal unless the Group Manager Legal and Democratic Services agrees that it shall not be under seal. If the contract is to be under seal it shall be prepared by the Group Manager Legal and Democratic Services and signed by the Chief Executive or Group Manager Legal and Democratic Services and the contractor.
- 18.6 A formal written contract, in accordance with Standing Order 18.6, may be required in any other case where the Chief Executive or relevant Corporate Director, Group Manager or Service Manager considers it necessary.

Retention of Contract Documents

- 18.7 All unsuccessful tenders shall be kept in the custody of the Lead Procurement Officer, or Group Manager Legal and Democratic Services if requested for the life of the contract.
- 18.8 Contracts referred to under Standing Order 18.7 shall be put in the custody of the Group Manager Legal and Democratic Services for a period of 6 years following completion of the contract or for contracts under seal a period of 12 years following completion of the contract. All other contracts shall be retained by the Procurement Co-ordination Officer concerned for a period of 6 years following completion of the contract.

Asset Management

- 18.9 All Equipment and Other Assets not mentioned below of a value over £5,000 are required to be recorded in an Asset Management Database which is held by the relevant Corporate Director.
- 18.10 All Land and Property Assets valued over £5,000 are required to be recorded in an Asset Management database, which is held by the Strategic Property Estates and Valuation Service Manager.

Hardware and Software

- 18.11 All ICT Equipment, Hardware, Firmware, Software, Licences, Infrastructure, Data and Communication Lines, Mobile Phones, and mobile equipment are to be recorded in an ICT Asset Database which is held by the Group Manager, Business Transformation and Technology.

Specialist Equipment

- 18.12 All other equipment of value such as Office Equipment, Vehicles, Artefacts, Intellectual Rights etc is to be recorded in Departmental Asset Management Registers

Part 4 - Rules of Procedure

19. Other Considerations

Environmental and Sustainability

- 19.1 The procurement of goods services, works will comply with the Council's environmental policy. Sustainability should be considered in all procurements and a needs analysis and impact assessment should form part of the decision making process. Wherever possible, subject to economical constraints, Gloucester City Council will procure from sustainable sources and where environmental damage can be minimised.
- 19.2 Suppliers will be expected to act in a manner commensurate with the Council's policies, and particularly with regard to Council policies on Equality and Diversity, Health and Safety, and sustainability.

Economic Development

- 19.3 Gloucester City Council believes that securing community benefits, such as creating new job and training opportunities for Gloucester people, is an appropriate core purpose. Using our definition of value for money and user requirements relating to community benefits such as:
- being directly relevant to the product or service being procured;
 - supporting the authority's objectives.
- such community benefits should only be used at the selection stage if they can be measurable, and are clearly identified as such in the tendering guidance.

Part 4 - Rules of Procedure

Annex 1 - Glossary of Terms, Definitions and Interpretations

Advantageous	Means the quotation or tender that offers the optimum combination of whole-life costs, benefits and efficiency gains to meet the Council's requirement.
Annual Procurement Plan	A plan identifying major projects so that appropriate resources can be identified. It also provides a basis for PINs and other information provided to suppliers to give advance notice of bidding opportunities.
Lead Procurement Officer	The Chief Executive, Corporate Directors and their Group Managers are all Lead Procurement Officers in respect of these Contract Standing Orders unless otherwise stated. Other persons with appropriate Council / officer delegations may act on the Council's behalf.
Best Value	The optimum combination of whole life costs (including procurement costs) and benefits (including efficiency gains) to meet the customer's requirement. Such term equates to the EU procurement requirement "most economically advantageous offer".
CDM Regulations	Means the Contract (Design and Management) Regulations 2007 or any amendment or re-enactment thereof.
CDM Group	Means the Group set up to monitor and oversee the application of the / or any amendment or re-enactment thereof.
Competitive Dialogue	Means a procedure for awarding a particularly complex contract which involves a dialogue with bidders to develop one or more alternative solutions.
Compliant	Means completed and submitted in accordance with Instructions to Tenderers and any other requirements specified in the Invitation to Tender.
Constitution	Means the document approved by the Council from time to time detailing the way the business of the Council shall be conducted.
Contract	Means an agreement between the Council and any supplier made by executing a formal Agreement or by issue of a letter of acceptance or official order for the procurement of all supplies, services and for the execution of building or civil engineering works by the Council, or carrying out of works for the Council.
Contractor	Means a company, firm, partnership, public authority or other business providing supplies, services and for the execution of building or civil engineering works by the Council, or carrying out of works for the Council
Council	Gloucester City Council, or any Council seeking to use these Contract Standing Orders including local authorities in England and Wales and joint fire, transport and waste authorities where the context so permits;
Council's requirement	Means the outputs, outcomes and the scope and nature of supplies, services or works required by the Council from a procurement process.
Contracts Register	A register held and maintained by the Group Manager Legal and Democratic Services, containing details of contracts entered into by the Council above the intermediate threshold value of £50,000.
Corporate Director	Means an employee of the City Council holding a post designated as a "Chief Officer" (also includes the Chief Executive) – In the absence of Corporate Directors the Chief Executive may in act in their place, or Individual Group Managers may be delegated and act for their Service Areas.
E-Procurement	The term used to describe the use of electronic methods in every stage of the purchasing process from identification of requirement through to payment, and potentially to contract management.
Electronic Auctions and Reverse Auctions	Means a repetitive process involving an electronic device for the presentation of new prices, revised downwards, and/or new values concerning elements of tenders, which occurs after an initial full evaluation of the tenders, enabling them to be ranked using automatic and buyer-specified evaluation methods.
Evaluation Criteria	Means the list of matters against which the tenders shall be judged which shall be prepared prior to the publication of the notices inviting tenders.
Evaluation Team	Means a group of at least 3 officers, which shall include the relevant Corporate Director / Group Manager and a financial officer who are constituted to evaluate the tender bid against the Evaluation Criteria.
Framework Agreement	An agreement which allows the Council to call off from a supplier to provide supplies, services or works in accordance with the terms of the agreement. The Framework Agreement itself usually constitutes a non-binding offer with no obligations on the Council to call off from the Supplier. If the Council calls off from the Supplier a binding contract comes into being. A Framework Agreement can be a binding agreement where it is executed as a deed;
Gershon	Sir Peter Gershon CBE published independent reviews of Public Sector efficiency including Guiding Principles in respect of procurement and achieving year on year efficiency.

Part 4 - Rules of Procedure

Gifts and Hospitality	Means small gifts with a value of less than £25.00, such as calendars, diaries, pens, pencils and other tokens, can be accepted without needing to obtain permission and without your acceptance having to be recorded, as long as they are not personal only to the receiving individual. The Code of Conduct sets the standards of behaviour expected of Officers and Members Hospitality – there are no hard and fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided they are approved by the Council and no extravagance is involved. Likewise, it may be reasonable for a Member to represent the Council at a social function or event organised by outside bodies or persons.
Goods	Includes 'materials', 'plant' and 'equipment'
Group Manager	Means an officer with that title who is responsible for a cluster of services and who may act in respect of those services. A person who is not a group manager but who reports directly to a Corporate Director or who is delegated by Council may also act under this definition.
ITN and ITT	Invitation to negotiate and Invitation to tender.
Key Decisions	See "Article 13 – Decision Making" in the Council's Constitution and the Cabinet Procedure Rules set out in Part 4 of the Constitution. This relates to a contract where the "Value" exceeds £500,000. There are also other criteria which may make the decision a "Key decision".
Land	Includes any legal or equitable interest in land
Lead Procurement Officer	Means any employee of the Council designated by the appropriate Corporate Director to undertake a procurement exercise
Negotiated Procedure	Means an exceptional procedure under which negotiation is permitted with selected firms before a contract is awarded
OJEU	Official Journal of the European Union;
Open Procedure	Means the tendering procedure as specified in the Regulations inviting tenders for the works, supplies or services.
Part A and B	Means those supplies, services and works specified in Schedule 1 of The Public Services Contracts Regulations 1993 under the relevant Parts thereof. (or any modification or re-enactment thereof)
Partnering arrangements	Means a long-term contractual arrangement with another Private or Public body to secure high quality cost-effective service provision and/or support for the in-house service delivery.
Person	Includes 'firm' and 'company'
PIN	Prior Information Notice for publication in OJEU;
Procurement Approach	Means a written set of documents containing the following information which shall be kept readily available for inspection. <ul style="list-style-type: none"> • Procurement Approach • Details of soft market testing undertaken • Link to Strategic Objectives of the department/Council • (Analytical information to be complied by Authorities on Procurement). • Details of Project Owner (i.e. Officer/Department sponsoring the project) • Expected length of contract • Whether Open, Negotiated, Restricted or Competitive Dialogue Procedure is to be used • Project timetable • Budget and proposed payment mechanism • Risk issues and proposed allocation • Proposed Project Management arrangements
Public Contract Rules	Means the Treaty of Rome, the EU Public Procurement Directives and the Public Services Contracts Regulations 1993, the Public Supply Contracts Regulations 1995 and the Public Works Contracts Regulations 1991 as amended or replaced.
Regulations	The UK regulations implementing the EU public procurement directives;
Relative	means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and "partner" as used above means a member of a couple who live together.
Restricted Procedure	Means a procedure in which suppliers are invited to tender for the works, supplies or services, who have been previously selected and short listed.
RFQ	Request for quotations;

Part 4 - Rules of Procedure

Quotation	Means a formal offer to supply or procure goods, services and materials, execute works or provide services at a stated price.
Sale	Includes 'disposal',
Selective Tendering / Approved List	Means a procedure under which tenders are invited from firms specified on an approved list or database.
Senior Manager	Means either a Statutory Officer, Corporate Director or Group Manager
Services	Means the services provided by the supplier in accordance with the contract, and includes the employment of consultants or temporary employment agencies.
SME's	Means Small and Medium Size Enterprises
Statutory Officers	The Head of Paid Service (Chief Executive), The Chief Finance Officer (Corporate Director of Resources) and the Monitoring Officer (Group Manager Legal and Democratic Services)
Supplies or Supplier	Means goods, materials or equipment and any person, sole trader, partnership or company (limited or unlimited) providing, or seeking to provide, supplies, services or works to a Council.
Tender	Means a formal offer to supply or procure goods, services and materials, provide services or execute works at a stated price. Includes 'offer' and 'quotation'
Tender Documents	Means the Conditions of Tender and Contract, the Form of Tender, the Specification, the Form of Agreement and any other related documents or papers. These may also be available in electronic form.
Tenderer	Means any prospective supplier submitting a tender.
Value for Money	Means "The optimum combination of whole life costs and quality to meet the users requirement".
Works	Means building and engineering work carried out in respect of any physical structure.
Writing	The requirement that any document should be in writing is satisfied where (apart from the usual meaning of that expression) the text of it is created and transmitted or stored by electronic means, in legible form, and capable of being used for subsequent reference.

Part 4 - Rules of Procedure

Annex 2 – Procurement Thresholds and Document Retention

Summary of Thresholds	Value	Description/ Constraints/ Decision Makers
A. Low Value Procurement	Below £5000	Group Manager and Service Manager by Delegation
B. Intermediate Procurement	£5,000 or over but below £50,000	Corporate Director and Group Manager by Delegation
C. High Value Procurement	Over £50,000 and below European Regulation Procurement Threshold	Chief Executive, Corporate Director of Resources
D. European Regulation Procurement		Advertisement in European Journal/ Cabinet Decision
Services	£173,934*	*Calculated on Exchange rate with Euro as at 1 st January 2012
Supplies	£173,934*	*Calculated on Exchange rate with Euro as at 1 st January 2012
Works	£4,348,350*	*Calculated on Exchange rate with Euro as at 1 st January 2012
E. Major Project Procurement	£500,000	Cabinet Decision unless reserved by Council

For detailed document retention, please see Council Retention Policy

Summary of Document Retention	Period	
Quotations	2 years	Details held in the Contracts File
Contract/Procurement Negotiations	6 years	Participants in any negotiations shall sign a record of such negotiations which shall be held in the Contracts File.
Unsuccessful Tenders	For life of Contract	Summary held in Contracts File, documents held with the Contracts File.
Successful Tenders	For life of Contract	Details held in the Contracts Register and Contracts File.
Contracts not under Seal	For life of Contract	Details held in the Contracts Register and Contracts File.
Contracts under Seal	12 years	Details held in Seal Register, Contracts Register and Contracts File.

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EXECUTIVE PROCEDURE RULES

1. HOW DOES THE EXECUTIVE OPERATE?

1.01 Who May Make Executive Decisions?

The arrangements for the discharge of Cabinet functions may be set out in the Executive Arrangements adopted by the Council. If they are not set out there, then the Leader of the Council (herein after referred to as the Leader) may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for Executive functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) a committee of the Cabinet;
- (iii) an individual Member of the Cabinet;
- (iv) an officer;
- (v) an Area Committee;
- (vi) joint arrangements; or
- (vii) another Local Authority.

1.02 Delegation by the Leader

At an annual meeting of the Council, the Leader will present to the Council a written record of delegations made by him/her for inclusion in the Council's scheme of delegation as Part 3 to this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- (i) the names, addresses and wards of the people appointed to the Cabinet by the Leader;
- (ii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them;
- (iv) the nature and extent of any delegation of Executive functions to Area Committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint Committee for the coming year; and
- (v) the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.03 Sub-Delegation of Cabinet Functions

- (a) Where the Cabinet, a Committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive function, they may delegate further to an Area Committee, joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Committee of the Cabinet or to an officer.
- (c) Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- (d) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated the function.

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- 1.04 The Council's Scheme of Delegation and Executive Functions**
- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
 - (b) The Leader is able to decide whether to delegate Executive functions, and he/she may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Corporate Director of Resources and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The Corporate Director of Resources will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
 - (c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chair.
- 1.05 Conflicts of Interest**
- (a) Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
 - (b) If every Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
 - (c) If the exercise of an Executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- 1.06 Cabinet Meetings - When and Where?**
- The Cabinet will meet at least nine times per year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.
- 1.07 August Recess**
- There shall be a recess for the period of the month of August and during this period no meeting of the Council, the Cabinet or of any Committee shall be held except to transact business of urgency, the transaction of which cannot with propriety be postponed.
- 1.08 Quorum**
- The quorum for a meeting of the Cabinet, or a Committee of it, shall be two, one of whom must be the Leader or Deputy Leader.
- 1.09 How are Decisions to be taken by the Cabinet?**
- (a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
 - (b) Where executive decisions are delegated to a Committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

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2. HOW ARE CABINET MEETINGS CONDUCTED?

2.01 Who Presides?

If the Leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

2.02 Who may Attend?

Cabinet meetings (but not briefing meetings) will be open to 'non-Cabinet Councillors' and members of the public.

2.03 What Business?

At each meeting of the Cabinet the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in part 4 of this Constitution;
- (iv) consideration of reports from Overview and Scrutiny Committees; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution;
- (vi) matters for information or future report.

2.04 Consultation

All reports to the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.05 Who can put Items on the Cabinet Agenda

The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or officer in respect of that matter. The Corporate Director of Resources will comply with the Leader's requests in this respect.

- (i) Any Member of the Cabinet may require the Corporate Director of Resources to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request the Corporate Director of Resources will comply.
- (ii) The Corporate Director of Resources will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Overview and Scrutiny Committee or the Full Council have resolved that an item be considered by the Cabinet. However, there may only be up to three such items on any one agenda.

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- (iii) Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. [This individual will be invited to attend the meeting, whether or not it is a public meeting.] However, there may only be up to three such items per Cabinet meeting.
- (iv) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Corporate Director of Resources to call such a meeting in pursuance of their statutory duties. In other circumstances where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

3. DECISION-MAKING BY INDIVIDUAL CABINET MEMBERS

- 3.01** All decision making powers must be exercised in accordance with the Law, all of the rules, procedures, codes and protocols contained in the Council's Constitution (including the Access to Information Rules) and within Council policy.
- 3.02** The decisions must be made in discussion with one or more of the following as appropriate:
 - The Chief Executive
 - The appropriate Corporate Director
 - The Monitoring Officer or Deputy Monitoring Officer
 - The Chief Finance Officer
 - Where there are minor cross-cutting implications, other appropriate Portfolio Holder(s)
- 3.03** The Cabinet Member must take into account professional, legal and financial implications in making any decisions. If any of the above officers give advice that the decision would fall within one of the exceptions above then the matter shall be decided by the Cabinet acting collectively.
- 3.04** Where it is not clear in which Portfolio an issue sits, the Leader shall decide. If the appropriate portfolio holder is unavailable and the decision needs to be taken urgently, then the Leader may take the decision.
- 3.05** When a Cabinet Member takes an individual decision, the following steps must be taken:
 - A detailed report must be published at least 5 clear working days prior to the decision being taken. Notice of when a decision is to be taken will also be included in the Leader's Forward Plan.
 - There will be the opportunity for representations to be made following the report being published. These will be forwarded to the decision maker.
 - Decisions will be recorded on a form and countersigned by one of the above officers to confirm that professional advice has been given and that legal and financial implications have been made known to the decision maker.
 - In the case of key decisions, the reasons for the decision must be identified and details of any alternative options considered and rejected at the time of the decision must be recorded. Key Decisions will also have to have been published in the Forward Plan in advance of the decision being taken.

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- The advising officer must keep a record of the decision that has been countersigned by the Cabinet Member and a copy of the form should be sent electronically to the Democratic Services Team.
- The decision will be published electronically and members may still exercise the call-in facility in the same manner as for a full Cabinet decision.
- A record must be made of any conflict of interest declared by a Cabinet Member, and in respect of any declared conflict of interest, a note of any dispensation granted by the Standards Committee of the Council

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OVERVIEW AND SCRUTINY PROCEDURE RULES

1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEE?

The Council will have one Overview and Scrutiny Committee as set out in Article 6. The Committee can appoint Task and Finish Groups.

The Council will appoint an Overview and Scrutiny Committee to:

- (i) Co-ordinate, champion and lead on the scrutiny of Council and Executive decisions.
- (ii) Have all of the functions, powers and duties conferred by Section 21 of the Local Government Act 2000(as amended).
- (iii) Determine the allocation of work in the event that the scope of the subject matter of a scrutiny study or investigation overlaps the role of more than one Sub-Committee or Task and Finish Group.
- (iv) Review the operation of the scrutiny process and work programmes of the Overview and Scrutiny Sub Committees and Task and Finish Groups and inform and advise Council in relation to priorities and the allocation of resources.
- (v) Oversee and review the resources, support, training and development of Overview and Scrutiny Members.
- (vi) Develop a positive “critical friend” approach to the role of scrutiny of the Council and Community issues.
- (vii) Provide and co-ordinate the input to an annual report to Full Council on such issues or topics as the Committee sees fit.
- (viii) Give consideration to the management of matters called in for review under paragraph 14 of the Overview and Scrutiny Rules.
- (ix) Give consideration to matters referred to it by the Councillors’ Call for Action.
- (x) Review and scrutinise the work of the Executive.
- (xi) Review and scrutinise the content of the Forward Plan.
- (xii) Review and scrutinise the policies of the Council.
- (xiii) Consider any matters which affect the authority, the City of Gloucester (or part of it) or its inhabitants (or some of them).

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEE?

The Committee will comprise of 15 Members, however, all Councillors except Members of the Cabinet may be Members of the Overview and Scrutiny Committee. No Member may be involved in scrutinising a decision which he/she has been directly involved.

3. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEE

There shall be at least eleven ordinary meetings of the Overview and Scrutiny Committee in each year and in addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chair of the relevant Overview and Scrutiny Committee, by any five Members of the committee or by the Corporate Director of Resources if he/she considers it necessary or appropriate.

4. QUORUM

The quorum for the Overview and Scrutiny Committee shall be as set out for committees in the Council Procedure Rules in Part 4 of this Constitution.

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5. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE MEETINGS?

The appointment of Chairs and Vice-Chairs of Overview and Scrutiny Committee will be determined by Council at its Annual Meeting.

6. WORK PROGRAMME

The Overview and Scrutiny Committee will be responsible for setting its own work programme and in doing so it shall take into account wishes of Members on that committee who are not Members of the largest political group on the Council.

7. AGENDA ITEMS

Any five Members of the Council who are not Members of the Overview and Scrutiny Committee may give written notice to the Corporate Director of Resources that they wish an item to be included on the agenda of the Overview and Scrutiny Committee. If the Corporate Director of Resources receives such notification, then he/she will include the item on the first available agenda of the Overview and Scrutiny Committee for consideration by the committee.

The Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and if it considers it appropriate the Cabinet to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

8. POLICY REVIEW AND DEVELOPMENT

- (a) The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) The Overview and Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisors, assessors and witnesses a reasonable fee and expenses for doing so.

9. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEE

- (a) Once it has formed recommendations on proposals for development of the Council's Budget and Policy Framework, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Corporate Director of Resources for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- (b) If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be

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prepared and submitted for consideration by the Council or Cabinet with the majority report.

- (c) The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of it being submitted to the Corporate Director of Resources

10. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET

Once an overview and scrutiny report on any matter which is the responsibility of the Cabinet has been completed, it shall be included on the agenda of the next available meeting of the Cabinet, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet within a period of four weeks from the date the report was adopted by the Overview and Scrutiny Committee. In such cases, the report of the Overview and Scrutiny Committee shall be considered by the Cabinet when it considers that matter. If for any reason the Cabinet does not consider the overview and scrutiny report within ten weeks then the matter will be referred to Council for review, and the Corporate Director of Resources will call a Council meeting to consider the report and make a recommendation to the Cabinet.

The Overview and Scrutiny Committee will in any event have access to the Cabinet's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service development, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

11. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- (a) In addition to their rights as Councillors, Members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

12. MEMBERS AND OFFICERS GIVING ACCOUNT

- (a) The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Member of the Cabinet, the Head of Paid Service and/or any senior officer to attend before it to explain, in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) the Council's or the Officer's performance;
 - (iv) and it is the duty of those persons to attend if so required.
- (b) Where any Member or officer is required to attend the Overview and Scrutiny Committee under this provision, the Chair of that committee will inform the Corporate Director of Resources. The Corporate Director of Resources shall inform the Member or officer in writing, giving at least five working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers

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are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, or documentation, then the Member or officer concerned will be given sufficient notice to allow for preparation of that report or documentation.

- (c) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance.

13. ATTENDANCE BY OTHERS

The Overview and Scrutiny Committee may invite other than those referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and Members and officers in other parts of the public sector and shall be able to invite such people to attend.

14. CALL-IN

Call-in should only be used in exceptional circumstances, such as where Members have evidence which suggests that the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making).

- (a) When a decision is made by the Cabinet, an individual Member of the Cabinet or a Committee of the Cabinet, or a Cabinet decision is made by an officer with delegated authority from the Cabinet, or an Area Committee or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two days of being made. The Chair of Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) The Minutes will indicate whether matters are subject to delegated action by officers (and if so whom) or for decision by the Council.
- (c) Where it is considered that the proposed action is contrary to, or not in accordance with, the Council's policy, or the Cabinet, individual Member of the Cabinet or an Officer acting under Delegated Authority from the Cabinet did not take the decision in accordance with the principles set out in Article 13 (Decision Making) or was contrary to Officer advice, then the following call in arrangements will apply:-
- The Head of Paid Service, in consultation with the Monitoring Officer, must agree that the call in complies with the criteria set out in the Constitution in order that it can proceed.
 - Within five working days of the publication of an executive decision any five Members of the Council may request reference of the minute to the Overview and Scrutiny Committee for consideration.
 - The request shall be communicated to the Corporate Director of Resources in writing and signed by at least five Members, or by separate communication in the same terms by five Members. As an alternative, the request may be communicated separately in electronic form provided that the Corporate Director of Resources is satisfied with proof of identity of each individual Member.
 - The Corporate Director of Resources will, as soon as practicable, communicate the request to:-
 - the relevant officer identified in the Minute

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- the Overview and Scrutiny Committee Chair (or Vice Chair in their absence)
 - the Leader of the Council or Deputy Leader in their absence.
- Upon receipt of notification the Chair (or Vice Chair) shall convene a special meeting of the Overview and Scrutiny Committee within ten working days of the date of notification by the Corporate Director of Resources, unless there is a meeting of the committee already programmed within twenty-one days of the notification, in which case the matter shall be referred to that programmed meeting.
 - When the executive decision comes before the Overview and Scrutiny Committee, the following persons shall have a right to attend and to speak at the Committee:-
 - any one or more Members having requested the call-in
 - the Leader, the Deputy Leader and/or the relevant Cabinet Member having portfolio responsibility for the matter under consideration
 - The Overview and Scrutiny Committee shall be entitled to receive copies of any reports as set out in the Access to Information Procedure Rules in Part 4 of the Constitution.
 - In the event of a call-in of a Cabinet Minute the relevant officer shall not exercise his/her delegated powers on the matter before it has been considered by the Overview and Scrutiny Committee and re-considered by the Cabinet in light of the Overview and Scrutiny Committee's conclusions and any recommendations.
 - No matter which has been the subject of a call-in may be subject to a second call-in.
- (d) Where an executive decision has been taken by an Area Committee then the right of call-in shall extend to any other Area Committee which resolves to refer a decision which has been made but not implemented to the Overview and Scrutiny Committee for consideration in accordance with these provisions. An Area Committee may only request the Corporate Director of Resources to call-in the decision if it is of the opinion that the decision will have an adverse effect on the area to which it relates. All other provisions relating to call-in shall apply as if the call-in had been exercised by Members of the Overview and Scrutiny Committee.

15. CALL-IN AND URGENCY

The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would e.g. seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Sheriff and Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

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16. COUNCILLOR CALL FOR ACTION

The ‘Councillor Call for Action’ is a new method of dispute resolution, introduced by the Local Government and Public Involvement in Health Act 2007. Councillors are able to bring matters forward for investigation by a specially convened meeting of the Overview and Scrutiny Committee, provided the following terms are met:

- i) all other means of resolving the dispute have been explored and exhausted;
- ii) the matter in question applies to a specific locality;
- iii) the involvement of scrutiny has a demonstrable potential impact on the matter;
- iv) the complaint is not ruled to be vexatious, discriminatory or unreasonable by the Overview and Scrutiny Committee.

Should this be the case, then an investigation will be conducted, involving input from as many sources affected by the issues as possible. Once the hearings have been completed, the Committee will consider its ruling, and publish a report detailing its findings on the matter. Whilst this may detail the recommended actions to be taken by Council, it may also decide to refer the matter to another body, or indeed not to issue a report (although these last two options must be justified in full).

17. THE PARTY WHIP

When considering any matter in respect of which a Member of the Overview and Scrutiny Committee is subject to a party whip the Member must declare the existence of the whip, and the nature of it before the commencement of the committee's deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

18. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

- (a) Overview and Scrutiny Committee shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interest;
 - (iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
 - (iv) responses of the Cabinet to reports of the Overview and Scrutiny Committee; and
 - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where there are speakers for the Public Questions agenda item at any meeting of the Overview and Scrutiny Committee, the Chair shall have discretion to allow the speakers to ask their question at the most appropriate time during the meeting.
- (c) Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which will be conducted in accordance with the following principles:
 - (i) the investigation be conducted fairly and all Members of the committee will be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) those assisting the committee by giving evidence be treated with respect and courtesy; and
 - (iii) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

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- (c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate and shall make its report and findings public.

19. TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEE

The terms of reference for the Overview and Scrutiny Committee are contained in Article 6 - Overview and Scrutiny Committee.

20. OVERVIEW AND SCRUTINY BUDGETS

The Overview and Scrutiny Committee will be provided with sufficient budget resource in order to carry out its functions and to pay any reasonable fee or expense in respect of the overview and scrutiny process. The Corporate Director of Resources will act as the Cost Centre Manager for that budget.

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ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committee, Area Committees (if any), the Standards Committee 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 all meetings subject only to the exceptions in these rules.

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 the North Warehouse, The Docks, Gloucester, GL1 2EP

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 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 for 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 AND DECISION RECORDS AFTER THE MEETING

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

- (a) the Minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the Minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and

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- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.01 List of Background Papers

The author of each and every report where a decision is to be made will set out a list of those documents (called background papers) relating to the subject matter of the report which in the author's opinion:-

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report;

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Executive reports, the advice of a political advisor.

8.02 Public Inspection of Background Papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at The North Warehouse, The Docks, Gloucester, GL1 2EP.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.01 Confidential Information - Requirement to Exclude Public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed, subject to the public interest test set out in the Local Government (Access to Information) (Variance) Order 2006.

10.02 Exempt Information - Discretion to Exclude Public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified.

10.03 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.04 Meaning of Exempt Information

Exempt information means information falling within the categories (subject to any condition):

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	Category	Condition
1	Information relating to any individual	Public Interest Test
2	Information which is likely to reveal the identity of an individual	Public Interest Test
3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)	<p>Information falling within paragraph 10.03 above is not exempt information by virtue of that paragraph if it is required to be registered under -</p> <ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993. <p>The category is also subject to the Public Interest Test</p>
4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority	Public Interest Test
5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Public Interest Test
6	Information which reveals that the authority proposes - <ul style="list-style-type: none"> (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment 	Public Interest Test
7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Public Interest Test
7a	In respect of the Standards Committee, information which is subject to any obligation of confidentiality;	
7b	In respect of the Standards Committee, information which relates in any way to matters of National Security;	
7c	The deliberations of the Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on any matter referred under the provisions of Section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.	

Note relating to proposed development for which the local planning authority can grant itself planning permission

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Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Public Interest Test

Information which -

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or the note above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Corporate Director of Resources thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE CABINET

Rules 13-23 specifically apply to the Cabinet and its Committees. If the Cabinet or its Committees meet to take a key decision then it must also comply with Rules 1 - 11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution.

If the Cabinet or its Committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 13.03 of this Constitution. This requirement does not include meetings, whose sole purpose is for officers to brief Members.

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- (b) at least five clear days have elapsed since the publication of the Forward Plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. THE FORWARD PLAN

14.01 Period of Forward Plan

Forward Plans will be prepared by the Leader to cover a period of twelve months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

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14.02 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a Committee of the Cabinet, individual Members of the Cabinet, officers, Area Committees or under joint arrangements in the course of the discharge of an Cabinet function during the period covered by the Plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;
- (f) the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

In addition to key decisions, the Forward Plan will include Budget and Policy Framework decisions. Proposals relevant to the Budget and Policy Framework are subject to a period of consultation and Overview and Scrutiny Committees have the opportunity to respond in relation to the consultation process. These arrangements are set out in the next section headed 'Rules and Procedure – Budget and Policy Framework'.

The Forward Plan must be published at least fourteen days before the start of the period covered. The Corporate Director of Resources will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the Council;
- (b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the Plan will contain details of the key decisions (and Budget and Policy framework decisions) for the four month period following its publication;
- (d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- (e) that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the Plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt information need not be included in a Forward Plan and confidential information cannot be included.

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15. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Corporate Director of Resources has informed the Chair of Overview and Scrutiny Committee, or if there is no such person, each Member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Corporate Director of Resources has made copies of that notice available to the public at the offices of the Council; and
- (d) at least three clear days have elapsed since the Corporate Director of Resources complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

16. SPECIAL URGENCY

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of a relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of a relevant Overview and Scrutiny Committee, or if the Chair of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Council, or in his/her absence the Vice-Chair will suffice.

17. REPORT TO COUNCIL

17.01 When an Overview and Scrutiny Committee can Require a Report

If an Overview and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a relevant overview and Scrutiny Committee Chair, or the Chair/Vice-Chair of the Council under Rule 16;

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies. The power to require a report rests with the Committee, but is also delegated to the Corporate Director of Resources, who shall require such a report on behalf of the Committee when so requested by (the Chair or any five Members). Alternatively, the requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

17.02 Cabinet's Report to Council

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within seven days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

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17.03 Reports on Special Urgency Decisions

The Leader will submit a report to the next possible meeting of the Council on Cabinet decisions taken in the circumstances set out in Rule 16 (special urgency). The report will include the number of decisions taken and a summary of the matters in respect of which those decisions were taken.

18. RECORD OF DECISIONS

After any meeting of the Cabinet or any of its Committees, whether held in public or private, the Corporate Director of Resources or, where no officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

19. CABINET MEETINGS RELATING TO MATTERS WHICH ARE NOT KEY DECISIONS

The Cabinet will decide whether meetings relating to matters which are not key decisions will be held in public or private.

20. NOTICE OF PRIVATE MEETING OF THE CABINET

Members of the Cabinet or its Committees will be entitled to receive five clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

21. DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET

21.1 Reports Intended to be Taken into Account

Where an individual Member of the Cabinet receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least five clear days after publication of that report.

21.2 Provision of Copies of Reports to Overview and Scrutiny Committee

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

21.3 Record of Individual Decision

As soon as reasonably practicable after an Cabinet decision has been taken by an individual Member of the Cabinet or a key decision has been taken by an officer, he/she will prepare, or instruct the Corporate Director of Resources to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual Members of the Cabinet. This does not require the disclosure of exempt or confidential information or advice from a political or Mayor's assistant.

22. OVERVIEW AND SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

22.1 Rights to Copies

Subject to Rule 22.2 below, an Overview and Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet or its Committees; or

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- (b) any decision taken by an individual Member of the Cabinet.

22.2 Limits on Rights

Overview and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of the document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political advisor.

23. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

23.1 Material Relating to Previous Business

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains exempt information falling within paragraphs 1 to 7c, or the categories of exempt information; or
- (b) it contains the advice of a political advisor.

23.2 Material Relating to Key Decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its Committees which relates to any key decision (and Budget and Policy Framework decision) unless paragraph (a) or (b) above applies.

23.3 Nature of Rights

These rights of a Member are additional to any other right he/she may have.

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STANDARDS SUB-COMMITTEE PROCEDURE RULES (Assessment, Review and Hearings)

(A) INITIAL ASSESSMENT AND REVIEW

These Rules and Procedures relate to the Local Assessment and Review of Decisions of an allegation(s) that a Member of the Council has failed to comply with the Code of Conduct and any subsequent hearing. This will apply to complaints against members of Quedgeley Parish Council in the same way as for complaints against City Council Members.

1. Receipt of Allegations

- 1.1 The Monitoring Officer shall set up arrangements within the Council to secure that any allegation made in writing (this will include fax and e-mail) that a Member of the Council has, or may have, failed to comply with the Council's Code of Conduct is referred to the Monitoring Officer upon receipt by the Council.
- 1.2 A complaint about the possible breach of the Code of Conduct may, on occasions, be included in another more general complaint, and the Monitoring Officer shall take such steps as are considered necessary to ensure these are considered under the Local Assessment Regime.
- 1.3 The Monitoring Officer shall maintain a register of such allegations to ensure that the Council can comply with its obligations under the relevant legislation, and provide such monitoring data as the Standards Board shall require.
- 1.4 Complaints shall only be entertained where they are signed by the complainant, but the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant where, and for so long, as in their opinion that would be in the public interest and prior to a decision on this point by the Assessment Sub-Committee.
- 1.5 If the Monitoring Officer receives a complaint verbally they shall ascertain whether the complainant would wish to put that complaint in writing. If they do not wish to, the Monitoring Officer shall consider any other options for dealing with the complaint including informal resolution, as is appropriate.
- 1.6 There may be occasions whereby the complainant, for reasons of disability or that English is not their first language, may need assistance with making their complaint. If this is the case, the Monitoring Officer may write down the complaint for the individual, explain what the complaint is and get them to agree the content and sign it. If they refuse to sign it, then the Monitoring Officer shall consider any other options for dealing with complaints as in 1.5 above.
- 1.7 All relevant allegations must be assessed by the Assessment Sub-Committee. The Monitoring Officer has no authority to deal with an allegation which appears to be an allegation of failure by a relevant Member to observe the Code of Conduct other than by reporting it to the Assessment Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct with a possible breach of the Code of Conduct. Where it appears not to be, the Monitoring Officer shall ensure that the matter is dealt with under a more appropriate procedure, for example, where it is really a request for service from the Council, a statement of policy disagreement, a legal claim against the Council or a complaint against an officer of the Council, or by any other possible method of resolving the issue.

2. Notification of Receipt of Allegations

- 2.1 Following receipt of the allegation, and where the allegation does appear to be a complaint of a breach of the Code of Conduct against a relevant Member, the Monitoring Officer will promptly, and in any case in advance of the relevant meeting:-

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- (a) acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessment Sub-Committee at its next convenient meeting;
 - (b) notify the Member against whom the allegation is made of receipt of the complaint and the name of the complainant (unless they have requested confidentiality and this has been agreed or is yet to be considered), and state that the allegation will be assessed at the next convenient meeting of the Assessment Sub-Committee. However, where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person's ability to investigate the allegation, they shall consult the Chair of the Assessment Sub-Committee, or in their absence the Chair of the Standards Committee, and may then decide that no such advance notification shall be given;
 - (c) collect such information as is readily available and would assist the Assessment Sub-Committee in its function of assessing the allegation;
 - (d) seek local resolution of the matter where practicable, in accordance with Paragraph 3 below;
 - (e) place a report, including a copy of the allegation and a summary, any readily available information, eg. declaration of acceptance of office, Register of Interest, minutes of meetings, and their recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, including the Code paragraph number, on the agenda for the next convenient meeting of the Assessment Sub-Committee;
 - (f) contact the complainant if necessary for clarification of the complaint if elements of it cannot be understood from the paperwork;
 - (g) it must be borne in mind that the Monitoring Officer is not to carry out the pre-assessment enquiries as an investigation, as this can only occur after the Assessment Sub-Committee has required such an investigation. Therefore, there should be no interviews carried out, either of the complainant or the Member, nor any opinions expressed on the allegation. The report must be purely factual.
- 2.2 There are restrictions in the Local Government Act 2000 (Section 63 and the 2008 Regulations) on disclosure of the details of the complaint to the Member concerned. The Monitoring Officer will need to consider the restrictions on a case by case basis. The only specific power to provide a written summary of the allegation to the Member complained about is to the Standards Committee, Assessment Sub-Committee and Review Sub-Committee.
- 3. Local Resolution**
- 3.1 Local resolution is not an alternative to reporting the allegation to the Assessment Sub-Committee, but can avoid the necessity of a formal local investigation and possibly save the time and expense of carrying one out.
- 3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution, they shall approach the Member against whom the allegation has been made and ask whether they are prepared to acknowledge that their conduct was inappropriate, and whether they would be prepared to offer an apology or undertake other appropriate remedial action. With the consent of the Member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant would be satisfied by such apology or other remedial action.
- 3.3 The Monitoring Officer should then report to the Assessment Sub-Committee as required, and at the same time report the response of the Member concerned and of the complainant. The idea is that, where the Member has acknowledged that their conduct was inappropriate, and particularly where the complainant is satisfied with the proffered apology or remedial

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action, the Assessment Sub-Committee should take that into account when considering whether the matter merits investigation.

4. Review of Decisions not to Investigate

- 4.1 Where the Assessment Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall promptly advise the complainant of the decision, and the complainant may then, within 30 days of receipt of such notification, request that the Review Sub-Committee review that decision.
- 4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the Assessment Sub-Committee in respect of the matter, the summary of the Assessment Sub-Committee and any additional relevant information which has become available after the meeting of the Review Sub-Committee.

5. Local Investigation

- 5.1 It is recognised that the Monitoring Officer may not personally conduct a formal local investigation.
- 5.2 It will be for the Monitoring Officer, where appropriate after consultation with the Chair of the Assessment Sub-Committee, to determine who to instruct to conduct a formal local investigation, and this may include another senior officer of the Authority, a senior officer of another authority or an appropriately experienced consultant.

6. Dual Hatted Members

- 6.1 On occasions, a Member who has been complained about may be a Member of another Authority having a Standards Committee, eg. County Council, Police Authority.
- 6.2 If this is the case, the Monitoring Officer shall check whether the same, or substantially similar, complaint has been made to that other Authority. This information will be passed to the Assessment Sub-Committee for them to decide which Standards Committee shall deal with the complaint.

(B) ASSESSMENT SUB-COMMITTEE RULES AND PROCEDURES

1. Alleged Breaches of Code of Conduct

- 1.1 The Assessment Sub-Committee is set up to consider the complaints of breaches of the Code of Conduct against Members of the City Council and Quedgeley Parish Council.
- 1.2 The job of the Sub-Committee is not to ascertain whether a breach has actually occurred, but to see whether the complaint shows that a breach of the Code **may** have occurred, and if it might have then refer the complaint to either the Monitoring Officer, or Standards Board in sufficiently serious cases, to formally investigate. The initial assessment should normally take place within 20 working days of receipt of the complaint.
- 1.3 Prior to the assessment of a complaint, the Sub-Committee must be satisfied of the following:-
 - (i) the complaint is against one, or more, Members of the Council, including the Parish Council, over which the Standards Committee has jurisdiction;
 - (ii) the Member(s) is/were in office at the time of the alleged breach of the Code;
 - (iii) the Code was in force at the time of the alleged breach;
 - (iv) the alleged misconduct, if proven, would be a breach of the Code.

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- 1.4 If any of the above is **not** applicable, then the complaint cannot be investigated as a breach of the Code, and the complainant told that no further action will be taken. If the complaint is not to be investigated for these reasons, the Monitoring Officer shall consider if the complaint shows a breach of Council policy, or service delivery failure, and may, where appropriate, refer the matter under the Council's normal complaints procedure.
- 1.5 If the Assessment Sub-Committee considers that the above tests are satisfied, then the complaint will need to be assessed against known and agreed criteria. These will reflect local circumstances, and be clear, fair and open.
- 1.6 The establishment of criteria will assist the Sub-Committee in considering complaints, and help protect them against allegations of bias. A number of assessment criteria are included in this paper, however this must be a living document, reviewed regularly and added to as and when appropriate. Further they are not a list to be followed slavishly. Each case must be considered on its merits, and no blanket policy of either accepting or rejecting complaints is permissible.
- 1.7 The assessment criteria are important to show fairness and provide confidence in the system from both the complainant's point of view and that of the Members. This is relevant, and must be balanced with the cost to the public purse of investigating such complaints both in officer and Member time, in particular, when the matter complained of is relatively minor.
- 1.8 There is a balance to be struck between the public benefit of investigating all complaints with the possibility of receiving malicious, vexatious, politically motivated or minor complaints. The criteria should look to address this balance.
- 1.9 The following criteria are suggested for the initial policy protocol, and can be adapted and changed based upon experience. It is important however that any changes to the criteria do **not** occur during a case, but only afterwards based upon experience.

2. Criteria

- 2.1 Has sufficient information been submitted to satisfy the Sub-Committee that it should be referred for investigation or other action?
- 2.2 If the Member complained about is no longer a Member of the City Council or Quedgeley Parish Council, but is a Member of another authority, does the Sub-Committee wish to refer the matter on?
- 2.3 Has the complaint already been investigated, or other action taken, under the Code or by another Regulatory Authority, eg. Ombudsman?
- 2.4 Is the complaint about something that happened so long ago there is little benefit in taking action now?
- 2.5 Is the complaint too trivial?
- 2.6 Is the complaint malicious, tit for tat or politically motivated.
- 2.7 Is the complaint the same as one that has been previously rejected or investigated.

3. Potential Action

- 3.1 The Sub-Committee has four courses of action open to it:-
 - (i) refer the complaint to the Monitoring Officer for investigation (this may be the Monitoring Officer of another authority instead of, or as well as, the Monitoring Officer of the City Council);
 - (ii) refer the complaint to the Standards Board;
 - (iii) recommend other action, eg. mediation, consultation, training;
 - (iv) take no action.

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4. Referral to the Monitoring Officer for Investigation

- 4.1 The Monitoring Officer shall ensure that they, or a person nominated by them, fully and appropriately investigates the complaint in accordance with the Monitoring Officer Protocol and a full report is presented of the results of that investigation to the Standards Committee.

5. Referral to the Standards Board for England for Investigation

- 5.1 The majority of cases can be dealt with within the remit of the Gloucester City Council Standards Committee, but on occasions the public interest will justify the reference to the Standards Board.
- 5.2 This is likely to be in circumstances where it will be difficult for the Standards Committee to deal with the matter fairly or speedily. Examples of this may be where the complaint is against a Group Leader, Leader of the Council, Member of the Executive, or Member of the Standards Committee, or one of these individuals has made the complaint. Alternatively, if the complaint is by the Monitoring Officer, Chief Executive or other senior officer, it may be appropriate to refer the matter to the Standards Board.
- 5.3 If there is a conflict of interest of Members of the Standards Committee, or Monitoring Officer, which cannot be adequately resolved, or the complaint is of long-term or systematic Member/officer bullying, it may be more appropriate to refer the complaint to the Standards Board.
- 5.4 Similarly, if the matter is so serious, or complex, or raises significant legal issues, or the authority may have an interest in the outcome, eg. a judicial review rests on the outcome, then it can be referred to the Standards Board.
- 5.5 The Standards Board can decline to investigate a referred complaint, and send it back to the Assessment Sub-Committee with its reasons why it declined to investigate. This is then to be considered by the Sub-Committee within 20 working days, and the normal options (other than referral to the Standards Board) are available. However, as the matter was considered serious enough to refer to the Standards Board initially, it is likely that the Sub-Committee will favour the Monitoring Officer investigation, unless circumstances have drastically changed.

6. Take other action

- 6.1 This can be an alternative to an investigation or referral, and should be based on the principles of good governance. The Monitoring Officer will be consulted prior to such a decision being taken, and the Monitoring Officer shall be responsible for carrying out, or arranging for, the other action.
- 6.2 The type of other action will depend on the complaint and may range wider than the specific complaint. In other words, the complaint may show a lack of overall training for Members, which needs to be addressed.
- 6.3 This other action may be the most cost effective and simplest method of resolving the situation and stopping it happening again.
- 6.4 It is not possible to identify all the circumstances where this would be the appropriate course of action, but may include where Members fail to understand the Code, have acted on incorrect officer advice, they have followed inadequate policies and procedures of the Council, or there has been a breakdown in Member/Member or Member/officer relations.
- 6.5 The other course of action may include training for the Member, or Members generally, mediation, conciliation, alteration of policies or protocols.

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7. Take no action

- 7.1 This can occur for a number of reasons, eg. the complaint is not sufficiently serious to warrant any action, there has been a disproportionate delay in making the complaint, or the complaint does not show any potential breach of the Code.
- 7.2 If the decision of the Sub-Committee is to take no action then the complainant must be informed of this, and advised of their right to ask for a review of the decision, and when that review request (30 days after the Sub-Committee decision) must be received from them.

8. Decisions

- 8.1 All decisions of the Sub-Committee must contain reasons for their decision, and the complainant, and Member, informed of the decision. The recommended time limit for dispatching the decision is five working days and the decision notice must be written by the Chair of the Sub-Committee.

9. Complaint Summary

- 9.1 There is no requirement on the Sub-Committee to provide the Member complained about with a summary of the complaint, if it considers it is not in the public interest so to do, or if it considers it would prejudice a future investigation, ie. possible intimidation of the complainant, destruction of evidence. The Monitoring Officer's advice will be important in considering the public interest, and in particular whether there might be a prejudice to any investigation. The advice will be considered on the evidence and balance of risks. Any decision not to provide a Member with details of the complaint must be kept under review.

10. Access to Information and Meetings

- 10.1 Any meetings of the Sub-Committee are outside the access to information provisions of the Local Government Act 1972, so are not subject to the notification and publicity requirements of the Act. Instead after the Sub-Committee has considered a complaint, a written summary must normally be produced covering the main points considered, the conclusions and reasons for that conclusion. This is because the Sub-Committee may need to consider unfounded and potentially damaging complaints about Members, which it would be inappropriate to make public at that time.
- 10.2 The summary may, on rare occasions, not be given to the Member complained about when a referral for investigative decision has been made, eg. the public interest test. If this is the case, then the summary should not normally be available for public inspection or sent to the Parish Council, if applicable, until the Member has received a copy. This will normally be during the investigation process.
- 10.3 The summary will be open to public inspection for at least six years. The Freedom of Information and Data Protection Acts will be applicable to the complaints, any information held and the Sub-Committee paperwork.

11. Withdrawal of Complaint

- 11.1 If a complainant asks to withdraw their complaint, this must be considered by the Sub-Committee which must take into account:-
- (i) the public interest - does the continuation of the consideration of the complaint in the public interest override the complainant's wish to withdraw it;
 - (ii) can action be taken without the complainant's help. If not, it is likely that the complaint cannot be properly investigated so withdrawal should be agreed;
 - (iii) is any undue influence identifiable. If so, the Sub-Committee may wish to continue with consideration of the complaint in any event.

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12. Vexatious or Multiple Complaints

- 12.1 Every complaint needs to be considered on its particular facts and merits, even if the complainant makes frequent allegations, most of which have no substance.
- 12.2 It may be necessary to develop a policy on this issue if it becomes a problem, however this can be a difficult matter to deal with. Vexatious complaints can be identified through the patterns that emerge, eg. repeated complaints of the same, or similar, nature, or incidents, member; the language used; clear ulterior motive.
- 12.3 If multiple complaints are made on the same subject, they can be considered at the same Sub-Committee meeting, and may be covered in one report. However each one must be subject to a separate decision notice and notification procedure.

13. Referral back from the Monitoring Officer

- 13.1 When the Monitoring Officer is carrying out an investigation on a referral from the Assessment Sub-Committee, the complaint can be referred back if the Monitoring Officer considers, as a result of new evidence
 - (i) that the matter is materially more, or less, serious than would have been apparent at the time of making the referral; **and**
 - (ii) the Assessment Sub-Committee would have made a different decision if they had been aware of the new evidence or procedure; **or**
 - (iii) the Member complained about has resigned, died or is seriously ill and the Monitoring Officer considers it inappropriate to continue the investigation.
- 13.2 The Assessment Sub-Committee then has the same power as it had upon its original consideration of the complaint, and can make the same decision as it could initially, but it can also direct the Monitoring Officer may not refer the matter back to it a second time.

14. Confidentiality Requests

- 14.1 The general principle is that the Member complained about should normally be told who has made the complaint. If, however, the complainant requests their identity be kept secret, the Sub-Committee must consider this request along with the substance of the complaint.
- 14.2 It is recommended that appropriate criteria be developed and adopted for the Sub-Committee to make such decision. The initial criteria, which will be built on over time are that the complainant:-
 - (i) has reasonable grounds for thinking there is a risk of physical harm or danger if their identity is disclosed;
 - (ii) is an officer who works closely with the Member complained about and are reasonably concerned of the consequences on their employment, of such disclosure;
 - (iii) suffers from serious health problems, or there are identifiable medical risks of such disclosure. This is likely to require medical evidence of the medical condition.
- 14.3 It may, given the nature of the complaint, be necessary to disclose the complainant's identity, eg. harassment or bullying allegations. When informed of this, the complainant may wish to withdraw their complaint.
- 14.4 If the request for anonymity is refused, the complainant may be offered the opportunity of withdrawing the complaint, however if the public interest would be benefited by continuing with the investigation of the complaint, such withdrawals may not be permitted.

15. Anonymous Complaints

- 15.1 These, in general, will not be accepted except in exceptional circumstances and if supported by compelling evidence with the complaint itself.

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16. Conflict of Interest

- 16.1 A Member who took part in a decision of this Sub-Committee not to take any action, cannot take part in the meeting of the Review Sub-Committee which is reviewing that decision.
- 16.2 The Code of Conduct applies to meetings of this Sub-Committee on the declarations of personal and personal and prejudicial interests. This will include a bar on the Member if they are the complainant, or are closely associated with the complainant, the Member complained about or any witness or victim, or any family member connected with the above.

17. Dual Hatted Members

- 17.1 On occasions a Member who has been complained about may be a Member of another authority with a Standards Committee, eg. County Council, Police Authority.
- 17.2 If this is the case the Sub-Committee should consider, based upon the information provided by the Monitoring Officer, which Standards Committee is the appropriate one to consider the complaint.
- 17.3 If the matter is referred to the other authority's Standards Committee but they, for some reason, refuse to entertain the complaint, or refer it back, the Sub-Committee shall recover jurisdiction for the complaint and deal with it.

(C) REVIEW SUB-COMMITTEE RULES AND PROCEDURES

1. The Review Sub-Committee is set up to review the decisions of the Assessment Sub-Committee to take no action on complaints of breaches of the Code of Conduct of Members of the Gloucester City Council and Quedgeley Parish Council.
- 1.1 The job of the Sub-Committee is not to ascertain whether a breach has actually occurred, but to consider the request of the complainant for the reconsideration of the decision not to take any action on a complaint.
- 1.2 The review must take place within three months of receipt of the review request, although guidance from the Standards Board recommend a decision within 20 working days, the same as the Assessment Sub-Committee has to consider a complaint.
- 1.3 The review must be independent of the initial assessment and that is the reason for a separate Sub-Committee, with a separate membership. No Member who sat on the Assessment Sub-Committee whose decision is being reviewed can sit to review that decision.
- 1.4 The same criteria should be used for the review of the Assessment Sub-Committee decision as was used by that Sub-Committee for their original decision and these are included here. These too must be kept under review. These criteria are:-

Criteria

- (i) Has sufficient information been submitted to satisfy the Sub-Committee that it should be referred for investigation or other action?
- (ii) If the Member complained about is no longer a Member of the City Council or Quedgeley Parish Council, but is a member of another authority, does the Sub-Committee wish to refer the matter on?
- (iii) Has the complaint already been investigated, or other action taken, under the Code or by another Regulatory Authority, eg. Ombudsman?
- (iv) Is the complaint about something that happened so long ago there is little benefit in taking action now?
- (v) Is the complaint too trivial?
- (vi) Is the complaint malicious, tit for tat or politically motivated?

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(vii) Is the complaint the same as one that has been previously rejected or investigated?

- 1.5 There are going to be occasions when new information is available on a review, that was not available on the initial assessment. This may change the nature of the review, from a review of a previous decision to a new complaint. This will depend on the facts and the nature of the new information, and the Review Sub-Committee must carefully consider whether it needs to pass the "new" complaint to the Assessment Sub-Committee to be dealt with as a new complaint, or whether it can deal with the matter as a review.
- 1.6 If the Sub-Committee refers the matter back to the Assessment Sub-Committee as a 'new' complaint, they still need to make a formal decision on the review, which will effectively be the review will not be granted.
- 1.7 A review is more likely to continue if the new evidence refers to the insufficient compliance being given to a particular part of the complaint, or there has been an error in procedure, or a failure to follow criteria.
- 1.8 Once a request for a review has been received, the Member against whom the complaint was originally made must be told, although all other interested parties should also be informed of this.

2. Potential Action

- 2.1 The Sub-Committee has four courses of action:-

- (i) refer the complaint to the Monitoring Officer for investigation (this may be the Monitoring Officer of another authority instead of, or as well as, the Monitoring Officer of the City Council);
- (ii) refer the complaint to the Standards Board for England;
- (iii) take other action;
- (iv) take no action on the complaint.

Referral to the Monitoring Officer for Investigation

- 2.2 The Monitoring Officer shall ensure that they, or a person nominated by them, fully and appropriately investigate the complaint in accordance with the Monitoring Officer Protocol and a full report is made of the results of that investigation to the Standards Committee.

Referral to the Standards Board for England for Investigation

- 2.3 The majority of cases can be dealt with within the remit of the Gloucester City Council Standards Committee, but on occasions the public interest will justify the reference to the Standards Board.
- 2.4 This is likely to be in circumstances where it will be difficult for the Standards Committee to deal with the matter fairly or speedily. Examples of this may be where the complaint is against a Group Leader, Leader of the Council, Member of the Executive, or Member of the Standards Committee, or one of these individuals has made the complaint. Alternatively, if the complaint is by the Monitoring Officer, Chief Executive or other senior officer, it may be appropriate to refer the matter to the Standards Board.
- 2.5 If there is a conflict of interest of Members of the Standards Committee, or Monitoring Officer, which cannot be adequately resolved, or the complaint is of long-term or systematic Member/officer bullying, it may be more appropriate to refer the complaint to the Standards Board.
- 2.6 Similarly, if the matter is so serious, or complex, or raises significant legal issues, or the authority may have an interest in the outcome, eg. a judicial review rests on the outcome, then it can be referred to the Standards Board.

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- 2.7 The Standards Board can decline to investigate a referred complaint and send it back to the Assessment Sub-Committee with its reasons why it declined to investigate. This is then to be considered by the Sub-Committee within 20 working days, and the normal options (other than referral to the Standards Board) are available. However, as the matter was considered serious enough to refer to the Standards Board initially, it is likely that the Sub-Committee will favour the Monitoring Officer investigation, unless circumstances have drastically changed.

Take Other Action

- 2.8 This can be an alternative to an investigation or referral, and will be based on the principles of good governance. The Monitoring Officer will be consulted prior to such a decision being taken, and the Monitoring Officer shall be responsible for carrying out, or arranging for, the other action.
- 2.9 The type of other action will depend on the complaint and may range wider than the specific complaint. In other words, show a lack of overall training for Members.
- 2.10 This other action may be the most cost effective and simplest method of resolving the situation and stopping it happening again.
- 2.11 It is not possible to identify all the circumstances where this would be the appropriate course of action, but may include where Members fail to understand the Code, have acted on incorrect officer advice, inadequate policies and procedures of the Council, a breakdown in Member/Member or Member/officer relations.
- 2.12 The other course of action may include training for the Member, or Members generally, mediation, conciliation, alteration of policies or protocols.

Take No Action

- 2.13 This can occur for a number of reasons, eg. the complaint is not sufficiently serious to warrant any action, or there has been a disproportionate delay in making the complaint, the complaint does not show any potential breach of the Code.
- 2.14 The Sub-Committee must tell the complainant and the Member complained about, the decision and the reasons for the decision.

3. Decision

- 3.1 The Sub-Committee should send its decision out within five working days of it being taken to the complainant and Member, which must contain the Sub-Committee's reasons for that decision.

4. Access to Information and Meetings

- 4.1 Any meetings of the Sub-Committee are outside the access to information provisions of the Local Government Act 1972, so are not subject to the notification and publicity requirements of the Act. Instead after the Sub-Committee has considered a complaint, a written summary must normally be produced covering the main points considered, the conclusions and reasons for that conclusion. This is because the Sub-Committee may need to consider unfounded and potentially damaging complaints about Members, which it would be inappropriate to make public at that time.
- 4.2 The summary may, on rare occasions, not be given to the Member complained about when a referral for investigation decision has been made, eg. the public interest test. If this is the case, then the summary should not normally be available for public inspection or sent to the parish Council, if applicable, until the Member has received a copy.
- 4.3 The summary will be open to public inspection for at least six years. The Freedom of Information and Data Protection Acts will be applicable to the complaints, any information held and the Sub-Committee paperwork.

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5. Withdrawal of Complaint

- 5.1 If a complainant asks to withdraw their complaint, this must be considered by the Sub-Committee which must take into account:-
- (i) the public interest - does the continuation of the consideration of the complaint in the public interest override the complainant's wish to withdraw it;
 - (ii) can action be taken without the complainant's help. If not, it is likely that the complaint cannot be properly investigated so withdrawal agreed;
 - (iii) is any undue influence identifiable. If so, the Sub-Committee may wish to continue with consideration of the complaint in any event.

6. Vexatious or Multiple Complaints

- 6.1 Every complaint needs to be considered on its particular facts and merits, even if the complainant makes frequent allegations, most of which have no substance.
- 6.2 It may be necessary to develop a policy on this issue if it becomes a problem, however this can be a difficult matter to deal with. Vexatious complaints can be identified through the patterns that emerge, eg. repeated complaints of the same, or similar, nature, incidents, Member; the language used; clear ulterior motive.
- 6.3 If multiple complaints are made on the same subject, they can be considered at the same Sub-Committee meeting, and may be covered in one report. However each one must be subject to a separate decision notice and notification procedure.

7. Conflict of Interest

- 7.1 A Member who took part in a decision of the Assessment Sub-Committee not to take any action, cannot take part in the meeting of this Sub-Committee which is reviewing that decision.
- 7.2 The Code of Conduct applies to meetings of this Sub-Committee on the declarations of personal and personal and prejudicial interests. This will include a bar on the Member if they are the complainant, or are closely associated with the complainant, the Member complained about or any witness or victim, or any family member connected with the above.

8. Dual Hatted Members

- 8.1 On occasions a Member who has been complained about may be a Member of another authority with a Standards Committee, eg. County Council, Police Authority.
- 8.2 If this is the case the Sub-Committee should consider, based upon the information provided by the Monitoring Officer, which Standards Committee is the appropriate one to consider the complaint.
- 8.3 If the matter is referred to the other authority's Standards Committee but they, for some reason, refuse to entertain the complaint, or refer it back, the Sub-Committee shall recover jurisdiction for the complaint and deal with it.

(D) REVIEW SUB-COMMITTEE RULES AND PROCEDURES

1. A hearing may only be convened after an Assessment and / or a Review Sub-Committee have considered the alleged complaint in the first instance into alleged breach(es) of the Code of Conduct.
- 1.1 A Standards Committee, once it has considered the report of the Monitoring Officer on the results of their investigation on the complaint, may decide to hold a hearing under Regulation 17 of the 2008 Regulations. It shall ensure that it is conducted having regard to any relevant Guidance issued by the Standards Board and within the period of three months beginning

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with the date on which the Monitoring Officer's report is completed, or the date on which the Monitoring Officer receives the report referred to them by the Ethical Standards Officer.

- 1.2 The hearing should not be held until at least 14 days after the date on which the Monitoring Officer sent the report to the Member complained about, unless that Member agrees to an earlier hearing.
- 1.3 The Regulations contain a proviso that if it is not possible to hold the hearing within the three months period mentioned above, then it shall take place as soon as reasonably practicable thereafter.
- 1.4 The Member who is being complained about will have an opportunity to present evidence and make representations to the Standards Committee hearing, either in writing or orally, and either personally or by a representative, being Counsel or a solicitor, or with the Committee's consent, another individual. The procedures that can be used by the Standards Committee to conduct a hearing are those which it considers appropriate in the circumstances and this will be subject to a further protocol, and based upon the Standards Board Guidance.
- 1.5 The Standards Committee may hear such witnesses as it considers appropriate, and the Member who has been complained about, may also arrange for witnesses in their defence. The Standards Committee may place a limit on the number of witnesses a Member may call, if they consider that the number proposed is unreasonable.
- 1.6 The Member complained about has the opportunity to attend the hearing and if they do not attend, the Standards Committee may either adjourn the hearing to another date, or consider the allegation and make a determination in the absence of that Member, if they are not satisfied there is an adequate reason for their failure to attend.
- 1.7 At any stage prior to the conclusion of the hearing, the Standards Committee may adjourn the hearing and require the Monitoring Officer to seek further information, or carry out further investigations on any point or points specified by it. This option is only open to the Committee on one occasion.
- 1.8 When a report being considered by the Standards Committee has been referred to the Monitoring Officer by an Ethical Standards Officer, the Committee can adjourn the hearing and make a written request to the Ethical Standards Officer that the matter be referred back to them for further investigation. Reasons for the request must be given.
- 1.9 The Ethical Standards Officer then has 21 days to either agree to accept the referral, or get the Standards Committee to continue with the hearing.
- 1.10 The Standards Committee can make one of the following findings:-
 - (a) there was no failure to comply with the Code of Conduct;
 - (b) the Member did fail to comply with the Code of Conduct, but no action needs to be taken;
 - (c) the Member failed to comply with the Code of Conduct and a sanction should be imposed.
- 1.11 The range of sanctions a Standards Committee can impose are, if the Member is still a Member of the authority, one of the following:-
 - (i) censure;
 - (ii) restriction for no more than six months of the Member's access to the premises or resources of the authority insofar as those are reasonable and proportionate to the breach and do not unduly restrict the Member's ability to perform their functions as a Member;
 - (iii) partial suspension for a period of no more than six months;

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- (iv) suspension for a period of no more than six months;
 - (v) a written apology by the Member in the form specified by the Committee;
 - (vi) the Member undertakes such training as the Committee specifies;
 - (vii) the Member must participate in such conciliation as the Committee specifies;
 - (viii) partial suspension for a period of no more than six months or until the Member submits a written apology in the form specified by the Committee, or undertakes such training or has taken part in such conciliation as the Standards Committee specifies;
 - (ix) suspension for no more than six months or until the Member has submitted a written apology in the form specified by the Standards Committee, or has undertaken such training or conciliation as this Committee specifies.
- 1.12 The sanction applies immediately following the decision of the Standards Committee, subject to the right of appeal of the Member.
- 1.13 As soon as reasonably practicable after making a decision, the Committee must give written notice of its finding and the reasons therefore to the Member complained about, the Standards Board, the Standards Committee of any other authority concerned, any Parish Council concerned and the person who made the complaint.
- 1.14 Further, the Committee must arrange for a summary of the notice of the decision to be published in a newspaper circulating within the local authority area, and if appropriate on the website of any local authority concerned or any other publication considered appropriate.
- 1.15 If the Committee finds that the Member has not breached the Code of Conduct, then the publicity requirement specified above will not apply if the Member so requests.
- 1.16 If the Standards Committee makes a finding that the Member failed to comply with the Code of Conduct, the Member may appeal to the President of the Adjudication Board seeking permission to appeal and a suspension of any sanction whilst the appeal is determined.
- 1.17 Once the appeal is determined, the Adjudication Panel must give notice of their decision to the Member, the Standards Board, the Standards Committee, any parish Councils concerned and the person who made the allegation.

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OFFICER EMPLOYMENT PROCEDURE RULES

(Revised 2009)

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 Group Manager 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 Chief Executive (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 and in the case of Monitoring Officer, the Independent Chair of Standards Committee.

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

Part 5 – Codes and Protocols

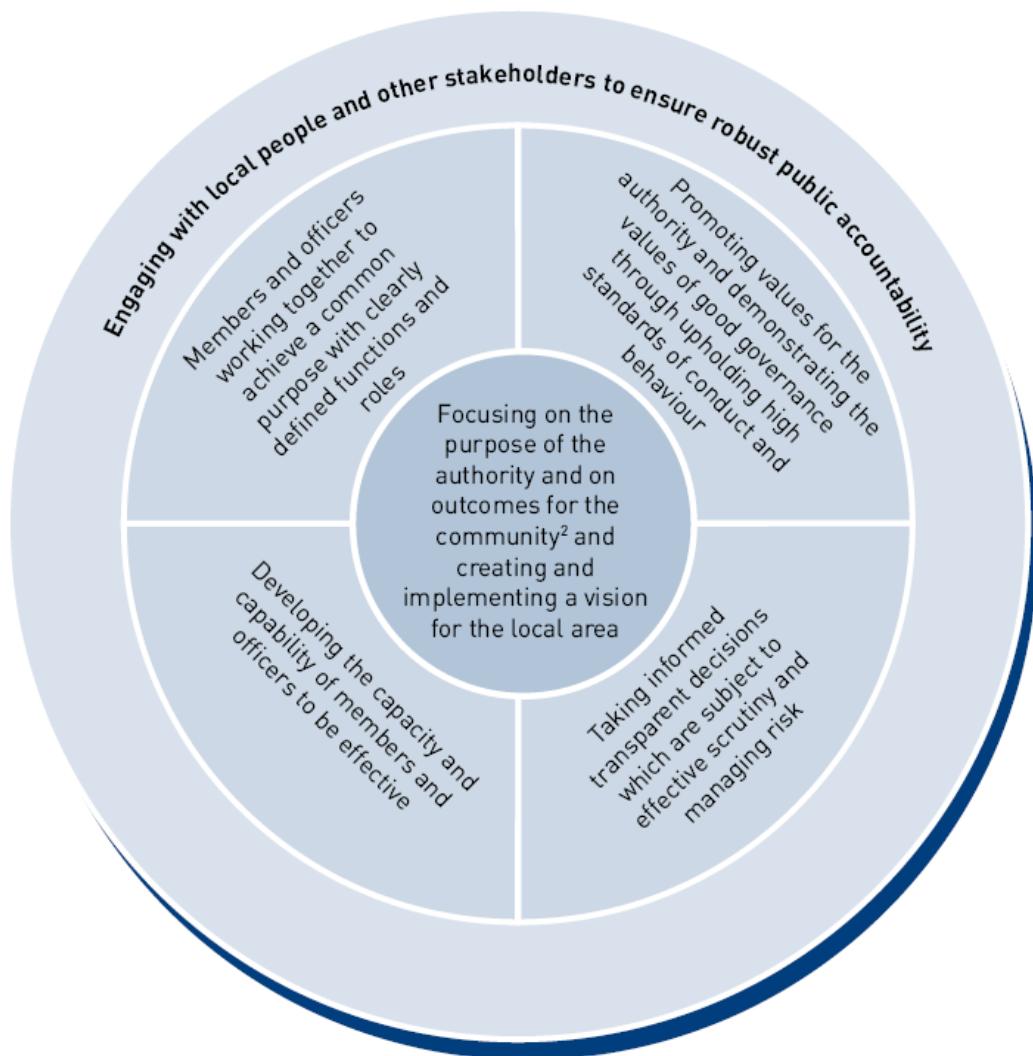
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Part 5 - Codes and Protocols

Local Code of Governance (revised 2008)

Six Core Principles:

- Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area
- Members and officers working together to achieve a common purpose with clearly defined functions and roles
- Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour
- Taking informed and transparent decisions which are subject to effective scrutiny and managing risk
- Developing the capacity and capability of Members and officers to be effective
- Engaging with local people and other stakeholders to ensure robust public accountability



Part 5 - Codes and Protocols

- 1. Focus on the purpose of the authority and on outcomes for the community and creation and implementation of a vision for the local area.**
 - 1.1 The City Council will exercise strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcomes for citizens and service users.
 - Develop and promote its purpose and vision.
 - Review on a regular basis its vision for the local area and the implications for the authority's governance arrangements.
 - Partnerships are underpinned by a common vision of their work that is understood and agreed by all partners.
 - Publish an annual report on a timely basis to communicate its activities and achievements, its financial position and performance.
 - 1.2 The City Council will ensure that users receive a high quality of service whether directly, or in partnership, or by commissioning.
 - Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available.
 - Put in place effective arrangements to identify and deal with failure in service delivery.
 - 1.3 The City Council will ensure that the authority makes best use of resources and that tax payers and service users receive excellent value for money.
 - Decide how value for money is to be measured and make sure that the City Council or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions.
- 2. Members and officers work together to achieve a common purpose with clearly defined functions and roles.**
 - 2.1 The City Council will ensure effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function.
 - Set out a clear statement of the respective roles and responsibilities of the Cabinet and of the Cabinet Members individually and its approach towards putting this into practice.
 - Set out a clear statement of the respective roles and responsibilities of other Authority Members, Members generally and of senior officers.
 - 2.2 The City Council will ensure that a constructive working relationship exists between Authority Members and officers and that the responsibilities of Authority Members and officers are carried out to a high standard.
 - Determine a scheme of delegation and reserve powers within the constitution, including a formal schedule of those matters specifically reserved for collective decision of the Council, taking account of relevant legislation, and ensure that it is monitored and updated when required.
 - Make the Chief Executive responsible and accountable for all aspects of its operational management.
 - Develop protocols to ensure that the Leader and Chief Executive negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained.

Part 5 - Codes and Protocols

- Make a senior officer (the S151 Officer) responsible for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts, and for maintaining an effective system of internal financial control.
 - Make the Monitoring Officer responsible for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.
- 2.3 The City Council will ensure relationships between the authority and the public are clear so that each knows what to expect of the other.
- Develop protocols to ensure there is effective communication between Members and officers in their respective roles.
 - Set out the terms and conditions for remuneration of Members and officers and an effective structure for managing the process, including an effective remuneration panel.
 - Effective mechanisms exist to monitor service delivery.
 - The organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated.
 - When working in partnership, ensure that Members are clear about their roles and responsibilities both individually and collectively in relation to the partnership and to the Council.
 - When working in partnership:
 - (a) ensure that there is clarity about the legal status of the partnership;
 - (b) ensure that representatives of the organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions.
3. **Promote values for the authority and demonstrate the values of good governance through the upholding of high standards of conduct and behaviour.**
- The City Council will ensure authority Members and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance.
- Leadership sets a tone for the organisation by creating a climate of openness, support and respect.
 - High standards of conduct and personal behaviour expected of Members and staff, of work between Members and staff and between the Authority, its partners and the community are defined and communicated through codes of conduct and protocols.
 - Put in place arrangements to ensure that its Members and employees are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to ensure that they continue to operate in practice.
- 3.2 The Council will ensure that organisational values are put into practice and are effective.
- Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations, and communicate these with Members, staff, the community and partners.
 - Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice.

Part 5 - Codes and Protocols

- Maintain and develop an effective Standards Committee.
- Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority.
- In pursuing the vision of a partnership, agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.

4. Take informed and transparent decisions, which are subject to effective scrutiny and managing risk.

4.1 The Council will be rigorous and transparent about how decisions are taken and listen and act on the outcome of constructive scrutiny.

- Develop and maintain an effective scrutiny function which encourages constructive challenge and enhances its performance overall and that of any organisation for which it is responsible.
- Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based.
- Put in place arrangements to safeguard Members and employees against conflicts of interest and put in place appropriate processes to ensure that they continue to operate in practice.
- Maintain and develop an effective Audit Committee which is independent of the Cabinet and scrutiny functions.
- Effective, transparent and accessible arrangements are in place for dealing with complaints.

4.2 The City Council will have good-quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs.

- Those making decisions whether for the authority or the partnership are provided with information that is fit for the purpose – relevant, timely and gives clear explanations of technical issues and their implications.
- Proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately.

4.3 The City Council will ensure that an effective risk management system is in place.

- Risk management is embedded into its culture, with Members and managers at all levels recognising that risk management is part of their jobs.
- Effective arrangements for whistle-blowing are in place to which officers, staff and all those contracting with or appointed by the authority have access.

4.4. The City Council will use their legal powers to the full benefit of the citizens and communities in their area.

- Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine but also strive to utilise their powers to the full benefit of their communities.
- Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on authorities by public law.
- Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular integrate the key principles of good

Part 5 - Codes and Protocols

administrative law – rationality, legality and natural justice – into their procedures and decision-making processes.

5. Develop the capacity and capability of Members and officers to be effective.

- 5.1 The Council will make sure that Members and officers have the skills, knowledge, experience and resources they need to perform well in their roles.
- Provide induction programmes tailored to individual needs and opportunities for Members and officers to update their knowledge on a regular basis.
 - That the statutory officers have the skills, resources and support necessary to perform effectively in their roles and that these roles are properly understood throughout the authority.
- 5.2 The Council will develop the capability of people with governance responsibilities and evaluating their performance, as individuals and as a group
- Assess the skills required by Members and officers and make a commitment to develop those skills to enable roles to be carried out effectively.
 - Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed.
 - Effective arrangements are in place for reviewing the performance of the Cabinet as a whole and of individual Members and agreeing an action plan which might, for example, aim to address any training or development needs.
- 5.1 The Council will encourage new talent for membership of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal.
- Ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in its work.
 - Career structures are in place for Members and officers to encourage participation and development.

6. Engage with local people and other stakeholders to ensure robust public accountability.

- 6.1 The Council will exercise leadership through a robust scrutiny function, which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships.
- Make clear to themselves, all staff and the community to whom they are accountable and for what.
 - Consider those institutional stakeholders to whom it is accountable and assess the effectiveness of the relationships and any changes required.
 - Produce an annual report on the activity of the scrutiny function.
- 6.2 The Council will take an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by the authority, in partnership or by commissioning.
- Clear channels of communication are in place with all sections of the community and other stakeholders, and put in place monitoring arrangements and ensure that they operate effectively.
 - Hold meetings in public unless there are good reasons for confidentiality.

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- Arrangements are in place to enable effective engagement with all sections of the community. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands.
 - Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about including a feedback mechanism for those consultees to demonstrate what has changed as a result.
 - On an annual basis, publish a performance plan giving information on its vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period.
 - Ensure that the authority as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so.
- 6.3 Make best use of human resources by taking an active and planned approach to meet responsibility to staff.
- Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision-making.

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Ten General Principles of Conduct

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

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THE CODE OF CONDUCT – GLOUCESTER CITY COUNCIL (as approved and adopted by the City Council on 21 May 2007)

**** Note: Text shown in bold and underlined has been adopted as local additions to the Code of Conduct**

PART 1 - GENERAL PROVISIONS

Introduction and interpretation

1.
 - (1) This Code applies to you as a Member of an authority.
 - (2) You should read this Code together with the general principles prescribed by the Secretary of State.
 - (3) It is your responsibility to comply with the provisions of this Code.
 - (4) In this Code:
“meeting” means any meeting of:
 - (a) the authority;
 - (b) the executive of the authority;
 - (c) any of the Authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - (d) Informal meetings with other Members and/or officers relating to the discharge of the Authority’s functions**
- “Member” includes a co-opted Member and an appointed Member.
- (5) In relation to a parish Council, references to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district Council or unitary county Council which has functions in relation to the parish Council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

2.
 - (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:
 - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
 - (b) act, claim to act or give the impression you are acting as a representative of your authority;and references to your official capacity are construed accordingly.
 - (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
 - (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
 - (4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are

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convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

- (5) Where you act as a representative of your authority:
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's Code of Conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's Code of Conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

3. (1) You must treat others with respect.
- (2) You must not:
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be:
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's Code of Conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
- (4) In particular you shall not provide or offer to provide a reference for any candidate for appointment or promotion as an officer of the authority.**
4. You must not:
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.

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5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You:
 - (a) must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority **or resources the use of which is controlled or influenced by your authority:**
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. - (1) When reaching decisions on any matter you must:
 - (a) **do so on the basis of the merits of the circumstances and in the public interest**
 - (b) have regard to any relevant advice provided to you by **the Authority's officers in particular by:**
 - i. your Authority's Chief Finance Officer **particularly where that officer is acting pursuant to his or her statutory duties;** or
 - ii. your Authority's Monitoring Officer **particularly where that officer is acting pursuant to his or her statutory duties.**
 - iii. **your Authority's Chief Legal Officer, who should be consulted whenever there is any doubt as to the Authority's powers to act, or as to whether the action proposed lies within the policy framework agreed by the authority, or where the legal consequences of action or failure to act by the authority might have important repercussions.**
- (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

PART 2 - INTERESTS

Personal interests

8. - (1) You have a personal interest in any business of your authority where either:
 - (a) it relates to or is likely to affect:
 - (i) any body of which you are a Member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body:
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes include the influence of public opinion or policy (including any political party or trade union); of which you are a Member or in a position of general control or management;

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- (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
- (i) (in the case of authorities with electoral divisions or wards) other Council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
 - (ii) (in the case of the Greater London Authority) other Council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (in all other cases) other Council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is:
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9. - (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

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- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

Prejudicial interest generally

10. - (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business:
 - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
 - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
 - (c) relates to the functions of your authority in respect of:
 - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to Members;
 - (v) any ceremonial honour given to Members; and

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- (vi) setting Council tax or a precept under the Local Government Finance Act 1992.
- (2) **The determining of any approval, consent, licence, permission or regulation shall include the amendment and/or modification of any such approval, consent, licence, permission or regulation or any condition limitation or term to which it is subject or the revoking of any approval, consent, licence, permission or regulation.**

Prejudicial Interests Arising in Relation to Overview and Scrutiny Committees

11. You also have a prejudicial interest in any business before an Overview and Scrutiny Committee of your authority (or of a sub-committee of such a committee) where:
- that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
 - at the time the decision was made or action was taken, you were a Member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

Effect of prejudicial interests on participation

12. - (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:
- you must withdraw from the room or chamber where a meeting considering the business is being held:
 - in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee;
 - you must not exercise executive functions in relation to that business; and
 - you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the Overview and Scrutiny Committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

PART 3. REGISTRATION OF MEMBERS' INTERESTS

Registration of Members' Interests

13. - (1) Subject to paragraph 14, you must, within 28 days of:
- this Code being adopted by or applied to your authority; or
 - your election or appointment to office (where that is later),

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register in your Authority's Register of Members' Interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

- (2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14. - (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of Members' interests.
 - (3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

STANDARDS COMMITTEE GUIDANCE UNDER THE CODE OF CONDUCT

The Standards Committee, when considering the revised Model Code of Conduct at its meeting on 20 April 2007, was concerned about the lack of a definition of "family" in the Code. The use of the word in the Code without clear definition or guidance may cause confusion.

It is anticipated that the Standards Board for England will, at some time in the future, issue guidance on the interpretation, however there is no information as to when this may occur.

Accordingly the Standards Committee feel it would be helpful for Members if they issued Guidance on their understanding of this word, which is based on the, now repealed, definition of "relative" contained in the old Code. The definition of family the Committee will follow, until Standards Board Guidance is issued is as follows:

"means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and "partner" as used above means a member of a couple who live together."

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Declaring Interests - Flowchart

Questions to ask yourself: What matters are being discussed at the meeting?

Section 8

- Does the business relate to or is likely to affect any of your registered interests? These will include
- Persons who employ you, appointed you or paid your election expenses;
 - Your business, company ownership, contracts or land; or
 - Gifts or hospitality received (in the previous three years of this Code)

Might a decision in relation to that business reasonably be regarded as affecting, to a greater extent than the majority of other Council tax payers, rate payers or inhabitants of the ward affected by the decision :-

- Your well-being, or financial position; or
- The well-being, or financial position of:
 - A member of your family or any person with whom you have a close association; or
 - Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000
 - any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority; or
 - any body exercising functions of a public nature, directed to charitable purposes or whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management?

Yes

No

You have a personal Interest

You must disclose the existence and nature of your personal interests as a member of the meeting
(subject to certain exemptions [9(2)])

Would a member of the public, with knowledge of the relevant facts, reasonably regard your personal interest to be so significant that it is likely to prejudice your judgement of the public interest?

Yes

No

You can participate in the meeting and vote (or remain in the room if not a member of the meeting)

- Does the matter affect your financial position or the financial position of any person or body through whom you have a personal interest?
- Does the matter relate to an approval, consent, licence, permission or registration that affects you or any person or body with which you have a personal interest?
- Does the matter not fall within one of the exempt categories of decisions? [10(2)(c)]

No

Section 10

Yes

You have a prejudicial Interest

Are members of the public allowed to make representations to the meeting, give evidence or answer questions about the matter, by statutory right or otherwise?

Yes

No

You can address the meeting for that purpose but, once you have finished (or when the meeting decides that you have finished) you must leave the meeting

You cannot remain in the public gallery to observe the vote on the matter. You must not seek to improperly influence the decision

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OFFICERS' CODE OF CONDUCT

(This will be amended in accordance with the national framework document)

1. Official Conduct

- 1.1 Staff are expected to give the highest possible standard of service to the public and provide appropriate advice to Councillors and fellow employees with impartiality. Our expectation on propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to rules, procedures and recommended practices.
- 1.2 All staff, whether or not employed in a politically restricted post, must follow every lawfully expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. Staff in politically restricted posts must comply with any statutory restrictions on their political activities.

2. Working for the Council

- 2.1 Staff are free to do what they like in their spare time as long as their private life does not interfere with their work. The Council will not discourage staff from doing part-time work outside their usual hours, but such work must neither be harmful to the Council's interests nor weaken the public's confidence in the integrity of the Council. Part-time work outside their usual hours should not be for an employer who is in competition with the Council.
- 2.2 Staff on Grade F (SCP 29) or above must not carry out any other business or take up additional appointment while employed by the Council, without the Council's permission. To ensure there is no conflict of interest, staff must notify their Manager if they want to undertake work outside the Council, and get written permission from the Council before undertaking any such work.

3. Implied Contractual Obligations

- 3.1 Contract of employment is also governed by additional conditions known as 'implied terms'. Though these conditions are not written in the contract of employment, these conditions are treated by the law as if they are part of the written contract. These implied obligations are as follows:

- (i) Good Faith and Fidelity
 - Staff must behave honestly and carry out their duties honestly. They must not accept bribes, backhanders or other inducements.
 - Staff must not take unfair advantage of any confidential information obtained through their job.
- (ii) Information which must be kept confidential includes:-
 - commercially sensitive information;
 - personal details of colleagues;
 - items on green paper;
 - Council's internal documents (unless the law says that the information must be revealed or instructed by the Manager).
- (iii) Working for Competitors
 - Staff must not work for a rival employer or set up in competition with the Council while employed by the Council.
 - Staff must not compete with the Council for a contract while still employed by the Council. It is a dismissible offence for staff to tender for a future contract to provide a service, which is currently being provided by the Council.

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- It is also a dismissible offence if staff canvass other Council employees to induce them to join a business, which is being set up with the intention competing with the Council.

(iv) Behaviour

- Mutual respect between all staff and Members is essential to good local government, and working relationships should be kept on a professional basis.
- Staff should deal with public, Members and other employees sympathetically, efficiently and without bias.
- Any harassment and bullying is unacceptable to the Council and will be dealt with in accordance with the Council's Code of Practice on Harassment and Bullying at Work.
- Employees must not be under the influence of drugs or alcohol at work.
- Staff should not behave in a way, which is likely to bring the Council into disrepute.
- All employees should provide a united image of the Council's values, aims and responsibilities to the public. Staff must not directly oppose the aims and responsibilities of the Council by publicly criticising and blaming colleagues, sections or other service units of the Council.
- If they belong to a professional association, they are expected to comply with its Code of Conduct and professional standards.

4. Handling Information

4.1 When handling information staff need to comply with the Data Protection Act, 1998. This law requires that personal data is:-

- fairly and lawfully processed;
- processed for limited purposes;
- adequate, relevant and not excessive;
- accurate;
- not kept longer than necessary;
- processed in accordance with the data subject's rights;
- secure;
- not transferred to countries without adequate protection.

4.2 Disclosing Information

- Staff may be required by law to disclose certain types of information to Members, auditors, government departments, service users and the public. Information should be disclosed unless there is a good reason for not doing so.
- Staff must not reveal any information to anyone else unless they have a legal responsibility to provide it, or where the employee, client, contractor, debtor or creditor concerned gives them written permission to do so.
- Staff should not disclose details on proceedings at committee meetings, or Council, or any letters or documents to the public unless they have been told to do so by their Manager or the law says that they can reveal such information.
- Staff must not use information obtained through work for their personal benefit or gain, nor may they pass it on to anyone else who might use it in such a way.
- Staff must not discuss Council business/information with colleagues from other organisations, friends or family members who may work for, or have friends who work for a competitor.
- Staff must not discuss information about any Council employee's private affairs with the public without that person's permission.

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4.3 Communicating Information

- Staff will need to exercise reasonable judgement in communicating information, particularly information which may bring the Council in to disrepute or cause it harm, to any person or organisation outside the Council.
- Staff will need to obtain permission before revealing internal letters or debating with the media, community groups or other public organisations.
- They will also need to obtain permission before accepting any invitation to take part in newspaper interviews, radio broadcasts, and television programmes, and so on where the discussion relates directly or indirectly to their work at the Council.
- Only staff who have undergone media training are allowed to engage with the media.

5. Gifts and Hospitality

5.1 All offers of a gift or hospitality, whether accepted or not, must be entered the Register of Gifts and Hospitality, which is maintained by **every service**. The register will contain the following information:-

- the person or organisation making the offer;
- the member of staff to whom the offer was made e.g. yourself;
- the gift or hospitality offered;
- the circumstances in which the offer was made;
- the action which you took if the offer was made to you;
- the action taken by the Manager.

5.2 Gifts

- Staff are not allowed to accept any money or reward other than their wages. It is a criminal offence, currently punishable by a fine of up to £2,500 under section 117 (2) of the Local Government Act, 1972.
- Small gifts, such as calendars, diaries, pens, pencils and other tokens which are distributed to many employees as a common business practice, can be accepted without needing to obtain permission and without your acceptance having to be recorded, as long as they are not personal only to the receiving individual.
- Any gifts which have been delivered and cannot be returned for some reason should be given to the Chief Executive for official use or donation to a local charity. All such gifts must be registered in the Register of Gifts and Hospitality.

5.3 Hospitality

- Staff may accept a reasonable degree of hospitality in reasonable circumstances, but will need to take extreme care to avoid any suggestion of improper influence. (For guidance, see staff handbook)

5.4 Free/Discount Travel

- Staff should not accept free or discounted transport unless:-
 - they have obtained your Manager's approval; and
 - the offer is available to all Council employees; or
 - it is travel which involves legitimate participation in promotional events.

5.5 Free/Discount Meals

Staff may accept an occasional modest working lunch, which is part of an on-going working relationship between staff and an outside organisation, which allows staff to discuss business. The hospitality must be just a minor part of a specific working arrangement.

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5.6 Sporting and Social Events

- Staff must decline invitations to major sport and social events, such as international or national fixtures, golf tournaments, theatre trips or dinners/parties as the guest of a contractor or contractor who is seeking to do business with the Council.
- Staff can accept sport and social functions which are part of local community life and which include local competitions, community interest group gatherings, meetings of a public organisation and events which celebrate an achievement within the City of Gloucester area.

6. Financial Matters

6.1 Staff must ensure that they use public funds entrusted to them in a responsible and lawful manner.

6.2 Standing Orders and Financial Regulations

- Staff must act in accordance with the Standing Orders and Procedures as specified in Part 4 of the Constitution, e.g. ordering of work, goods and services, payment of accounts, contracts for the supply of goods, materials or for the execution of works, and contracts for sale of goods or sale or letting of land by the Council.

6.3 Fraud and Corruption

- The Council expects that Members and staff at all levels will lead by adherence to the rules, procedures and recommended practices of the Anti-Fraud and Corruption Strategy.
- If any employee is in receipt of benefits they should notify the relevant authority of the change of circumstances when they take up the post.
- The Council's Benefit Fraud Team will be allowed access to Council and personnel records relevant to an investigation in accordance with the Housing and Council Tax Benefit Fraud Policy.

6.4 Staff must declare to their Manager any financial interests, which could be seen as being in conflict with the Council's interests.

6.5 Relationships of a business or private nature with external contractors or potential contractors should be made known to the appropriate Manager.

6.6 No special favours should be shown to any business run by for example, friends, partners or relatives during the tendering process.

6.7 Staff are required to write to the appropriate Manager as soon as possible giving details of any direct or indirect financial benefits they may receive from a contract, or proposed contract with the Council. Staff will have to comply with this legal requirement for contracts whether or not they have signed the contract personally.

6.8 They must write to their Manager to tell him or her of any approaches or offers made by a potential contractor even if they said "No". Any offer of cash for information by a competitor must also be notified to the Manager.

6.9 Members and staff at all levels must act with propriety

7. Appointment and Other Employment Matters

7.1 Staff involved in making appointments should ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias such employees should not be involved in an appointment, or any other decisions relating to discipline, promotion or pay and conditions

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for any other employee or prospective employee to whom they are related, or have a close personal relationship outside work.

8. Equality Issues

8.1 Staff should ensure that Council policies relating to equality issues are complied with in addition to the requirements of the law. Everyone, including customers, other employees, potential employees, clients and customers are treated consistently with respect and in accordance with the principles of equal opportunities and human dignity.

9. Customer Care

9.1 Staff are expected to conform to the standards of the customer care programme as specified in the Customer Care Charter, the codes of conduct for writing letters, answering phones, service charters and the requirements of the complaints policy and procedures.

10. Health and Safety

10.1 The Health and Safety at Work Act 1974 applies to everyone at work and to the general public, visitors and clients who may be affected by work activities.

10.2 As employees, members of staff are responsible for:

- making themselves familiar with, and conform to, the health and safety programme at all times;
- observing all safety rules at all times;
- wearing appropriate safety equipment and use appropriate safety devices at all times.
- Conforming to instructions given by their Manager and others with a responsibility for health and safety;
- reporting all accidents and damage to his/her supervisor whether persons are injured or not;
- making suggestions to improve health and safety in the workplace to your supervisor;
- reporting all hazards and defects to your supervisor.

11. Council Policies and Practices

11.1 No Smoking at Work

Smoking is not allowed in any of the Council's premises including civic, and public areas in the Docks buildings. Staff must abide by the Council's No Smoking Policy.

11.2 Alcohol and Substance Abuse

Any employee, who is identified as having alcohol related or substance abuse problem, will be treated in accordance with the guidance notes on alcohol and substance abuse.

11.3 IT Security

- (a) Staff must follow the rules and regulations laid out by the IT Security Policy when using the internet.
- (b) Staff must also follow the Council's e-mail user policy when sending and receiving e-mails.

11.4 Whistleblowing

The Public Interest Disclosure Act 1998 provides protection for workers who disclose information which might otherwise be regarded as confidential.

Gloucester City Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the Council encourages employees and others with serious concerns about any aspect of the Council's work to come forward and

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voice those concerns via the Whistleblowing Policy. It is recognised that certain cases will have to proceed on a confidential basis and this policy makes it clear that staff can do so without fear of reprisals.

11.5 Use of Office Equipment

- (a) Staff must follow the Council's policy regarding the use of office telephones/mobile phones and fax machines, as stated in the employee handbook.
- (b) Staff must not utilise property, vehicles or other equipment and facilities of the Council for personal use unless authorised to do so.

12. Investigation by the Monitoring Officer

12.1 Where a Monitoring Officer, Internal Auditor or External Auditor is undertaking an investigation in accordance with the regulations made under the Local Government Act 2000, an employee must comply with any requirement made by the Monitoring Officer in connection with any such investigation.

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PROTOCOL ON MEMBER/OFFICER RELATIONS

This protocol forms part of the local framework for standards of behaviour approved by the Standards Committee. Monitoring of compliance with this protocol is the responsibility of the Standards Committee, the Monitoring Officer and the Head of Paid Service.

1. Introduction

- 1.1 The relationship between Councillors and officers is essential to the successful working of the Council. This relationship within the authority is characterised by mutual respect, informality and trust. Councillors and officers should feel free to speak to each other openly and honestly. The purpose of this protocol is to help Councillors and officers perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other.
- 1.2 Guiding all aspects of relationship between Councillors and officers should be the following general principles governing Members' conduct enshrined in law:-
 - **selflessness** - serving only the public interest
 - **honesty and integrity** - not allowing these to be questioned; not behaving improperly
 - **objectivity** - taking decisions on merit
 - **accountability** - to the public; being open to scrutiny
 - **openness** - giving reasons for decisions
 - **personal judgement** - reaching one's own conclusions and acting accordingly
 - **respect for others** - promoting equality; avoiding discrimination; respecting others (Member/Member, as well as Member/officer). Duty to uphold the law - not acting unlawfully
 - **stewardship** - ensuring the prudent use of a Council's resources. Leadership - acting in a way which has public confidence
- 1.3 The Protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct and any relevant Council procedures. As an appendix to this protocol is a schedule which guides Councillors and officers to other codes of practices and provisions within the Constitution.

2. The Roles of Councillors and Officers

- 2.1 Councillors are responsible to the electorate and serve as long as their term of office lasts. Officers are responsible to the authority and carry out the Council's work under the direction of the Council, Executive and Committees.
- 2.2 Councillors:
Elected Councillors are responsible for:
 - (a) giving political leadership;
 - (b) initiating and determining the policy of the authority, determining the core values of the Council and approving the authority's policy framework, strategic plans and budget;
 - (c) acting as advocates for their constituents;
 - (d) democratic accountability for the delivery of Council services;
 - (e) the scrutiny of Council services;
 - (f) the promotion of partnership working;
 - (g) representing the authority on local, regional and national bodies.

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- 2.3 It is not the role of Councillors to involve themselves in the day to day management of the authority's services.
- 2.4 Councillors of the Executive, chairs and vice chairs have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such Councillors must still respect the impartiality of officers and must not ask them to undertake work of a party political nature or compromise their position with other Councillors or other officers.
- 2.5 Councillors of the Executive can have individual executive powers. They may determine matters within their portfolio, but implementation of their decisions is the responsibility of officers.
- 2.6 Officers:
 - Officers are responsible for:
 - (a) providing professional advice and information to Councillors in developing and implementing policy and in decision-making;
 - (b) implementing decisions of Councillors;
 - (c) day to day administration of the authority;
 - (d) managerial and operational decisions taken within the Council's scheme of delegation;
 - (e) information to and consultation with local people about Council services.

The Head of Paid Service, Monitoring Officer and Chief Financial Officer have responsibilities in law over and above their obligations to the Council and its Councillors, and which they must be allowed to discharge.

- 2.7 Councillors and officers will wish to discuss policy issues and officers will require political guidance in preparing proposals. When officers prepare reports for Councillor decision they have a duty to give advice in accordance with their professional expertise and their own professional codes of conduct. In some situations officers will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Executive or a Committee which they cannot support professionally.

3. Working Relationships

- 3.1 Councillors can expect the following from officers:

- (a) a commitment to the authority as a whole and not to any political group;
- (b) perform their duties effectively and efficiently;
- (c) a working partnership;
- (d) an understanding of respective roles and pressures;
- (e) timely responses to enquiries and complaints;
- (f) impartial professional advice;
- (g) regular and up to date information on matters which are appropriate and relevant to their needs;
- (h) awareness of and sensitivity to the political environment;
- (i) courtesy and appropriate confidentiality;
- (j) training and development in order to carry out their role effectively;
- (k) that employees will not use their relationship with Councillors to advance their personal interests to influence decisions improperly;
- (l) compliance with the officer Code of Conduct;

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- (m) support for the role of Councillors as the local representatives of the authority, within any scheme for Councillor support approved by the authority.

3.2 Officers can expect the following from Councillors:

- (a) a working partnership;
- (b) an understanding of respective roles and pressures;
- (c) political leadership and direction;
- (d) courtesy and appropriate confidentiality;
- (e) not to be subject to bullying or put under undue pressure;
- (f) not to use their position or relationship with officers to advance their personal interests or to influence decisions improperly;
- (g) compliance with the Councillor Code of Conduct;
- (h) to inform the Monitoring Officer of any relationships which might be seen as unduly influencing their work and role.

3.3 Mutual trust and respect between Councillors and officers is essential, but gives rise to two contrasting requirements. On the one hand close personal familiarity can damage the relationship and prove embarrassing to other Councillors and officers, but on the other hand, Councillors must bear in mind that officers cannot respond to personal criticism in the same way that other Councillors can, and should temper their remarks accordingly. This is particularly important when Councillors are dealing with less senior staff. When dealing with casework/ward issues, Councillors are encouraged to use the Council's call centre which will assist in the tracking of casework.

3.4 The normal conduct of business will mean that Councillors may deal directly with some staff below senior level. These dealings will be conducted according to the principles outlined in this protocol and any difficulties should be reported to the relevant Executive or Corporate Director.

3.5 Councillors should bear in mind that unless there is an on-going relationship with a particular member of staff, for example in relation to a case or application they are dealing with, Councillors are expected to deal in the first instance with the Chief Executive, Corporate Directors and Group Managers. This is because:

- (a) Corporate Directors and Group Managers are in a better position to provide authoritative information or advice;
- (b) they need to be aware of any questions or complaints raised by Councillors;
- (c) they are able to respond to Councillors requests, for example, by making a judgement as to whether action may be taken under officers' delegated authority; and
- (d) they are able to investigate and deal with any shortcomings there might be at the point of service delivery.

3.6 In addition, this avoids the possibility of staff below the levels identified above being 'intimidated' or even 'bullied' by over-enthusiastic Members.

3.7 Where there is a serious breach of this protocol, this may lead to action being taken against a Councillor for non-compliance with the Councillors' Code of Conduct.

4. At Meetings

4.1 Officers and Councillors will most frequently come into contact with each other at the various meetings held to conduct Council business, and at partnership, area and other consultative bodies. The respective roles of Councillors and officers may vary according to the purpose of

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the meeting and therefore their relationship to each other will also vary. The following basic rule will apply in all situations.

- 4.2 At all times Councillors and officers will show respect to one another. Although Councillors are entitled to question officers at meetings they must avoid personal attacks on officers and ensure that criticism is constructive and well founded. Officers will expect to have the opportunity to explain what appears to be an inconsistency.
- 4.3 Wherever a formal public meeting is organised to consider a local issue, all the Members representing the wards affected should, as a matter of course, be invited to attend the meeting. Similarly when the Council undertakes any form of consultative exercise on a local issue, the Ward Councillors should be notified at the outset of the exercise.

5. Working with Political Groups

- 5.1 Political groups have an important role to play in the development of policy and the political management of the authority. Whilst the operation of the political groups must be supported by the authority, it is important that officers remain politically neutral, and avoid being identified with any political group.
- 5.2 Officers will give advice and information to any Councillor or group of Councillors on the Executive or Overview and Scrutiny Committees
- 5.3 If the resource implications of providing information are considerable, the Leaders of the political groups and the Chief Executive will discuss and agree what information will be provided by officers.
- 5.4 Officer advice and analysis will be made available to opposition party groups, for example in relation to preparation of amendments to the budget prior to the annual budget meeting of the Council. Where an opposition party requests significant work by officers that is likely to disrupt other essential work, the Chief Executive will be advised and will decide whether the officer resources can be committed.
- 5.5 Any alleged breach of this protocol shall be referred, in the first instance, to the relevant Corporate Director or Group Manager for investigation in accordance with the Council's disciplinary procedures.
- 5.6 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be notified at the outset of the exercise.

6. Correspondence

- 6.1 Correspondence between individual Members and Officers should not be copied by the Officer to any other Member. However, where such correspondence concerns Council policy or, the interpretation of Council policy, in this instance a copy should be sent to the relevant Cabinet Member or Chair of Committee and this should be made clear to the original Member. Under no circumstances should 'silent copies' be made available to a third party, and copies should only be sent to third parties with the express permission of the Member involved.
- 6.2 Official letters on behalf of the Council should normally be sent out over the name of the appropriate Officer, rather than over the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear over the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or given instructions on behalf of the Council should never be sent out over the name of a Member.

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7. Reports

(a) Political Groups

- 7.1 Political groups may request the Chief Executive or a Corporate Director to prepare written reports on matters relating to the authority for consideration by the group.
 - 7.2 Officer reports will be factual and may identify options with the merits or otherwise of these. Reports will not deal with any political implications of the matter or any options set out and recommendations will not be made to a political group.
 - 7.3 Where a report is prepared for a political group, the Chief Executive will advise all other groups that the report has been prepared and will provide a copy to any group on request.
- (b) Cabinet and Individual Executive Members
- 7.4 Executive Members will take decisions in accordance with the Constitution (Part 4, Executive Procedure Rules).
 - 7.5 Individual Members of Executive, the Chief Executive, Corporate Directors, Group Managers the Monitoring Officer and the Chief Financial officer have the right to submit reports to the Cabinet for consideration.
 - 7.6 All reports must have regard to:
 - (a) the requirements of the Committee Reporting Procedure (as incorporated in the Constitution);
 - (b) decision making criteria, prepared by the Monitoring Officer, (as incorporated in the Constitution);
 - (c) unless there is a legal requirement for a report to be in the name of a 'statutory officer' or 'proper officer', once a report has been through the Cabinet Briefing Process, 'ownership' of the report will be in the name of the individual Cabinet Member.
 - 7.7 Where officers have given different advice leading to different recommendations this shall be reflected in the decision tracker which accompanies the report.

8. Officer Attendance

- 8.1 Any political group may request the Chief Executive or a Corporate Director to attend a meeting of the group to advise on any matter relating to the Authority.
- 8.2 The Chief Executive or Corporate Director may arrange for the attendance of a representative in his/her stead, or may decline to attend or provide representation where he/she believes that the particular issue is of such a political nature that it would be inappropriate to attend.
- 8.3 Officer advice will be factual and may identify options with the merits or otherwise of these. Advice will not deal with any political implications of the matter or any option.
- 8.4 Where an officer attends a political group, the Chief Executive will advise all other groups that the officer has attended and the subject on which he/she has advised.
- 8.5 Officers will respect the confidentiality of any matter that they hear in the course of attending a political group meeting.

9. Working with Overview and Scrutiny

- 9.1 Overview and Scrutiny Committees have the power to require Executive Councillors and officers to appear before them and answer questions, but they may, if appropriate arrange for other staff to attend meetings to assist.

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- 9.2 The Council has agreed that there will be no formal separation of officer support between the Executive and Scrutiny functions. The Chief Executive has overall responsibility for ensuring that staffing support is adequate. The Scrutiny Work Programme is jointly determined by the Overview and Scrutiny Committees who will take into consideration resource issues. It is not anticipated that officers will be faced with conflicts of interest in having to serve both Executive and Scrutiny, but should any problems arise, they should be raised with the Chief Executive.

10. Officer Appointments

- 10.1 Appointment of the Head of Paid Service (Chief Executive) is made by Full Council. Appointments of Corporate Directors and Statutory Officers are made by a Councillor level selection committee of the Organisational Development Committee. All other appointments are made at Corporate Director level.
- 10.2 Staffing matters (including discipline, training, setting and monitoring performance) are dealt with by the relevant managers, though the relevant Executive Councillor may agree the performance targets in the case of Corporate Directors and Group Managers.
- 10.3 Councillors wishing to comment on an individual officer's performance and/or deficiencies are usually expected in the first instance to raise the matter with the Chief Executive in the case of a Corporate Director, the relevant Corporate Director in the case of a Group Manager and the relevant Group Manager in the case of other members of staff.
- 10.4 Specific provisions apply in relation to disciplinary action against the three Statutory officers (Head of Paid Service, Monitoring Officer, Chief Finance Officer) (see Officer Employment Procedure Rules in Part 5 of the Constitution).

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MONITORING OFFICER'S PROTOCOL

(A) General Introduction to Statutory Responsibilities

1. Under Section 5 of the Local Government and Housing Act 1989 the Authority must appoint a "Monitoring Officer". The Monitoring Officer acts as a "watchdog" over all the Council's activities to ensure legality and propriety. Both the Monitoring Officer and the Authority must establish systems and procedures to bring to his or her attention any situations where issues of illegality, maladministration or impropriety may arise.
2. The Monitoring Officer undertakes to discharge his or her responsibilities with determination and in a manner which will enhance the reputation of the Council. In general terms his or her ability to discharge these duties depends on excellent working relations with colleagues and Members but also the flow of information and access to discussion particularly at early stages. In doing so, he or she will provide appropriate and, if necessary, strong advice to Members so as to protect and safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.
3. It is essential that all staff in whether employed by the Council, its partners or its agents are aware of the role of the Monitoring Officer and co-operate with him or her in ensuring that the Council's processes and procedures are constantly monitored to avoid illegality or maladministration. In general terms, the Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent, on Members and Officers:-
 - (a) complying with the law of the land (including any relevant Codes of Conduct);
 - (b) complying with any General Guidance issued, from time to time, by the Standards Committee and / or advice of the Monitoring Officer;
 - (c) making lawful and proportionate decisions; and
 - (d) generally, not taking action that would bring the Council, their offices or professions into disrepute.
4. The following arrangements and understandings between the Monitoring Officer and colleagues and Members are designed to help ensure the effective discharge of their functions:
 - (a) As a member of the Gloucester Leadership Team, the Monitoring Officer will have advance notice of those meetings and agenda and reports and the right to attend and speak.
 - (b) The Management Team and any Service Manager will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
 - (c) The Monitoring Officer or his or her staff will have copies of all reports to the Council and Committees thereof.
 - (d) The Monitoring Officer is expected to develop good liaison and working relations with the Standards Board, the District Auditor and the Ombudsman including the giving and receiving of relevant information.
 - (e) The Monitoring Officer will have a special relationship with the Mayor of the Council, Chairman of the Standards Committee and The Chairman of the Overview and Scrutiny Management Committee and other Committees and will ensure the Head of Paid Service / Chief Finance Officer have up-to-date information regarding emerging issues.
 - (f) The Head of Paid Service, Chief Financial Officer and Monitoring Officer will meet regularly to consider and recommend action in connection with current government issues and other matters of concern regarding probity and constitutional matters.

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- (g) In carrying out any investigation (whether under Regulations or otherwise) the Monitoring Officer will have unqualified access to any information held by the Council and any employee who can assist in the discharge of their functions.
- (h) The Monitoring Officer will have control of a budget sufficient to enable him or her to seek Counsel's opinion on any matter concerning their functions.
- (i) The Monitoring Officer will be responsible for preparing a training programme for Members on the ethical framework subject to the approval of the Standards Committee.
- (j) The Monitoring Officer will report to the Council from time to time on the Constitution and any necessary or desirable changes following consultation in particular with the Head of Paid Service and Chief Finance Officer.
- (k) In consultation with the Chairman of the Council and the Chairman of the Standards Committee, the Monitoring Officer may defer the making of a formal report under Section 5 Local Government Housing Act 1989 where another investigative body is involved.
- (l) The Monitoring Officer will make a report to the Council from time to time as necessary on the staff, accommodation and resources he or she requires to discharge his or her functions.
- (m) The Monitoring Officer will appoint a deputy and keep him or her briefed on emerging issues.
- (n) The Monitoring Officer will make arrangements to ensure good communication with Clerks to Parish and Town Councils within the administrative area.

(B) Summary of the Monitoring Officer's Functions

See also Scheme of Delegation

Description	Source
1. Review and arrange for the updating of the Constitution and Schemes of Delegation.	The Authority's Constitution
2. Report on contraventions or likely contraventions of any enactment or rule of law.	Section 5 Local Government and Housing Act 1989.
3. Report on any maladministration or injustice where Ombudsman has carried out an investigation.	Section 5 Local Government and Housing Act 1989.
4. Appointment of Deputy Monitoring Officer.	Section 5 Local Government and Housing Act 1989.
5. Report on resources. Section 5 Local Government and Housing Act 1989.	LGA 2000 Section 66 (1) + 66 (6).
6. Receive copies of Whistleblowing allegations of misconduct.	Code of Conduct and Whistleblowing Policy.
7. Investigate misconduct in compliance with Regulations (when made) and directions of Ethical Standards Officers.	Regulations when made. Directions when made in individual cases.
8. Establish and maintain registers of Member's interests and gifts and hospitality.	Section 81 LGA 2000 and Code of Conduct for Members.
9. Advice to Members on interpretation of Code.	Code of Conduct and Consultation Papers.
10. Key role in promoting and maintaining high standards of conduct through support to the Standards Committee.	Statutory Guidance paragraph 8.20.
11. Liaison with Standards Board and Ethical Standards Officers.	New ethical framework, practical implications.
12. New ethical framework functions in relation to Parish and Town Councils.	Section 83 (12) LGA 2000.
13. Compensation for maladministration.	Section 92 LGA 2000.
14. Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members.	DET Guidance.

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(C) Investigation of Complaint(s)

This protocol should be read in conjunction with the Standards Sub-Committee Rules and Procedures and are designed to assist the Monitoring Officer in the discharge of functions in relation to the initial assessment and review into alleged breaches of the Members' Code of Conduct.

1. The Monitoring Officer can be instructed to investigate an allegation of a breach of the Code of Conduct either by the Assessment Sub-Committee, the Review Sub-Committee, the Standards Committee or an ethical Standards Officer of the Standards Board for England. These investigations can be of City Council or Parish Council Members.
2. It is anticipated that the actual investigation is unlikely to be by the Monitoring Officer, but will be by either the Deputy Monitoring Officer or other relevant officer designated as the Investigating Officer by them.
3. This protocol does not apply where the matter is referred to the Monitoring Officer other than for an investigation. The other courses of action that can be referred to the Monitoring Officer as indicated in Regulation 13 of the 2008 Regulations are dealt with under the Initial Assessment and Review part of this protocol. (See Procedure Rules)

4. Course of Action upon Referral for Investigation

- 4.1 The Monitoring Officer shall, unless otherwise directed by the Standards Committee, or an Ethical Standards Officer, inform the Member about whom the complaint is made, the complainant, the Standards Committee of any other Authority that Member is on, and the Parish Council, if relevant, that the matter has been referred for investigation. The details of the complaint shall be provided to the Member who will have the opportunity to comment on them.
- 4.2 The powers given to the Monitoring Officer under the 2008 Regulations allow them to:-
 - (i) make enquiries of any persons thought necessary or expedient to make enquiries of;
 - (ii) require that individual(s) to give such information, or explanation, as is thought necessary or appropriate for the conduct of the investigation;
 - (iii) require any Councils or Authorities to provide all reasonable assistance to assist the investigation;
 - (iv) require those Councils or Authorities (other than a Parish Council) to meet the reasonable cost of any advice and assistance provided;
 - (v) in the case of a Parish Council to require the City Council to meet the reasonable cost of any advice and assistance provided;
 - (vi) require all Councils or Authorities to allow the Monitoring Officer reasonable access to all documents in their possession as the Monitoring Officer considers necessary for the Investigation.

There are no powers given to enforce the above powers in the case of a failure of a person or Authority to assist, other than the normal possibility of a Judicial Review of a public bodies decision.

- 4.3 If the requirement of an investigation is from an Ethical Standards Officer then the Monitoring Officer may, at any stage prior to the completion of the investigation, refer the matter back to the Ethical Standards Officer setting out the reason for this request.
- 4.4 The Ethical Standards Officer then must agree within 21 days to take over the investigation or direct the Monitoring Officer to continue with it.

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- 4.5 When the Monitoring Officer is carrying out an investigation on a referral from the Assessment Sub-Committee, the complaint can be referred back if the Monitoring Officer considers, as a result of new evidence:-
- (a) that the matter is materially more, or less, serious than would have been apparent at the time of making the referral; **and**
 - (b) the Assessment Sub-Committee would have made a different decision if they had been aware of the new evidence or procedure; **or**
 - (c) the Member complained about had resigned, died or is seriously ill and the Monitoring Officer considers it inappropriate to continue the investigation.
- 4.6 The Assessment Sub-Committee then has the same power has it had upon its original consideration of the complaint, and can make the same decision.
- 4.7 The Standards Committee shall convene to consider the Monitoring Officers report and can make one the following decisions:-
- (a) accept a finding of no failure;
 - (b) the matter shall be the subject of a hearing by the Standards Committee;
 - (c) to refer the matter to the Adjudication Panel if the matter is so serious the Committee would have an insufficient sanction against the Member, and the President, or Deputy, of the Panel agrees.
- 4.8 If the Standards Committee decide that a hearing shall take place, that should take place within three months of the date the Monitoring Officer completed the report on the investigation, or received the report from the Ethical Standards Officer.
- 4.9 The Monitoring Officer or investigating officer shall present the report to the Standards Committee, and if the Standards Committee so directs, may be required to obtain further information, or carry out a further investigation, during which time the Standards Committee hearing shall stand adjourned.



**Gloucester
City Council**

**PLANNING AND DEVELOPMENT -
CODE OF PRACTICE**

Revised March 2009

**A guide to the protocol and procedures to be followed by
Officers and Members in relation to Planning and Development
matters including Planning Applications, the Local
Development Framework and discussions with developers**

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Part 5 - Codes and Protocols

Introduction

Gloucester City Council's Planning Committee makes statutory decisions on Planning and related applications. Officers decide most applications, in fact about 90%, under powers delegated to the Corporate Director of Regeneration. Applications determined under "delegated powers" tend to be minor and straightforward proposals. The Planning Committee deals with major and contentious applications so their decisions are often significant, weighty and have a considerable effect on the value of land as well as the lives and amenities of people living near development sites. Furthermore if the Committee makes a wrong or reckless decision this may mean that the Council has to pay substantial costs if it fights and loses an appeal, or if its decision is the subject of a legal challenge from an aggrieved third party.

The principles upon which decisions must be made are set out in legislation in the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004. Both acts require decisions to be made in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. Under the 1990 Act, the "Development Plan" comprises the County Structure Plan and any adopted Local Plan. Under the 2004 Act, the "Development Plan" comprises the Regional Spatial Strategy and the Local Development Framework.

Although this statutory duty is clear, planning decisions depend to a greater or lesser degree upon judgement and interpretation of policies and guidance. It is therefore essential that decisions are made having regard only to proper planning considerations and are made impartially and in a way that does not give rise to public suspicion or mistrust.

The same principles apply to decisions and recommendations that are made by Members and Officers in relation to the development plan process, particularly decisions and recommendations which might involve the allocation and thus the value of land.

The purpose of this local Code of Practice is therefore to set out in detail how Members and Officers should act and the procedures which should be followed to ensure that they not only act in a fair and proper manner, but are also seen to do so.

This Code has been prepared with a particular emphasis on Members who serve on the Council's Planning Committee but its content is also relevant to all other Members and also to Officers both within Planning Services and in all other service units. In short, any Member or Officer who has any contact with, or input in to, the Planning process including the Local Development Framework and during discussions with landowners and developers has a probity responsibility. It should be noted that there are other rules and requirements in respect of Officers.

The City Council, along with all other local authorities, adopted a Code of Conduct, which specifies the obligations imposed on Members and defines personal and prejudicial interests and how these will affect the way a Member behaves. That Code of Conduct, which every Member has signed up to, is the statutory base to which this Code of Practice is added. In some areas this Code of Practice will extend, or go further than the Code of Conduct. In the case of a conflict between the two the Code of Conduct will take precedence.

It is possible that breaches of this Code of Practice could be considered to be a breach of the Code of Conduct.

This Code of Practice forms part of the Council's Constitution, which sets out how the Council will operate, how decisions are made and the procedures to be followed in order to ensure that these are efficient, transparent and accountable to local people.

A copy of the Council's Constitution can be viewed online via the following link:

<http://www.goucester.gov.uk/Documents/DemocraticServices/constitution/constitutionintranet.pdf>

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PART A – GENERAL PRINCIPLES

Gifts and Hospitality

- A1. *Councillors and Officers must abide by the Council's requirement in respect of Gifts and Hospitality as set out in the Code of Conduct for Members and the Officer Code of Conduct which are part of this Council's Constitution.***

Members and officers must be extremely careful in this respect to ensure that no question of bias can be raised. The general rule is that no gifts should be accepted and only modest hospitality connected with the work concerned should be accepted.

Declarations of Interest

- A2. *Members must always declare personal and prejudicial interests in accordance with the Council's Code of Conduct.***

The Council adopted the Code of Conduct on the 21 May 2007. The Code of Conduct is contained in the Council's Constitution and must be read in conjunction with this Code of Practice.

A personal interest must be disclosed at the start of the meeting or when such an interest becomes apparent, and an agenda item on this is included for every meeting. The Member, under the Code of Conduct, does not need to leave the meeting and can still take part in the debate and voting.

A personal and prejudicial interest (Paragraph 10 of the Code of Conduct) is defined as a personal interest which a member of the public, knowing all the relevant facts, would reasonably consider is so significant that it would be likely to affect the Members judgement of the public interest. There are exemptions in Paragraph 10 (2), which means that membership of e.g. the County or Parish Council would not be a personal and prejudicial interest, but Members must be aware that under this Code of Practice they would have an interest which means they should not take part in the meeting, debate and vote on that item.

A personal and prejudicial interest must be disclosed at the start of the meeting, when the appropriate agenda item is reached, or when such an interest becomes apparent. The Member, under the Code of Conduct must leave the room when the matter is being discussed unless a dispensation has been granted by the Standards Committee. They must also not seek to improperly influence any decision on that matter.

The test Members should apply is not whether they themselves think they have an interest but whether others, knowing the relevant facts, would think they have. If a Member has any doubt advice can be taken, but if that doubt still remains it is best that an interest either personal, or personal and prejudicial, be declared. However, the responsibility for declaring an interest must lie on the Member. There is an item on all Committee agenda which reminds Members of declaration of interests. This is the appropriate time to make the declaration clearly identifying the item to which it refers and the nature of that interest, i.e. personal or personal and prejudicial.

There will however, be times when it only becomes apparent during the meeting that there is a declarable interest. Then the interest must be declared as soon as the Member becomes aware of it, even if it is during discussions on that particular item. The duty is on each Member to declare interests and these will be noted in the Committee minutes.

The Monitoring Officer should be informed of any declarable interests which should also be registered in the Register of Members' Interests.

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Involvement with Agents, Developers and Landowners

- A3. Councillors and Officers who are involved in the planning process should not act as agents to other parties, or submit planning applications, objections and/or LDF representations on behalf of other parties or volunteer bodies.**

Any close involvement, or even perception of close involvement, with a planning application or proposal can compromise the integrity of the planning process. A Member acting as a planning agent could give rise to suspicion that the Member was not impartial, or may influence other Members in the decision making process.

Where Members need to submit Planning applications or LDF representations on their own behalf, or on behalf of their employer as part of their job, they must declare an interest and take no part in the processing of the application or in the decision making process. Decisions on any proposals submitted by or relating to land owned or controlled by a serving Member should only be determined by the Planning Committee (or Full Council). The same rule applies if a Member's employer submits an application, irrespective of whether the Member is involved in the application, its preparation or submission.

There will be very rare occasions when planning decisions need to be made by Full Council, not Planning Committee. In such instances, any Councillor who has acted as an agent or submitted the application being considered whether personally or on behalf of another party should declare an interest and take no part in voting on the matter.

- A4. Any Member who is a planning or similar agent will not be appointed to either the Planning Committee, Planning Policy Sub-Committee or the LDF Member Working Group and should not be nominated as a substitute. At Cabinet/Council meetings any Councillor who is acting as a planning agent should declare this role and withdraw from any discussion/decision where a clear conflict of interests can be seen to exist.**

Even if they do not practice in Gloucester, will not be appointed to the Planning Committee. This is in view of the potential for members of the public to view their work as possibly affecting their consideration of planning applications and LDF matters.

- A5. Councillors or Officers should not enter into a commercial agreement with a developer or landowner in respect of a particular development opportunity as to do so would bring into question the integrity of the planning process.**

Clearly, significant sums of money can be made through the development process and it is vital that Councillors and Officers do not seek to enter into any sort of agreement with a landowner/developer in relation to the promotion of a development site, as to do so would bring into question the integrity of the planning process.

- A6. Members should not seek to advise applicants or agents about the likely acceptability of planning proposals including potential planning applications and land use proposals that are being promoted through the LDF process.**

Pre-application discussions should always be undertaken by the Council's Planning Officers to ensure that advice is given professionally, comprehensively and in a way that is clearly removed from the political forum. Planning Committee and Planning Policy Sub-Committee Members should advise prospective applicants to contact the appropriate Officer for advice on both merits and procedures. If Members, whether they sit on Planning Committee or Planning Policy Sub-Committee or not, do give an indication of their initial reaction to a proposal they must make clear that any proposals will need to be formally considered by Officers and/or the Planning Committee or Planning Policy Sub-Committee. They should also make clear that Officers and/or the Planning Committee or Planning Policy Sub-Committee could only make a final decision after a full and formal consideration of the proposal.

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Similarly with regard to negotiations and discussions in respect of submitted applications Members should not normally be involved. There may be exceptional circumstances in respect of major or contentious applications where there may be merit in Member involvement to explain a particular local viewpoint or issue. However such discussions should take place only where at least one professional Planning Officer is present. Officers will make a written record of any such meetings held and will place a copy of this record on the office working file. Such a record will constitute a Background Paper for the purposes of the Access to Information Act and may be inspected by any member of the public.

The fact that Planning Committee or Planning Policy Sub-Committee Members have discussed any such proposal with the applicant or objectors must be made clear when the application or LDF matter is before the Committee for determination. Under no circumstances should Members put pressure on Officers to make, or change, any recommendations on an application or LDF matter.

A7. *Following the submission of a planning application or LDF representation, Members should not themselves, enter into negotiations with the applicant/objector but should leave any such negotiation to Planning Officers.*

The Council employs professional Planning Officers whose job is to deal with the applications and LDF representations received, ensure the necessary publicity requirements are dealt with, negotiate with the applicant and/or their agents, and then report to Committee with their recommendations.

The Officers do have pre-application discussions which will try to assist applicants to submit applications in accordance with Council policies and to assist with the smooth processing of the application or consideration of LDF representations.

The Officers will always put forward their professional planning view to Committee and be available to answer Members questions.

A8. *Officers will not enter into negotiations concerning any land or proposal in which they have a direct or indirect interest.*

Clearly such a situation would give rise to suspicion that the Officer in question was not necessarily acting in an entirely impartial manner and will therefore not be acceptable.

A9. *Subject to the requirements of the Freedom of Information Act or any other relevant legislation, Councillors and Officers should seek to respect the wishes of landowners and developers who intend their proposals to remain confidential until such time as there is a legal obligation to make any such proposal known such as the submission of a planning application or the formal publication period in respect of the Local Development Framework.*

There may be occasions when developers or landowners wish to seek the views of Councillors and/or Officers concerning particular development proposals, but wish to do so in an entirely confidential manner due to commercial or contractual requirements.

Councillors and Officers will respect such wishes and will only make the proposal known publicly either when the developer agrees or alternatively when there is a legal obligation to make such information available, for example where it has been requested by a third party under the Freedom of Information Act.

A10. *Officers and Members will exercise particular care in relation to telephone conversations concerning planning matters. Where practical, a note should be completed and filed immediately after the conversation.*

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In some instances, those involved in the same telephone conversation can come away with entirely different recollection of the issues discussed. For the avoidance of doubt it is considered appropriate for Officers and Members to complete a short file note following any telephone conversation had with a developer, landowner or other interested party.

Meetings with Agents, Developers and Landowners

- A11. *Members should try not to meet a developer or landowner alone. Where this is unavoidable, particular care should be exercised and where practical, the content of the meeting recorded as accurately as possible.***

In order to ensure the integrity of the planning process it is considered inappropriate for Members to meet a developer on their own. At least two representatives of the Council should be in attendance (including at least one Officer) in order to ensure that an accurate record of the meeting may be obtained.

- A12. *Where Councillors and / or Officers are invited to attend meetings by landowners and developers, accurate and comprehensive records of any such meeting must be kept for a reasonable period of time (i.e. at least 12 months after the completion of the LDF process or the determination of a planning application).***

In the event that a Councillor and Officer are invited to attend a meeting held by a landowner/developer, they should at all times act in an impartial manner and should keep a record of the meeting on an appropriate file. In the interests of transparency and accountability it is vital that detailed records of any meetings are kept until the completion of the LDF or planning application process. This will ensure that any subsequent queries can be answered with certainty.

- A13. *Members and officers meeting a developer must make it clear that any discussions held during meetings cannot bind the Council to any course of action.***

It is essential that any view expressed during a meeting is not taken to represent the view of the City Council as a whole.

- A14. *Similarly, in discussing specific developments/localities/topics with developers, Members and Officers must act without prejudice, taking into account and basing any opinions expressed, on relevant planning issues only. This principle must apply throughout the Council's decision-making process.***

It is vital that any opinions expressed about particular development proposals are made without prejudice, are based on the most appropriate use of a site in planning terms and Members in particular must avoid expressing a view on granting, or refusing, the application.

In cases where a 'Project Management Board' has been established under the Prince 2 project management system to deal with a development proposal, the following principles will apply to meetings with developers, agents and landowners:

- A15. *All meetings will be properly and accurately recorded and reported to the respective Project Boards.***

- A16. *Appropriate members of the respective Project Board must normally be invited to attend. This would likely be the Project Manager and/or Executive.***

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- A17.** *In the event of a project board member being unable to attend, advice on the current status of the project should be sought by the Member/officer concerned.*
- A18.** *Senior Members/officers involved in the meeting must make themselves familiar with the Project Business Case, and at all times recognise the primacy of it in any discussions which should be complementary to the direction of the project.*
- A19.** *Records of all discussions and meetings should be provided for the specific Project Manager who will ensure it is placed on the file records.*

For reasons such as policy formulation and access to project documentation and officer support, it is recognised that opposition Members may not be able to fully adhere to all of the requirements set out in points A15 – A19 above. In these circumstances, the following general principles should be applied:

- A20.** *The general spirit of propriety within the Code of Practice should be respected.*
- A21.** *The integrity of the Council must not be compromised.*
- A22.** *No promises or indications of positions which would, or may be adopted should be given which may lead a potential developer to believe that, at some future date, the policy of the Council would favour any development scheme or developer.*
- A23.** *Members must not negotiate with developers or landowners on planning policy and must adhere to Council policies.*

Independence and Impartiality of Planning Officers

- A24.** *Officers must always act impartially and advise the Council of their professional opinion.*

The City Council's Planning Officers must always act impartially to give advice based upon a professional assessment of the Planning merits of each case taking in to account the relevant planning policies and other relevant material considerations. If they do not, or even if it appears that they are not, the integrity of the Planning process is severely compromised. Chartered Town Planners must abide by the Royal Town Planning Institute's Code of Professional Conduct.

Chartered Town Planners may only advocate their own professional view and cannot be required to attend or advise party political meetings. Whilst Chartered Town Planners may appear as the Council's expert witnesses to present the Council's case at Planning Inquiries they must, if asked, give their own professional view in accordance with the Royal Town Planning Institute's Code of Professional Conduct. This is particularly pertinent where an appeal has been made against a decision made against Officer recommendation although Officers will always present the Council's case to the best of their ability.

Submission of Planning Applications and LDF Representations by Officers and Councillors

- A25.** *If an Officer or Councillor submits a planning application, an objection to a planning application or a representation in response to the Local Development Framework, he or she cannot deal directly with that application or representation.*

Any close involvement, or even perception of close involvement could compromise the integrity of the planning process and may give rise to suspicion that the Officer or Member in question was not necessarily acting in an impartial manner.

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A26. In considering planning applications, objections and LDF representations submitted by Councillors and or other Officers, Planning Officers will make no distinction between these and any other cases.

Clearly, no distinction should be made between a representation or planning application received from a Councillor or Officer of the Council and one which has been received from a member of the public or landowner.

Any decision will therefore be based solely on relevant planning issues with no regard had to any indirect or direct connection between the applicant/objector and the City Council.

A27. Applications by Councillors, Officers or their Relatives or Friends

These applications must be dealt with, and be seen to be dealt with, openly, fairly and without any bias. Accordingly despite the scheme of delegation to officers to decide certain application, all such applications will be reported to Committee.

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PART B – THE DECISION MAKING PROCESS

Lobbying of Councillors

B1. Any lobbying of Members must be dealt with carefully to minimise any perception of influence

This is a complex area and one that require special care. Lobbying is an attempt to influence a Member's view by way of letter, telephone call, meetings or documents in order to achieve a particular decision. It can be by applicants, or their agents, objectors or other Councillors. It is a normal part of the political process but where Members are making statutory decisions, such as planning decisions it can result in decisions being made improperly.

Members should treat lobbying with care and should ensure that 'unofficial' views, promises or documents do not unduly influence them. Members should advise lobbyists to present their views in writing to the relevant Planning Officer. Alternatively, Members may choose to pass on the views and or submissions of lobbyists to the relevant Planning Officer but in doing so should make it clear that they are not giving their own views as this is a matter for formal consideration by Members.

Members should take particular care when attending public meetings and should remain impartial without expressing a view one-way or the other. Where the view of a Member on a particular development proposal has been expressed in public, this must be declared by that Member when the matter is next considered by Planning Committee, Planning Policy Sub-Committee, Cabinet or Council.

Planning decisions must be made strictly on the basis of the facts and policies relating to each case. Members must not only act in a way that is fair to all parties but must be seen to do so. In particular, Members must not prejudge proposals before they have read the officer's reports and considered all the evidence.

It can cause particular problems if Members are given information or assurances by applicants that are not part of the formal application or proposal and which are not therefore enforceable. Problems can also arise if Members are given information by objectors which may be misleading untrue or irrelevant. It is also problematical if officers are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the Committee about their relevance or enforceability.

This would cause particular problems if the Committee based a refusal on those matters which officers had not had an opportunity to consider and comment upon.

Circulation of unofficial papers at a Committee meeting also constitutes lobbying. Planning applications must be determined on the basis of the documents and information formally submitted. Only submissions from applicants, agents or objectors, which are formally received by Planning Officers, can properly be taken into account in making a decision. The Committee could be materially misled if Members or other parties circulated 'unofficial' documents or introduced new information on behalf of an applicant or objector, or expressed what they believed to be an applicant's intention, if this did not form part of the application documents and correspondence which had been submitted to Development Services. In all circumstances copies of any letters, documents or correspondence should be given to the Planning Officer to consider and comment on.

B2. Planning Committee Members should not organise support for or against a planning application and should not lobby other Councillors.

Planning Committee Members should not place themselves in a position where they may give the impression that they had made up their mind before hearing the evidence. Each

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Councillor should make up his or her own mind on the evidence and facts presented to the Committee. With regard to other Councillors, they must not seek to influence Planning Committee Members or give that impression.

- B3. *Councillors or Officers within the Council must not instruct or put pressure on Planning Officers to make or not to make a particular recommendation on a planning application or matter relating to the LDF including in particular the allocation of land.***

The City Council's Planning Officers must always act impartially to give advice based upon a professional assessment of the planning merits of each proposal taking into account relevant planning policies and other material considerations. If they do not, or even if it appears that they are not, the integrity of the planning process is severely compromised.

Chartered Town Planners may only advocate their own professional view and cannot be required to attend or advise party political meetings.

- B4. *Where a Member has been actively lobbied through the submission of written correspondence, any such correspondence should be reported to other Members and Officers when the matter is discussed at Planning Committee, Planning Policy Sub-Committee, Cabinet, Council and any other relevant meeting.***

Where lobbying has occurred, the Councillor who has been lobbied should make other Councillors involved in the decision making process, aware of such an approach as well as Officers who may be responsible for making recommendations in respect of the proposal in question.

Reports to Planning Committee/Cabinet/Council

- B5. *Officers will, with the exception of matters of urgency, provide written reports for all matters to be considered by the Planning Committee, Planning Policy Sub-Committee, Cabinet and Council and where appropriate for the LDF Member Working Group.***

There will be occasions when matters arise after the committee papers have been prepared and sent out, but a decision of Committee will be required. If possible a written report will be tabled, or if this is not possible the Development Services Manager will provide a detailed verbal report on the issue, explaining why it is urgent and providing recommendations. This shall be minuted.

Members are also permitted to raise matters of urgency under the Local Government Act 1972. However if they do intend to do this, the Planning Officers should be informed prior to the meeting of the nature and content of the matter. Officers will attempt to answer any questions, but depending on the length of notice of the matter of urgency this may not be possible at that meeting.

Any matters of urgency can only be raised with the agreement of the Chair of Planning Committee who must give reasons as to why it is considered to be an urgent item.

- B6. *Officer reports will always be accurate and cover all relevant considerations and issues including where relevant, the views of consultees and objectors.***

- B7. *Reports to Planning Committee will each give a clear recommendation that will normally be that of the Development Services Manager.***

In exceptional circumstances where, at the time of publication of the report, negotiations are still ongoing or an essential consultation or other response is awaited, Officers will give an oral recommendation and this will be minuted.

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If the report is not by the Development Services Manager the reason for this will be included in the report.

- B8. *Members must read and carefully consider the content of Officer reports before the relevant meeting and must have regard to the content of the report in reaching a decision. Where a Member or Members require further clarification on any particular matter, this should be raised with the Development Services Manager in advance of the Planning Committee meeting so that an informed response may be prepared and in order to avoid any unnecessary delay in the consideration of the application.***

Written reports are a cornerstone of probity in the modern Planning system. The Audit Commission and a number of reports in respect of Planning malpractice have made quite clear that written reports are essential.

Officers will therefore prepare written reports on all planning matters being considered by Planning Committee, Planning Policy Sub-Committee, Cabinet and Council.

Matters to be discussed by Members at the LDF Working Group will generally be supported by a written report, however, on occasions, for the sake of expediency, it may be necessary to provide Members of the Working Group with an oral report.

Voting and Impartiality

- B9. *Planning Committee Members must vote in the planning interests of the City as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced planning assessment in the light of wider planning policies and planning guidance. The same principle applies to Members who are required to make decisions on matters relating to the Local Development Framework including Cabinet, Council, Planning Policy Sub-Committee and the LDF Member Working Group.***

If the planning system is to work properly it is essential that in voting on all planning matters, Members do so based on the advice set out in the Officer report and not in the pursuit of their own personal or ward interests or even someone known to them. This is likely to be a breach of the National Code of Conduct and can lead to disqualification or other sanction.

- B10. *Members of the Planning Committee must not declare which way they intend to vote in advance of the consideration of an application by the Planning Committee.***

This can be a difficult issue for Members as they may be exposed to pressure from residents or the media to express a particular viewpoint. However it is essential that Members are measured and circumspect in the comments they make. If a Member declares which way they intend to vote it would in effect be pre-judging the application without having considered all of the relevant information. This could expose the Council to the possibility of legal challenge or charges of maladministration. Members must not make their minds up until they have read the relevant committee reports and heard the evidence and arguments on both sides, at committee.

- B11. *If a Member of the Planning Committee (including a substitute Member) does declare his or her OUTRIGHT support or opposition for a proposal before the matter has been put before the Planning Committee, he or she must make an open declaration of their view to the Planning Committee and take no part in the voting on that particular item.***

This rule follows on from Rule B10 above. It does not mean that Members of the Planning Committee cannot reflect local concerns about a proposal before the Planning Committee

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considers it. However, the view or comment must not pre-determine or be seen to pre-determine the way that Member will vote.

B12. Councillors who may also be Members of either a Parish Council or Gloucestershire County Council must exercise particular care in reconciling their two roles in making decisions on planning applications and Local Development Framework matters.

Any Member serving a 'dual-function' must exercise great caution. They may for example be required to express a view or vote on a particular proposal at a Parish or County Council meeting and should in any such case, abstain from the debate/vote. This is not inconsistency, but the consequence of having to fulfil two totally separate roles.

If a Member does declare his or her outright support or opposition to a proposal through another forum such as a Parish or County Council meeting, they must make an open declaration when the matter is discussed at the City Council Planning Committee, Planning Policy Sub-Committee, Cabinet or Council meeting and take no part in voting on that matter.

The Code of Conduct on personal and prejudicial interests must be carefully considered here. The interest will almost certainly be a personal interest, but unless there has been a direct involvement of the Member in the County or Parish Council decision e.g. as the relevant Cabinet Member, it is unlikely to be also a prejudicial interest.

B13. All Councillors must not favour or show, or appear to favour or show, bias towards any particular person, company or group, or any particular site or locality in the exercise of any planning function.

Decisions Involving Council-Owned Land

B14. In making decisions in relation to Council-owned land, Officers and Members will base their assessment on relevant planning issues only and will have no regard to financial or any other benefits that might accrue as a result. (This principle applies to both the determination of planning applications and the allocation of land through the LDF process).

The Council's own proposals, or those of others on Council owned land, must be dealt with on exactly the same basis as applications and representations submitted by any other applicant/landowner, particularly as there are special Regulations under which to consider them.

Members must not have any regard to any other benefit, financial or otherwise, which may accrue to the Council as a result of any particular decision on a planning proposal. All planning applications and representations, irrespective of the applicant, must be considered and dealt with on the planning merits, not any extraneous gain or loss that might accrue to the Council.

B15. In particular, Officers and Members will ensure that decisions to allocate Council-owned land are based on the most appropriate use or mix of uses and not on the basis of which use or uses would yield the highest land value.

Clearly certain land uses such as residential and retail in particular have a higher land value than others and as such it is important that in seeking to allocate land that is owned by the City Council, Officers and Members make any such recommendation and decision on the use that is most appropriate for the site given its location and surrounding uses and not with regard to which use will yield the highest land value.

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B16. *Other proposals that may have an impact on a Council land holding or proposal must also be dealt with strictly on their planning merits. (This principle applies to both the determination of planning applications and the allocation of land through the LDF process).*

These circumstances present special challenges to ensure that the planning system operates, and is seen to operate, fairly.

Political Decisions

B17. *Decisions on planning applications and LDF matters or the establishment of ‘party lines’ cannot be made in political group meetings prior to a Planning Committee or Cabinet/Council meeting.*

The view of the Ombudsman is that ‘the use of political whips at group meetings is contrary to the National Code and amounts to maladministration’. It could also give rise to a legal challenge of any decision by judicial review.

Deferrals and Committee Site Visits

B18. *Where Members propose to defer the consideration of a planning application they must set out clear planning reasons for doing so and these will be minuted.*

B19. *All site inspections will be conducted in a strictly ‘fact-finding’ manner and there shall be no on-site debate about the merits of the proposal or any negotiations or discussions with the applicant, agent or residents.*

B20. *In the event that a site visit is considered necessary to assist Members in deciding on a matter relating to the Local Development Framework, the same principles will apply.*

A proposal to defer an application must be made on clear planning grounds. Justification for deferring a decision might be to ensure that all the proper consultation procedures have been followed or to secure amendments without which the application would have to be refused. The reason for deferring for a site visit must be clearly set out by the proposer and recorded in the minutes. Political expediency such as deferring a contentious application until after elections is never an acceptable course of action.

Committee Process

B21. *The Council’s Standing Orders will apply to the conduct of business.*

There are also some good practice rules to assist the smooth operation of the Committee and promote probity. These are:

- Members should not report new information that they may have been given by applicants or third parties, which has not been submitted to Officers for formal consideration and comment.
- Members should seek any necessary clarification from Officers on key issues before the meeting as this enables fuller and better-researched answers to be given.
- Members should not introduce non-planning related matters to the debate.

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- Members should not speak at length on items where they are in full agreement with the Officer report.
- The Chair will always afford Officers the opportunity to respond to questions and points made by Members.
- At the discretion of the Chair of the Planning Committee, Ward Councillors may be allowed to speak at Planning Committee to express their own views or those of their constituents.

B22. Speaking at Planning Committee

The Council permits applicants and objectors the right to address the Committee for 5 minutes prior to the consideration of an application by the Committee. Generally speaking, only one person for, and one person against, the application may speak and only on planning considerations and matters raised with officers beforehand. In the case of complex applications, at the discretion of the Chair, more than two speakers may be permitted although an equal number of speakers for and against will be required.

If there are a large number of supporters, or objectors, then generally only one representative of each may address the Committee unless otherwise agreed by the Chair to speak. Their names must be provided to the Chair prior to the Committee starting. Ward Councillors will be allowed to speak on an application at Planning Committee provided that they do not have a prejudicial interest. The Council has prepared a separate guidance note on the procedures to be followed in speaking at Planning Committee. This is available from the Planning Department and is also online.

Planning Committee Decisions

B23. Where Members propose to make a decision contrary to the Officer recommendation, clear planning reasons must be established and these must be seconded and minuted.

The Member, or Members, proposing the decision contrary to the report recommendations, must give clear planning reasons for their proposal before any vote is taken. Their reasons must be relevant and material planning considerations.

B24. In cases where Members propose to make a decision contrary to an Officer recommendation, the Chair will allow the Development Services Manager to comment before a vote is taken.

It is a requirement of the Town and Country Planning Act 1990 and the 2004 Planning and Compulsory Purchase Act that decisions must be in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. However, decision-making often requires assessment and judgement of the weight to be attached to certain policies and issues and no Development Plan no matter how current will ever provide an answer for all, or even most, applications. Any decision contrary to the provisions of the Development Plan must be clearly justified and recorded. The personal circumstances of an applicant will hardly ever provide such grounds.

These principles do not apply directly to decisions pertaining to the drafting of the Local Development Framework. However, there will be occasions when Members make decisions that are not in accordance with the recommendations of Officers. In such cases, the general principles set out above will apply, in particular, the reason for the decision must be justified and minuted.

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Public Attendance

B25. All planning matters on Planning Committee, Planning Policy Sub-Committee, Cabinet and Council agenda will be considered in public session.

Open debate is a fundamental pre-requisite of probity in the planning system.

Applicants, agents, supporters or objectors to an application do have a right to address the Planning Committee, but this is limited to one in support and one in opposition. Other than this no other person shall be allowed to speak or make recommendations at the Committee. Any member of the public who disrupts the meeting in any way will not be allowed to remain in the room.

B26. Great care should be taken by Members mingling or speaking to applicants or objectors.

Members should be extremely careful in meeting with and talking to applicants or objectors either before or after the meeting. This could give the impression that Members had either prejudged a particular application, or had supported a particular view without looking at, and taking into account all the facts presented by the Planning Officers.

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PART C – ADMINISTRATIVE MATTERS

Member and Officer Training

- C1. Any Member who is on the Planning Committee or Planning Policy Sub-Committee must take part in regular training.**

Members who are exercising powers to grant or refuse planning applications are exercising a quasi-judicial function in an area where there is considerable Government advice and law. Members must ensure they are adequately trained to carry out the task. Accordingly any Member who is on the Planning Committee must take part in training organised by the Development Services Section either before the first meeting of the Committee or within 3 months after being nominated to serve on the Committee, whichever is the later. If they do not, or cannot, they must step down. All Members (including substitute Members) who sit on the Planning Committee must attend refresher training at least once every 3 years. Any Member of the Planning Committee who has not undergone refresher training in accordance with this Code of Practice will not be permitted to vote on any planning applications. Accurate records of Member training will be kept by Planning Officers.

- C2. Planning Officers will undertake training and provide advice to ensure that Members are sufficiently well informed on the implications of the Local Development Framework system prior to their consideration of LDF matters.**
- C3. Councillors will in return undertake to educate themselves on the implications of the LDF system including carrying out appropriate research from independent sources such as the Government's 'Planning Portal' website.**
- C4. Councillors are encouraged to attend any training sessions that are organised each year. Members are also encouraged to research pertinent issues by reference to the Development Services Manager who can arrange access to publications, legislation, policy documents and practice notes.**
- C5. Members will be given regular updates to keep them informed of important changes in legislation, procedures or practices, either verbally, at meetings, or as briefing notes.**

Record Keeping

- C6. Officers will ensure that planning application files contain sufficient information itemising events so that the reason for the ultimate decision can be understood by anyone who reads the file without a detailed knowledge of the application.**

Complaints

- C7. Any complaints received in writing about the way in which a planning matter has been dealt with in terms of procedure and fairness will be investigated under the Council's Complaints Procedure.**
- C8. Where a complaint is not considered to warrant a full investigation under the Council's Complaints Procedure, Officers will in any case endeavour to explain the reasons for the Council's decision.**

The fact that someone may disagree with the decision the Council has reached is not a complaint which will necessitate investigation as such, although officers will endeavor to explain the reasons for the Council's decision in any particular case.

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Where any complaint about a Council decision made contrary to the officer's recommendation is received, a copy will be forwarded to the Chair of the Committee. Complaints can also be made to the Local Government Ombudsman regarding administrative maladministration, or the Standards Committee regarding breaches of the Code of Conduct.

Part 5 - Codes and Protocols

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PROBITY IN LICENSING AND ENFORCEMENT

CODE OF PRACTICE

REVISED MARCH 2009

**A guide to the protocol and procedures to be
followed by Officers and Members
involved in making decisions
on Licensing applications and
other Licensing matters**

Part 5 - Codes and Protocols

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Introduction

Gloucester City Council's Licensing and Enforcement Committee operates in a quasi judicial way in determining contentious licensing applications, policy issues and related matters. Most applications are free of objection and are determined under powers delegated to the Group Manager, Environmental Health and Regulatory Services. This Code is written having regard to the Council's commitment to the principles of good enforcement, particularly openness and consistency, that are included within the national Enforcement Concordat.

The Committee deals with major and contentious applications and most policy and policy guideline issues. Applications are referred for Members' consideration where they are contentious and/or objections have been lodged by statutory consultees, residents, other third parties or where officers have reservations about the appropriateness of an application or the suitability of an applicant. Hackney Carriage and Private Hire disciplinary matters are also dealt with by the Committee in accordance with the provisions of the Council's adopted General Conditions for Hackney Carriage and Private Hire Licensing.

The decisions that the Committee makes are significant and weighty. The Committee operates, for the most part, under its extensive delegated powers and it, rather than any other part of the Council, actually makes the decisions. The decisions can have a considerable effect on the value of premises or other capital assets, on the amenities of people living near licensed premises and on the lives of applicants. Furthermore if the Committee makes a wrong or irrational decision this may mean that the Council will face substantial costs if there is a successful appeal against the decision or if the decision is the subject of a legal challenge from an aggrieved third party.

Some licensing legislation specifies procedures to be followed but in all cases human rights and natural justice considerations dictate that the Committee adheres to the following principles in that decisions **must**:

- be made on the individual merits of a case;
- have regard to all relevant national and local guidance;
- be made impartially and in good faith;
- be made by the body that receives all the relevant information and evidence;
- relate to the issue or question placed before the committee;
- be based only on consideration of relevant and material matters;
- be rational and reasoned;
- be made in a way that does not give rise to public suspicion or mistrust.

The purpose of this local Code of Practice is to set out in detail how Members should act and the procedures which should be followed to ensure that Members not only act in a fair and proper manner, but are also seen to do so.

This Code has been prepared with a particular emphasis on Members who serve on the Council's Licensing and Enforcement Committee but its content is also relevant to all other Members and also to Officers in all other service units. It is based on and is similar in content and effect to a code has been adopted by the Planning Committee.

The City Council, along with all other Local Authorities, adopted a Code of Conduct which specifies the obligations imposed on Members and defines personal and prejudicial interests and how these will affect the way a Member behaves. This Code of Conduct, which every Member has signed up to, is the statutory base to which this Code of Practice is added. In some areas this Code of Practice will extend, or go further than the Code of Conduct. In the case of a conflict between the two the Code of Conduct will take precedence.

It is possible that breaches of this Code of Practice could be considered to be a breach of the Code of Conduct.

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This Code of Practice is part of the Council's Constitution and can be viewed on-line at [www.goucester.gov.uk /Documents/DemocraticServices/Constitution/constitutionintranet.pdf](http://www.goucester.gov.uk/Documents/DemocraticServices/Constitution/constitutionintranet.pdf)

PART ONE: CONDUCT OF COUNCILLORS AND OFFICERS

A. Voting and Impartiality

1. **Licensing and Enforcement Committee Members must vote in the best interests of the City as a whole and must not vote on the basis of local ward interests that may be contrary to a balanced licensing assessment in the light of wider policies and guidance.**

The over-riding duty of a Committee Member is to the whole community, rather than just the people living in their Ward. This is a fundamental principle of the local democratic system.

2. **Members of the Licensing and Enforcement Committee must not declare which way they intend to vote in advance of the consideration of an application by the Committee.**

This can be a difficult issue for Members as they may be exposed to pressure from residents, or the media, to express a particular viewpoint. However it is essential that Members are measured and circumspect in the comments they make. If a Member declares which way they intend to vote it would, in effect, be pre-judging the application without having considered all of the relevant information. This could expose the Council to the possibility of legal challenge or a charge of maladministration. Members must not make their minds up until they have read the relevant Committee reports and heard the evidence, and arguments, on both sides.

3. **If a Member of the Licensing and Enforcement Committee declares OUTRIGHT support for or opposition to a proposal before the matter has been put before the Committee, the Member must make an open declaration of their views to the Committee and take no part in the voting on that particular item.**

This rule follows on from item 2 above. It does not mean that Members cannot make a comment or reflect local concerns about a proposal before the Licensing and Enforcement Committee considers it. However the view or comment must not pre-determine or be seen to pre-determine the way that Member will vote.

4. **Licensing and Enforcement Committee Members who are also members of the County Council or the Parish Council must exercise particular care in reconciling their two roles.**

This rule would apply in the case of a Member(s) holding office in both the City Council and the County Council or Quedgeley Parish Council. Such Member(s) may find that they are expected to express a view at a the County Council or Parish Council meeting or vote on whether or not the Parish should object or comment on a proposal from a County or Parish point of view. In such circumstances Members are advised to abstain from both the debate and voting at the County or Parish Council. This is not inconsistency, but the consequence of having to fulfil two totally separate roles. If a Member does declare his or her outright support or opposition to a licensing proposal at a County or Parish Meeting, or elsewhere, they must make an open declaration to the City Council's the Licensing and Enforcement Committee to that effect and take no part in the voting debate and on that item, and leave the meeting.

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5. **Licensing and Enforcement Committee Members should not organise support for or against a Licensing application and should not lobby other Councillors.**

Committee Members should not place themselves in a position where they may give the impression that they had made up their mind before hearing the evidence. Each Member should make up his or her own mind on the evidence and facts presented to the Committee (See Section G on lobbying). With regard to other Members it could give the impression that they were seeking to influence Committee Members (again see section G on lobbying).

6. **Licensing and Enforcement Committee Members must not favour or show bias for or against any particular person, company or group, or any particular site or locality in respect of licensing matters.**

They should also not put themselves in a position where they may appear to do so.

7. **Confidentiality**

It will be unusual for licensing applications or other matters to be treated as confidential items with the exclusion of the press and public, but it may occur.

The grounds why this may occur are set down in the Local Government Act 1972 and the Council's Constitution, and are most likely to be in relation to the conduct of legal proceedings, or disclosure of personal details.

Information outside committee may also be provided to Members which is of a confidential nature.

Members are expected to treat the information as confidential and are referred to the Code of Conduct which indicates that a breach of this confidentiality may be a breach of the Code of Conduct and result in a complaint to the Standards Committee.

B. Gifts and Hospitality

1. **Councillors and Officers must abide by the Council's requirement in respect of Gifts and Hospitality as set out in the Code of Conduct for Members and the Officer Code of Conduct which are part of this Council's Constitution.**

The policy on gifts and hospitality is contained in the Council's Constitution and Members and officers must be extremely careful in this respect to ensure no question of bias can be raised. The general rule is that no gifts should be accepted and only modest hospitality connected with the work concerned should be accepted.

C. Independence and Impartiality of Licensing Officers

1. **Members or other Officers within the Council must not instruct Licensing Officers to make or not to make a particular recommendation on a licensing application.**

Licensing Officers are trained to deal with licensing issues and will be aware of Government advice, case law etc., and will put forward a professional recommendation. Other officers will help inform that recommendation.

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2. ***Officers must always act impartially and advise the Council of their professional opinion.***

The City Council's Licensing Officers must always act impartially to give advice based upon a professional assessment of the individual merits of each case taking in to account all relevant policies, guidance and other relevant material considerations. If they do not, or even if it appears that they are not, the integrity of the licensing process is severely compromised. Where an appeal has been made against a decision made against officer recommendation officers will always present the Council's case to the best of their ability.

D. Declarations of Interest

1. ***Members must always declare personal and prejudicial interests in accordance with the Council's Code of Conduct.***

The Council adopted the Code of Conduct on 21 May 2007 and requires the declaration of personal and personal and prejudicial interests.

The Code of Conduct is contained in the Council's Constitution and must be read in conjunction with this Code of Practice.

A personal interest (Paragraph 8 of the Code of Conduct) is one relating to a matter affecting or connected to something declared in the Register of Members Interests; or if a decision on that matter would affect the Member, a relative or friend more than another person in the area.

A personal interest must be disclosed at the start of the meeting or when such an interest becomes apparent, and an agenda item on this is included on the agenda for every meeting to assist. The Member, under the Code of Conduct, does not need to leave the meeting and can still take part in the debate and voting. However, under this Probity in Licensing **and Enforcement** Code of Practice, Members should declare the interest, not take part in the debate or vote and leave the meeting.

A personal and prejudicial interest (Paragraph 10 of the Code of Conduct) is defined as a personal interest (see above) which a member of the public, knowing all the relevant facts, would reasonably consider is so significant that it would be likely to affect the Members judgement of the public interest. There are exemptions in the Code of Conduct which means that membership of e.g the County or Parish Council would not be a personal and prejudicial interest, but Members must be aware that under this Code of Practice they would have an interest which means they should not take part in the meeting, debate and vote on that item.

A personal and prejudicial interest must be disclosed at the start of the meeting when the appropriate agenda item is reached, or when such an interest becomes apparent. The Member, under the Code of Conduct must leave the room when the matter is being discussed unless a dispensation has been granted by the Standards Committee, and they must not seek to improperly influence any decision on that matter.

The test Members should apply is not whether they themselves think they have an interest but whether others, knowing the relevant facts, would think they have.

If a Member has any doubt advice can be taken, but if that doubt still remains it is best that an interest either personal, or personal and prejudicial, be declared. However, the responsibility for declaring an interest must lie on the Member.

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There is an item on all Committee agenda which reminds Members of the declaration of interests. This is the appropriate time to make the declaration clearly identifying the item to which it refers and the nature of that interest, i.e. personal or personal and prejudicial.

There will however, be times when it only becomes apparent during the meeting that there is a declarable interest. Then the interest must be declared as soon as the Member becomes aware of it, even if it is during discussions on that particular item.

The duty is on each Member to declare interests and these will be noted in the Committee minutes. The Monitoring Officer should be informed of any declarable interests which should also be registered in the Register of Members Interests.

E. Involvement of Councillors with Applicants

1. ***Members of the Licensing and Enforcement Committee should not act as agents, or submit licensing applications for other parties or voluntary bodies.***

Any close involvement, or even perception of close involvement, can compromise the integrity of the licensing process. A Member acting as a licensing agent could give rise to suspicion that the Member was not impartial or may influence other Members in the decision-making process.

2. ***Any Member who is a Licensing advisor or similar agent will not be appointed to the Licensing and Enforcement Committee.***

Where Members need to submit licensing applications on their own behalf, or on behalf of their employer as part of their job, they must declare an interest and take no part in the processing of the application or in the decision-making process. Decisions on any proposals submitted by or relating to premises / land / vehicle(s) etc owned or controlled by serving Members should only be determined by the Licensing and Enforcement Committee. The Committee alone should determine an application submitted by a Member's employer, irrespective of whether the Member is involved in the application, its preparation or submission.

F. Council Licensing Applications

1. ***Proposals to licence the Council's own land or premises must be dealt with the same as all other applications on their own merits.***

The Council's own proposals, or those of others on Council owned premises/ land, must be dealt with on exactly the same basis as applications submitted by any other applicant. Members must not have any regard to any other benefit, financial or otherwise, which may accrue to the Council as a result of any particular decision on a licensing proposal.

G. Lobbying of Councillors and Formal Submission of Information

1. ***Any lobbying of Members must be dealt with carefully to minimise the perception of influence***

This is a complex area and one that requires special care. Lobbying is an attempt to influence a Member's view in writing or verbally in order to achieve a particular decision by applicants, agents, objectors or other Councillors. It is a normal part of the political process

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but where Members are making statutory decisions, such as licensing decisions, it can result in decisions being made improperly.

Members should treat lobbying with care and should ensure that “unofficial” views, promises or documents do not unduly influence them. Members should advise lobbyists to present their views in writing to the licensing case officer in order that they can be formally considered in a balanced way at the Committee meeting. Alternatively Members may choose to pass on the views and or submissions of lobbyists to the officer but should make clear that they are not giving their own views, as this is a matter for formal consideration by the Licensing and Enforcement Committee.

Licensing decisions must be rational and be made strictly on the basis of the relevant facts, guidance and policies relating to each case. Members must not only act in a way that is fair to all parties but must be seen to do so. In particular Members must not prejudge proposals before they have read the officer’s reports and considered all the evidence.

Lobbying can be particularly problematical if Members are given information or assurances by applicants that do not form part of their formal application and are, therefore, unenforceable. Problems can also arise if Members are given information by objectors which may be misleading, untrue or irrelevant. Officers face particular difficulties if they are unaware of submissions by applicants and objectors and are therefore unable to consider them and advise the Committee about them.

This would cause particular problems if the Committee based a refusal on those matters which officers had not had an opportunity to consider and comment upon.

Circulation of unofficial papers at a Committee meeting also constitutes lobbying.

2. *Licensing applications must be determined on the basis of the documents and information that have been formally submitted and where all parties have had a proper opportunity to consider them.*

Only submissions from applicants, agents or objectors, which are formally received by licensing officers, can properly be taken into account in making a decision. The Committee could be materially misled if Members or other parties circulated ‘unofficial’ documents or introduced new information on behalf of an applicant or objector, or expressed what they believed to be an applicant’s intention, if this did not form part of the application documents and correspondence. In all circumstances copies of any letters, documents or correspondence should be given to the licensing officer to consider and comment on. Where fresh information comes to light after a Committee report has been finalised and circulated it may only be tabled with the Chair’s consent.

H. Political Decisions on Licensing Applications

1. *Decisions on licensing applications or the establishment of “party lines” cannot be made in political group meetings prior to a committee meeting.*

The view of the Ombudsman is that ‘*the use of political whips at group meetings is contrary to the National Code and amounts to maladministration*’. It could also give rise to a legal challenge of any decision by Judicial Review.

I. Application by Councillors, Officers or their relatives or friends

1. These applications must be dealt with, and be seen to be dealt with, openly, fairly and without any bias. Accordingly despite the scheme of delegation to officers to decide certain application, all such applications will be reported to Committee.

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PART TWO: THE DECISION MAKING PROCESS

A. Pre-Application Discussions and Negotiations on submitted applications

1. *Councillors should not, themselves, seek to advise applicants or agents about the likely acceptability of licensing proposals.*

Pre application discussions should always be undertaken by the Council's officers to ensure that advice is given professionally, comprehensively and in a way that is clearly removed from the political forum. Licensing and Enforcement Committee Members should advise prospective applicants to contact the appropriate officer for advice on both merits and procedures. If Members, whether or not they sit on the Licensing and Enforcement Committee, do give an indication of their initial reaction to a proposal they must make clear that any proposals will need to be formally considered by officers and / or the Licensing and Enforcement Committee. They should also make clear that officers and/or the Licensing and Enforcement Committee could only make a final decision after a full and formal consideration of the proposal.

Similarly Members should not normally be involved in negotiations and discussions about submitted applications. There may be exceptional circumstances in respect of major or contentious applications where there may be merit in Member involvement to explain a particular local viewpoint or issue. However such discussions should take place only where at least one officer is present. The officer(s) will make a written record of any such meetings held and will place a copy on the application / premises file. Such a record will constitute a Background Paper for the purposes of the Access to Information Act and may be inspected by any interested person.

The fact that Committee Member(s) have discussed any such proposal with the applicant or objectors must be made clear when the application is before the Committee for determination. Under no circumstances should Members put pressure on Officers to make, or change, any recommendations on an application.

2. *Officers role in processing licensing applications*

The Council employs professional Officers whose job is to deal with the applications received, ensure the necessary publicity requirements are dealt with, negotiate with the applicant and/or their agents, and then report to Committee with their recommendations.

The officers do have pre-application discussions which will try to assist applicants to submit applications in accordance with Council policies and to assist with the smooth processing of the application.

The officers will always put forward their professional view to Committee and be available to answer Members' questions.

B. Reports to Committee

1. *Officers will provide written reports for all matters to be considered by the Licensing and Enforcement Committee (with the exception of matters of urgency) or when Committee has requested verbal updates on ongoing matters).*

There will be occasions when matters arise after the committee papers have been prepared and sent out, but a decision of Committee will be required. If possible a written report will be tabled, or if this is not possible the Group Manager, Environmental Health and Regulatory

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Services will provide a detailed verbal report on the issue, explaining why it is urgent and providing recommendations. This shall be minuted.

Members are also permitted to raise matters of urgency under the Local Government Act 1972. However if they do intend to do this the Licensing Officers should be informed prior to the meeting of the nature and content of the matter. Officers will attempt to answer any questions, but depending on the length of notice of the matter of urgency this may not be possible at that meeting.

Any matters of urgency can only be raised with the agreement of the Chair of the Licensing and Enforcement Committee who must give reasons as to why it is considered to be an urgent item.

2. ***Officer reports to the Licensing and Enforcement Committee will be accurate and will, subject to statutory requirements, comprehensively cover all relevant: i) policies, guidance, considerations and issues; ii) information about the application / case; and, iii) the views of consultees and objectors.***
3. ***In all cases applicants / licensees will be given the opportunity of providing written material for inclusion in the report. Where they rely upon case law they will be required to give advance notice of the case(s) in question.***
4. ***Each committee report will include a clear recommendation.***

In exceptional circumstances where, at the time of circulation of the report, negotiations are still ongoing or an essential consultation or other response / information is awaited, Officers will give a clear oral recommendation and this will be minuted.

If the report is not by the Group Manager, Environmental Health and Regulatory Services the reason for this will be included in the report.

5. ***Members must read and carefully consider the content of the circulated report before the meeting and they must have regard to its contents in reaching their decisions.***

Written reports have always been a cornerstone of probity in the Council's system for committee determination of licensing matters. In the context of planning malpractice the Audit Commission and others have made it clear that written reports are essential, and the same principles should apply to the Council's licensing functions.

C. The Committee Hearing

1. ***The Council's Standing Orders will apply to the conduct of business.***
2. ***Applicants / Licensees will be invited to attend the committee and be represented if they so choose, they will be sent a copy of the report about their application / case.***

If they do not attend the Committee can deal with their item in their absence on the basis of the written report and the procedure as set out below.

3. Committee Procedure

- Chair introduces the item on the Agenda, briefly stating what it is about and inviting applicant / licensee / representative(s) to come forward to be seated. Where exempt information under the Local Government Act 1972 (as amended) is included in the report it will be written and circulated as a confidential item. In such cases the Chair will offer the licensee / representative(s) the opportunity of a public hearing and the press and public will only be excluded once a preference for a confidential hearing has

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been expressed. The press and public will generally be excluded from all meetings considering sensitive matters, such as hackney carriage and private hire enforcement cases, but the decisions from such meetings will be announced in public and published on the Council's website.

- Report author or other appropriate Officer presents the report to the committee, outlining the key issues and background to the recommendation(s). This must be done in a maximum of 10 minutes unless the Chair expressly approves otherwise. Members and the applicant / licensee will have the opportunity of asking the Officer questions.
- In appropriate cases objectors will be given the opportunity to make representations through their appointed spokesperson, this must be done in a maximum of 5 minutes unless the Chair expressly approves otherwise. The applicant / licensee, Members and, if appropriate Officers, will have the opportunity of asking the spokesperson questions.
- The applicant / licensee (or their representative) will present their application / case and, if they choose, put forward witnesses. This must be done in a maximum of 5-10 minutes unless the Chair expressly approves otherwise. The applicant / licensee may be asked questions by Members and in some cases by officers and representatives of statutory bodies who are licensing consultees, e.g. the Police.
- The Chair will then invite responses from Officers and if appropriate the representatives of statutory bodies. The applicant / licensee (or their representative) and Members are to be given the opportunity to ask questions.
- The applicant / licensee (or their representative) will be given the final right of reply.
- The Committee Members debate the application and reach their decision. In cases involving disciplinary matters the applicant / licensee / representative, witnesses, Officers (except the Committee Clerk and Committee's Solicitor/Legal Advisor) and representatives of statutory bodies will be asked by the Chair to leave the room whilst the Committee deliberates. The Committee Clerk and the Committee's Solicitor/Legal Advisor will remain with the Committee Members to record the proceedings and to advise on the law and legality of decisions.
- When the Committee has reached a decision all parties will be invited to re-enter the room before it is announced.
- The decision will be confirmed in writing, giving reason(s) for the decision, and details of any appeal rights. The decision notice / letter will be sent as soon as practicable after the meeting and any statutory time-scales will be followed.
- The following good practice rules assist the smooth operation of the Committee and promote probity:
 1. The meeting will be conducted without any undue formality.
 2. Members should not report new information that they may have been given by applicants or third parties which has not been submitted to Officers for formal consideration and comment (see rule on lobbying in Part 1 section G).
 3. Members should seek any necessary clarification from Officers on any key issues before the meeting as this enables full replies to be given.
 4. Members should not introduce any non-licensing matters to the debate.
 5. Members should not speak at length on items where they are in full agreement with the Officer report.

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6. At the discretion of the Chair of the Committee a Ward Councillor(s) may be allowed to speak at Committee to express their own views or those of their constituents

D. The Committee's Decisions

1. ***Where Members propose to make a decision contrary to the Officer recommendation clear licensing reasons must be established and these must be seconded and minuted.***

The Member(s) proposing the decision contrary to the report recommendations must give clear reasons for their proposal before any vote is taken. Their reasons must be relevant and material considerations.

2. ***The Chair will allow the Licensing Officer or other representative of the Group Manager, Environmental Health and Regulatory Services to comment before a vote is taken.***

Decisions must be reasoned, rational and in accordance with the facts of the case and have regard to the provisions of all relevant policies and guidance. However decision-making requires assessment and judgement of the weight to be attached to policies and guidance issues which, no matter how current, will never provide an answer for all, or even most, applications. Any decision made by the Licensing and Enforcement Committee which is contrary to the provisions of existing policy or guidance must be clearly justified and recorded.

E. Deferrals and Committee Site Visits

1. ***Where Members propose to defer consideration of an application they must set out clear reasons for doing so and these will be minuted.***
2. ***All site inspections whether involving Members individually, or collectively, will be conducted in a strictly fact finding way and there shall be no on site debate about the merits of the proposal, or any negotiations, or discussions with applicant, agents or residents.***

A proposal to defer any application must be valid and defensible. Justification for deferring a decision might be to ensure that all the proper consultation procedures have been followed, or to secure amendments, without which the application would have to be refused. The reason for deferring for a site visit must be clearly set out by the proposer and recorded in the Minutes. Political expediency such as deferring a contentious application until after Elections is never an acceptable course of action.

F. Public Attendance at Committee Meetings

1. ***Most Licensing applications on the Committee agenda will be considered in public session.***

Open public debate is a fundamental prerequisite of probity in the Licensing system. However where exempt information under the Local Government Act 1972 (as amended) is included in a report it will be circulated as a confidential item and, subject to the applicant / licensee's right to a public hearing such items will be considered with press and public excluded.

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Any person in attendance at the Licensing and Enforcement Committee meetings is entitled to make use of the Public Question Time and Petitions and Deputations agenda items to speak. Applicants, licensees or their agents will only be allowed to speak or make representations during consideration of their particular agenda item in accordance with (Part Two) Section C above.

Any member of the public who disrupts the meeting in any way will not be allowed to remain in the room.

2. ***Great care should be taken by Members mingling or speaking to applicants or objectors.***

Members of the Committee should be extremely careful in meeting with and talking to applicants or objectors either before or after the meeting. This could give the impression that Members had either prejudged a particular application, or had supported a particular view without looking at, and taking into account all the facts presented by the Officers.

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PART THREE: ADMINISTRATIVE MATTERS

A. Member Training

Members who are exercising powers to grant or refuse applications are exercising a quasi judicial function, in an area where there is a large amount of Government advice and Law. Members must ensure they are adequately trained to carry out the task. Accordingly any Member who is on the Licensing and Enforcement Committee must take part in training organised before the first meeting of the Committee or within 3 months after being nominated to serve on the Committee, whichever is the later. If they do not, or cannot, they must step down. All Members (including substitute Members) who sit on the Licensing and Enforcement Committee must attend refresher training at least once every 3 years. Any Member of the Licensing and Enforcement Committee who has not undergone refresher training in accordance with this Code of Practice will not be permitted to vote on any licensing applications. Accurate records of Member training will be kept by Licensing Officers.

Members are also encouraged to research pertinent issues by reference to the Group Manager, Environmental Health and Regulatory Services who can arrange access to publications, legislation, policy documents and guidance.

Members will be given regular updates to keep them informed of important changes in legislation, procedures or practices either verbally, at meetings, or as briefing notes.

B. Record Keeping

Officers will ensure that Licensing application records contain sufficient information so that the reason for the ultimate decision can be understood by anyone who reads a file / record without a detailed knowledge of the application.

C. Complaints

Any complaints received in writing about the way in which a Licensing application or other licensing matter have been dealt with in terms of procedures or fairness, will be investigated under the Council's Complaints Procedure. The fact that someone may disagree with the decision the Council has reached is not a complaint which will necessitate investigation as such, although officers will endeavour to explain the reasons for the Council's decision in any particular case.

Where any complaint about a Council decision made contrary to the Officer's recommendation is received, a copy will be forwarded to the Chair of the Committee.

Complaints can also be made to the Local Government Ombudsman regarding administrative maladministration, or the Standards Committee regarding breaches of the Code of Conduct.

D. Further Advice

This Code deals with the main issues of probity and conduct but cannot be expected to cover all eventualities that may arise. If Members are in any doubt about any probity related issue they are advised to contact the Licensing Officer or the Group Manager, Environmental Health and Regulatory Services.

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INTERNAL AUDIT CHARTER

Revised 2009

Note: The duties of the Head of Internal Audit are laid down in legislation and in Gloucester City Council the work of the Head of Internal Audit is carried out by the Group Manager, Audit and Assurance.

1. Introduction

- 1.1 There is a statutory requirement for Internal Audit to work in accordance with 'proper audit practices'. These 'proper audit practices' are in effect 'the Standards' for local authority internal audit. The guidance accompanying the Accounts and Audit (Amendment) (England) Regulations 2006 makes it clear that the Standards are those shown in the CIPFA Code of Practice for Internal Audit in Local Government in the United Kingdom 2006 (the Code). The Code has been adopted by Gloucester City Council's Internal Audit Section.
- 1.2 The Code includes a requirement for the purpose, authority and responsibility of Internal Audit to be defined by the organisation. These 'Terms of Reference' are defined in this Internal Audit Charter.

2. Responsibilities and Objectives of Internal Audit

- 2.1 Internal Audit is an assurance function that primarily provides an independent and objective opinion to the organisation on the control environment comprising risk management, control and governance by evaluating its effectiveness in achieving the organisations objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.

3. Independence and Accountability

- 3.1 The main determinant of the effectiveness of Internal Audit is that it is seen to be independent. To ensure this, Internal Audit will operate within a framework that allows:
 - unrestricted access to senior management and Members;
 - reporting in its own name;
 - segregation from line operations.

Internal Audit will remain sufficiently independent of the activities that it audits to enable auditors to perform their duties in a manner which facilitates impartial and effective professional judgements and recommendations. Internal auditors have no operational responsibilities with the exception of the control of receipt books, and involvement in corporate groups such as the Corporate Governance Group and the Risk Management Group.

Internal Audit is involved in the determination of its priorities in consultation with those charged with governance. The Group Manager, Audit and Assurance (Head of Internal Audit) has direct access and freedom to report in his own name and without fear or favour to all officers and Members and particularly to those charged with governance.

Accountability for the response to the advice and recommendation of Internal Audit lies with management, who either accept and implement the advice or formally reject it.

The existence of Internal Audit does not diminish the responsibility of management to establish systems of internal control to encapsulate the Council's policies, procedures and operations in place to: -

- establish, and monitor achievement of, the Council's objectives;
- identify, assess and manage the risks to achieving the Council's objectives;
- facilitate policy and decision making;

Part 5 - Codes and Protocols

- ensure the economical, efficient and effective use of resources;
- ensure compliance with the established policies, procedures, laws and regulations;
- safeguard the Council's assets and interests from losses of all kinds, including those arising from fraud, irregularity or corruption; and
- ensure the integrity and reliability of information, accounts and data, including internal and external reporting and accountability processes.

4. Scope of Internal Audit

- 4.1 In accordance with the Accounts and Audit (Amendment) (England) Regulations 2006, the Council has the responsibility to maintain an adequate and effective system of internal audit. This responsibility has been delegated to the Corporate Director of Resources who is the line manager for the Head of Internal Audit.
- 4.2 The scope for Internal Audit is the control environment comprising risk management, control and governance. This means that the scope of Internal Audit includes all of the Council's operations, resources, services and responsibilities in relation to other bodies. In order to achieve its responsibilities, Internal Audit shall have right of access to all records, assets, personnel and premises, including those of partner organisations, and shall obtain such information and explanations as it considers necessary.
- 4.3 Where key systems are being operated, or provided, to the City Council by other organisations, the Head of Internal Audit will agree with the appropriate Client Monitoring Officer, and the Corporate Director of Resources, whether Internal Audit conduct the work to derive the required assurance on the adequacy of internal controls, or rely on the opinions of other auditors.
- 4.4 This description shows the very wide potential scope of Internal Audit work. In order to turn this generic description into actual subjects for audit, the Head of Internal Audit uses an audit risk assessment that allows all high-risk subjects to be identified. Although this process inevitably identifies the Council's fundamental financial systems as being 'high risk', other non-financial systems and functions are also identified as important areas for review by Internal Audit.

5. Fraud and Corruption

- 5.1 Managing the risk of fraud and corruption is the responsibility of management. Audit procedures alone, even when performed with due professional care, cannot guarantee that fraud or corruption will be detected. Internal Audit does not have responsibility for the prevention or detection of fraud and corruption. Internal auditors will, however, be alert in all their work to risks and exposures that could allow fraud or corruption. Internal Audit may be requested by management to assist with fraud related work.
- 5.1 The Head of Internal Audit has made arrangements to be informed of all suspected or detected fraud, corruption or improprieties so that he can consider the adequacy of the relevant controls, and evaluate the implication of fraud and corruption for his opinion on the internal control environment.

6. Audit Resources

- 6.1 Internal Audit must be appropriately staffed in terms of numbers, grades, qualification levels and experience, having regard to its objectives and to the Code. Internal Auditors need to be properly trained to fulfil their responsibilities and should maintain their professional competence through an appropriate ongoing development programme.
- 6.2 The Head of Internal Audit is responsible for appointing the staff of the Internal Audit Section and will ensure that appointments are made in order to achieve the appropriate mix of qualifications, experience and audit skills. The Head of Internal Audit will carry out a

Part 5 - Codes and Protocols

continuous review of the development and training needs of all audit staff and will arrange in-service training covering both internal and external courses. All staff will be encouraged to maintain professional updating and personal development through participation in appropriate CPD schemes.

- 6.3 The Head of Internal Audit is responsible for ensuring that the resources of the Internal Audit Section are sufficient to meet its responsibilities and achieve its objectives. If a situation arose whereby he concluded that resources were insufficient, this will be formally reported to the Corporate Director of Resources, and, to the Audit Committee.

7. Audit Reporting

- 7.1 A written report will be prepared by the appropriate auditor for every internal audit assignment. Draft reports will be sent to the managers responsible for the area under review for agreement to the factual accuracy of findings. The 'final' report will be agreed with the Head of Internal Audit before being issued to the responsible Group Manager. A copy of the final report is also sent to the appropriate Corporate Director. The report includes an 'opinion' on the adequacy of controls in the area that has been audited, classified in accordance with the following definitions:-

CONTROL LEVEL	DEFINITION
Good	Robust framework of controls – provides substantial assurance. A few minor recommendations (if any) i.e. Rank 3 (Merits Attention)
Satisfactory or Adequate	Sufficient framework of controls – provides adequate assurance – minimal risk. A few areas identified where changes would be beneficial. Recommendations mainly Rank 3 (Merits Attention), but one of two in Rank 2 (Significant)
Minimal	Some lapses in framework of controls – provides limited assurance. A number of areas identified for improvement. Mainly Rank 2 (Significant) recommendations, but one or two Rank 1 (Significant) recommendations
Unsatisfactory	Significant breakdown in framework of controls – provides inadequate assurance. Unacceptable risks identified – fundamental changes required. A number of Rank 1 (Fundamental) recommendations.

- 7.3 The report will include an Audit Recommendation sheet which the Director, or Group Manager, will be asked to complete and return within 14 days, although this period can be extended by agreement. The completed Recommendation Sheet must show what actions have been taken, or are planned, in relation to each recommendation, and the agreed implementation date. If any recommendation is not accepted by the manager, this must also be stated. The Head of Internal Audit is responsible for assessing whether the manager's response is adequate.

- 7.4 The main reason given by managers for non-implementation, or delayed implementation of recommendations, is, typically, competing priorities. In order to help resolve this problem, and to aid decision making, a system of classification of audit recommendations, has been introduced. The classifications are as follows:-

RANK		DEFINITION	IMPLEMENTATION
1	Fundamental	Necessary due to statutory obligation, legal requirement, Council policy or major risk of loss or damage to Council assets, information or reputation	Immediate action required – should be pursued immediately.
2	Significant	Could cause limited loss of assets or information or adverse publicity or embarrassment. Necessary for sound internal control and confidence in the system to exist.	Should be pursued in the short term, ideally within the next 6 months.
3	Merits Attention	Current procedure is not best practice and could lead to minor efficiencies.	Action should be taken over the next 6 to 12 months.

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- 7.5 Under this system of classification, any recommendation not implemented within the agreed timeframe will be escalated up to the next level ie if a 'significant' recommendation is not implemented within 6 months, it will be escalated up to become a 'fundamental' recommendation (immediate action required). All such cases will be reported to Members via the Internal Audit Plan monitoring report.
- 7.6 Agreed recommendations are subject to a follow-up audit, normally within three months of the agreed implementation date, in order to ascertain that the recommendations have been implemented.

8. Annual Reporting and Presentation of Audit Opinion

- 8.1 The Head of Internal Audit will provide an Annual Report to the Audit Committee timed to support the Annual Governance Statement. The Annual Report will:-
 - (a) include an opinion on the overall adequacy and effectiveness of the organisation's control environment;
 - (b) disclose any qualifications to that opinion, together with any reasons for the qualification;
 - (c) present a summary of the audit work from which the opinion is derived, including reliance placed on work by other assurance bodies;
 - (d) draw attention to any issues the Head of Internal Audit judges particularly relevant to the preparation of the Annual Governance Statement;
 - (e) compare the work actually undertaken with the work that was planned and summarise the performance of the internal audit function against its performance measures and targets;
 - (f) comment on compliance with the CIPFA Code of Practice for Internal Audit 2006, and communicate the results of the internal audit quality assurance programme.

9. Review of Charter

- 9.1 In order to ensure that the terms of reference remain appropriate, a regular review of the Internal Audit Charter will be undertaken by the Head of Internal Audit and any changes reported to Members for approval.

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ANTI-FRAUD AND CORRUPTION STRATEGY

Revised 2009

1. Introduction

- 1.1 The City Council is committed to eliminating fraud and corruption whether it is attempted on or from within the Council and is committed to an effective Anti-Fraud and Corruption Strategy designed to:
 - encourage prevention;
 - promote detection; and
 - identify a clear pathway for investigation.
- 1.2 The Council's expectation on propriety and accountability is that Members and staff at all levels will lead by example in ensuring adherence to rules, procedures and recommended practices.
- 1.3 The Council also expects that individuals and organisations (e.g. suppliers/contractors) that it comes into contact with will act towards the Council with integrity and without thought or actions involving fraud or corruption.
- 1.4 The Council's Anti-Fraud and Corruption Strategy is based on a series of comprehensive and inter-related procedures designed to frustrate any attempted fraudulent or corrupt act. These cover:
 - Culture (Section 2)
 - Prevention (Section 3)
 - Detection and Investigation (Section 4)
 - Training (Section 5)
- 1.5 In addition to its own internal controls and procedures, the Council is also subject to a high degree of external scrutiny of its affairs, by a variety of bodies including:
 - Local Government Ombudsman
 - Audit Commission
 - Central Government Departments
 - HM Revenues and Customs
 - The Department for Work and Pensions (DWP)

2. Culture

- 2.1 The Council has determined that the culture and tone of the organisation will continue to be one of honesty and opposition to fraud and corruption.
- 2.3 There is an expectation and requirement that all individuals and organisations associated in whatever way with the Council will act with integrity and that Council staff and Members, at all levels, will lead by example in these matters.
- 2.4 The Council's staff are an important element in its stance on fraud and corruption and the Council's Whistleblowing Policy encourages staff to raise any concerns that they may have on these issues, where they are associated with the Council's activities. They can do this in the knowledge that such concerns will be treated in confidence and properly investigated. If necessary a route, other than a normal line manager, can be used to raise such concerns. Examples of such routes are:-
 - Group Manager Audit and Assurance
 - Monitoring Officer
 - Corporate Director of Resources
 - Group Manager Organisational Development
 - Chief Executive

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- 2.5 Members of the public are also encouraged to report concerns through the above routes, plus either their Ward Member, or any Member of the City Council.
- 2.6 Members of the Council may also voice their concerns through various ways such Chief Executive, Monitoring Officer, Corporate Director of Resources or Group Manager Audit and Assurance.
- 2.7 Senior management are responsible for following up any allegation of fraud or corruption received and will do so by immediately informing the Chief Executive and the Corporate Director of Resources.
- 2.8 The nominated investigating officer will:
 - deal promptly with the matter;
 - record all evidence received;
 - ensure that evidence is sound and adequately supported;
 - ensure security of all evidence collected;
 - contact other agencies, e.g. police, if necessary;
 - ensure that the Council's insurers are notified;
 - The relevant Corporate Director/Group Manager/Service Manager will also implement the Council's disciplinary procedures where appropriate.
- 2.9 Senior management is expected to deal swiftly and firmly with those who defraud the Council or who are corrupt. The Council should be considered as robust in dealing with financial malpractice.
- 2.10 It is necessary to ensure that any investigation process is not misused and any abuse, such as raising unfounded malicious allegations, may be dealt with as a disciplinary matter.

3. Prevention

3.1 Staff

- (a) The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential staff, in terms of their propriety and integrity. In this regard, temporary and contract staff should be treated in the same manner as permanent staff.
- (b) Staff recruitment is required to be in accordance with procedures laid down in the Personnel Manual. Written references regarding the known honesty and integrity of potential staff should be obtained before employment offers are made, and professional and educational qualifications of new employees should be obtained and confirmed as genuine.
- (c) Staff of the Council are expected to follow any Code of Conduct related to their professional institute and also to abide by the Council's Staff Protocol, which sets out the Council's requirements on personal conduct.
- (d) The Council has a Disciplinary Procedure in place.
- (e) Managers should ensure that staff regularly takes their annual leave entitlement.

3.2 Members

- (a) Members are required to work in accordance with the Council's Constitution and within current legislation.
- (b) The Monitoring Officer in consultation with the Council's Standards Committee will ensure that training is provided for all elected Members at the beginning of each Civic Year and as and when required.

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- (c) Every elected Member is required to sign and Acceptance of Office Declaration which also includes the declaration that they will abide by the Council's Code of Conduct.
- (d) Forms for the Declaration of Interests are issued at the beginning of each Civic Year and at any other such time that the Member requests.
- (e) Members are also required to declare (if they have any) any known interests at the start of each meeting and/or at any point in the meeting where they discover they have such an interest.

3.3 Systems

- (a) The Council has Standing Orders, Contract Standing Orders, and Financial Regulations in place that require Members and staff, when dealing with the Council's affairs, to act in accordance with best practice.
- (b) The Members of the Council are responsible for regulating and controlling the finances of the City Council and the Corporate Director of Resources, for the purposes of S151 of the Local Government Act 1972, is responsible under the general direction of the Members for the proper administration of the Council's financial affairs. Financial codes of practice and accounting instructions have been developed, which outline the systems, procedures and responsibilities of staff, in relation to the Council's financial activities. These have been widely distributed to staff throughout the Council.
- (c) The Council has developed, and is committed to continuing with systems and procedures which incorporate efficient and effective internal controls and adequate separation of duties. Directors, Group Managers should ensure that such controls are properly maintained and documented, and should notify the Corporate Director of Resources of any major changes to agreed procedures and controls. The Council's Internal Audit Service independently monitors their existence and appropriateness.

3.4 Combining with Others

- (a) Arrangements are in place and continue to develop to encourage the exchange of information between the Council and other agencies on national and local fraud and corruption activity.
- (b) These include: -
 - Police
 - Gloucestershire Chief Financial Officers' Group
 - Gloucestershire Chief Auditors' Group
 - Department for Work and Pensions (DWP)
 - Audit Commission

4. Detection and Investigation

- 4.1 The array of preventative systems, particularly internal control systems within the Council, are designed to provide indicators of any fraudulent activity, although generally they should be sufficient in themselves to deter fraud.
- 4.2 It is often the alertness of staff, Members and the public to indicators of fraud and corruption that enables detection to occur and the appropriate action to take place.
- 4.3 Despite the best efforts of financial managers and auditors, many frauds are discovered by chance or by 'tip-offs' and the Council has in place arrangements for dealing with such information. These are shown within this Strategy at paragraph 4.2 above.
- 4.4 Staff of the City Council are required by its Financial Regulations, and the Complaints Procedure to report all suspected irregularities to the Corporate Director of Resources. Reporting is essential to the Anti-Fraud and Corruption Strategy and:

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- ensures the consistent treatment of information regarding fraud and corruption;
 - facilitates proper investigation by Internal Audit.
- 4.5 Depending on the nature and extent of the allegations, Internal Audit will normally work closely with management and other agencies, such as the police, to ensure that all allegations are properly investigated and reported upon.
- 4.6 The Council's Disciplinary Procedure will be used where the outcome of the Audit investigation indicates improper behaviour.
- 4.7 The Council will normally wish the police to be made aware of, and to independently prosecute offenders where financial impropriety is discovered. Referral to the police is a matter for the Monitoring Officer and the Corporate Director of Resources.

5. Training

- 5.1 The Council recognises that the success of its Anti-Fraud and Corruption Strategy and its general credibility will depend largely on the effectiveness of appropriate training, and the responsiveness of staff and Members throughout the organisation.
- 5.2 To facilitate this, the Council supports the concept of induction training for Members and staff.
- 5.2 Investigation of fraud and corruption will normally centre on the Council's Internal Audit Service and the Housing Benefit Fraud Investigation Unit. Staff involved in this work should therefore be properly and regularly trained.

6. Conclusion

- 6.1 The Council has in place a clear network of systems and procedures to assist it in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments in both preventative and detection techniques regarding fraudulent or corrupt activity that may affect its operation.
- 6.2 To this end, the City Council, and the Corporate Director of Resources in particular, will maintain a continuous overview of the authority's arrangements for combating fraud and corruption. This policy document will also be subject to regular review.

Part 5 - Codes and Protocols

WHISTLEBLOWING POLICY

Revised 2009

Introduction

Raising Concerns at Gloucester City Council

All of us at one time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about:-

- possible fraud and corruption;
- financial irregularities;
- discrimination;
- unethical conduct or a breach of the law;
- health and safety risks/dangerous working conditions;
- damage to the environment,

it can be difficult to know what to do.

You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Gloucester City Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, the Council has introduced this policy to encourage and enable you to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof. This is sometimes known as 'Whistleblowing'.

What the Law says:

The Public Interest Disclosure Act 1998 (PIDA), popularly known as the 'Whistleblowers' Protection Act, protects employees who make disclosures about a range of subjects from recriminations. Whistleblowers can claim PIDA protection by disclosing their concerns either to their employer or, if they prefer, to another organisation authorised to receive disclosures).

The policy applies to all employees and those contractors working for the Council on Council premises. It also covers suppliers and those providing services under a contract with the Council in their own premises.

If in doubt - raise it!

If you have concerns over malpractice, we want you to raise the matter so that the Council can investigate and put things right.

This procedure should not be confused with the Council's Grievance Policy, which should be used when an employee is aggrieved about their own employment situation. Details of the Council's Grievance Policy can be obtained from Personnel.

How to Proceed

If you have a concern we hope you will feel able to raise it first with your appropriate line manager or Corporate Director. This may be done verbally or in writing.

Part 5 - Codes and Protocols

If you feel unable to raise the matter with your manager for whatever reason, or you believe that management is involved, then please raise the matter with one of the following, whose contact details can be found in Part 8 – Contact List:

Group Manager, Audit and Assurance
Monitoring Officer
Corporate Director of Resources
Chief Executive

Please say if you want to raise the matter in confidence so that they can make appropriate arrangements.

What Happens Next?

Having alerted us to the concern, it is our responsibility to investigate the matter. The initial stage will be to interview you and then assess what further action should be taken.

We would need to know:-

- the details of your concerns, including the nature, dates and location of any relevant incidents;
- the reasons why you feel concerned about the situation and the grounds for your concern.

When you raise the concern you may be asked how you think the matter might best be resolved, and whether you would want to be told about how we will conduct the investigation.

If you do have any personal interest in the matter, we do ask that you tell us at the outset. If your concern falls more properly within the Grievance Policy we will tell you.

If the Officer you have approached feels that the concern can be resolved quickly, or in a straightforward manner, it will be brought to the attention of the appropriate manager. This procedure may lead to other processes being implemented such as the disciplinary procedure or to more formal investigations by internal audit.

Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

Untrue Disclosures

Council Members, the Gloucester Leadership Team, and the Trade Unions are all committed to this policy. If you make a disclosure in good faith, but it is not confirmed by the investigation, no action will be taken against you. If however, your allegation is frivolous, malicious or for personal gain, you may be subject to disciplinary action.

How we will Handle the Matter – Our Assurances

The Council is committed to dealing accurately, professionally and confidentially with all issues of concern raised within the organisation.

Concerns raised under this Policy will be treated seriously and sensitively. Where practicable, immediate steps will be taken to remedy the situation. However the final outcome may take longer depending on the issue that is raised.

Some concerns may be resolved by agreed action without the need for an investigation. If urgent action is required, this will be taken before any investigation is conducted.

Part 5 - Codes and Protocols

Within 10 working days of a concern being raised, you will receive a response acknowledging that the concern has been received. The response will address the following:-

- Whether initial enquiries have been made;
- Give an estimate of how long it will take to provide a final response;
- If there is to be no investigation, giving you reasons why this is so;
- Supply you with information on employee support mechanisms.

The Council will take steps to minimise any difficulties you may experience as a result of making a disclosure. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

While the purpose of this policy is to enable us to investigate concerns raised, and take appropriate steps to deal with it, you will need to be assured that the matter has been properly addressed. We will give you as much feedback as we properly can. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. However, we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court), we will discuss with you whether and how we can proceed.

Employees who wish to raise concerns under this Policy may bring a friend or Trade Union representative along with them to any interviews that are arranged, providing that person is not involved in the area of work to which the concern relates. It should be noted that this person should attend to provide support only, and will not be allowed to become involved in the proceedings.

How to Raise a Concern Internally - What we ask of You

The purpose of this Policy is to enable you to raise your concerns within the Council in confidence, without any fear of reprisal or detriment to you. We therefore ask that you do not take your concerns outside the Council other than as stated in this policy or in the PIDA.

When raising your concern you must declare any personal interest, which you have in the matter. If you disclose your concerns in any other manner, publicise your concerns, or abuse the process by maliciously raising unfounded allegations, or seek to make the disclosure for the purposes of personal gain, you are at risk of disciplinary action, subject to the provisions of the PIDA

External Contacts – At the end of the Process

All concerns raised under this policy, together with the outcome of the investigation, will be recorded in a register held by the Group Manager, Audit and Assurance. The purpose of this register is to ensure a central record is kept which can be cross-referenced with other complaints in order to monitor any patterns of concern across the Authority, and to assist us in monitoring the procedure. You will be informed of the action that has been taken to resolve your concern. Sometimes, however, it may not be possible to reveal the full extent of the investigation where this relates to personal issues involving a third party.

Where action is not taken we will explain the reasons for that decision.

Part 5 - Codes and Protocols

The Council would prefer that a serious concern be raised responsibly rather than not at all. Therefore, if you still feel unable to raise your concern under this Policy, then you may seek advice from:-

- the Council's External Auditor (KPMG);
- the Audit Commission PIDA Hotline – tel: 0845 0522646;
- your trade union;
- your local Councillor (if you live in the area of the Council);
- your local MP;
- relevant professional bodies or regulatory organisations;
- the Citizen Advice Bureau;
- your solicitor;
- the police;
- a relevant voluntary organisation;
- the charity - Public Concern at Work.

Part 6 – Members’ Scheme of Allowances



Part 6 - Members' Scheme Of Allowances 2012 – 2013

Schedule 1 – Representation on Outside Bodies

Members' Allowances

Part 6 – Members’ Scheme of Allowances

Members’ Scheme of Allowances

In force 1 April 2012 – 31 March 2013
(Approved by the City Council – 21 May 2012)

Gloucester City Council, in exercise of the powers conferred by the Local Authorities (Members’ Allowances) Regulations 2003, hereby makes the following Scheme, to come into effect on 1 April 2012 unless otherwise stated:

(NB. The allowances shown come into effect on 1 April 2012 and will be increased annually in line with the Local Government staff pay award unless the Members’ Allowances Panel sits again.)

Proposed Members’ Scheme of Allowances 2012/13

	Allowances	Rate
1.	Basic Allowance All Councillors are entitled to this general allowance which is paid automatically on a monthly basis (unless written notice to the contrary is given).	£5,250 p.a. per Councillor
2.	Special Responsibility Allowances These are special allowances paid to Councillors who hold positions with significant responsibilities over and above the general duties of a Councillor. This additional entitlement is paid automatically (unless written notice to the contrary is given) to the relevant Councillors on a monthly basis. (N.B. Members are restricted to one special responsibility allowance only.) The affected position and the sums payable are as follows: Leader of the Council (3.25 x basic allowance) £17,063 p.a. Deputy Leader of the Council (2.25 x basic allowance) £11,813 p.a. Cabinet Members (1.75 x basic allowance) £9,188 p.a. Regeneration and Culture £9,188 p.a. Environment £9,188 p.a. Housing, Health and Leisure £9,188 p.a. Performance and Resources £9,188 p.a. Communities & Neighbourhoods £9,188 p.a. Chairs (0.6 x basic allowance) £3,150 p.a. Planning Committee £3,150 p.a. Licensing and Enforcement Committee £3,150 p.a. Overview and Scrutiny Committee £3,150 p.a. Audit and Governance Committee £3,150 p.a. Standards Committee (no special responsibility allowance) n/a	

Part 6 – Members’ Scheme of Allowances

	Allowances	Rate
	Vice Chairs: (0.2 x basic allowance) Planning Committee Licensing and Enforcement Committee Overview and Scrutiny Committee Audit and Governance Committee Standards Committee (no special responsibility allowance)	£1,050 p.a. £1,050 p.a. £1,050 p.a. £1,050 p.a. n/a
	Minority Group Leaders (1 x basic allowance) Deputy Group Leader (0.5 x basic allowance) Mayor * (0.6 x basic allowance) Sheriff and Deputy Mayor * (0.2 x basic allowance)	£5,250 p.a. £2,625 p.a. £3,150 p.a. £1,050 p.a.
3.	Carer's Allowance All Councillors are entitled to a Childcare and Dependant Carer's Allowance when they are responsible for meeting the costs of the care of dependant children or relatives whilst undertaking approved duties as defined at the end of this scheme. The payment of basic, special responsibility and other allowances will be suspended for the duration of any suspension from duties in connection with Standards matters.	£7.64 per hour (based on Scale Point 11 of the Local Government pay spine)
4.	Travel and Subsistence Allowances Travel and subsistence allowances are paid in respect of approved duties as defined at the end of this scheme. Travel allowances are based on the Inland Revenue approved rate of 45p per mile (with a rate of 24p per mile for motorcycles and 20p per mile for bicycles)	Subsistence allowances are based on the latest approved scheme for Officers.
5.	Internet Service Provider Charges A maximum payment of up to £10 per calendar month may be claimed by Councillors who do not accept the broadband service provided by the Council.	£10 p.c.m

* The Mayor and the Sheriff also receive allowances separate from the Allowances Scheme to meet costs associated with the holding of their respective offices (Mayor £5,337) (Sheriff £3,200).

1. Approved Duties for Payment of Allowances

Allowances can be paid in respect of the following duties which are specified in legislation:

- (a) a meeting of the Authority, or a Committee or Sub-Committee of the Authority;
- (b) a meeting of some other body to which the Authority makes appointments or nominations, or a Committee or Sub-Committee of the body;
- (c) a Committee or Sub-Committee of the Authority or a Joint Committee of the Authority and one or more other Authorities, or a Sub-Committee of a Joint Committee and to which representatives of more than one political group have been invited or to which two or more Councillors have been invited (if the Authority is not divided into political groups);
- (d) a meeting of a Local Authority Association of which the Authority is a member;

Part 6 – Members’ Scheme of Allowances

- (e) duties undertaken on behalf of the Authority in pursuance of any Standing Order requiring a Member or Members to be present while Tender documents are opened;
 - (f) duties undertaken on behalf of the Authority in connection with a discharge of any function of the Authority conferred by or under any enactment empowering or requiring the Authority to inspect or authorise the inspection of premises.
2. **The following is a list of approved duties accepted by the Council for payment of travel, subsistence and carer's allowances:**
- (a) attendance at meetings of the Council;
 - (b) attendance at other formal meetings (e.g. Groups, Boards, Committees, Panels, etc.);
 - (c) attendance at meetings at the outside bodies referred to in the list incorporated in Schedule 1 provided that attendance is for the purpose of, or in connection with, the discharge of a function of the Council;
 - (d) attendance (under the Open Door Protocol) at County Council meetings (sanctioned by the Chief Executive) on matters of importance to the District or of Local (Ward) interest;
 - (e) attendance at Quedgeley Parish Council meetings in a Members' Ward when they are not a Member of that Parish Council;
 - (f) attendance at meetings of other bodies including courses, seminars and conferences provided that there is a Council or, where appropriate a meeting resolution authorising attendance on the basis that the attendance is for the purpose of, or in connection with the discharge of a function of the Council (the Chief Executive, Corporate Directors are authorised, in consultation with the Council or appropriate Cabinet Member, to sanction attendance provided adequate financial provision is available);
 - (g) elections and other duties undertaken on behalf and at the express request of the Council and other meeting.
3. **It should be noted that allowances are not paid to non-Members of meetings who attend meetings except in the following circumstances:**
- (a) the Mayor and the Leader of the Council and Chair of Overview and Scrutiny Management Committee (and their Vice-Chair in their absence) where they are ex-officio Members (with no vote) of a Group of which they are not a Member (does not apply to Boards, Panels, Sub-Committees and Working Parties);
 - (b) when Members attend a meeting to explain a motion (of which they have given notice at Council) which has been referred to that meeting by the Council;
 - (c) when Members attend a meeting to speak on an item they have requested to be placed on the agenda;
 - (d) when the local Ward Members attend site visit meetings of any meeting of which they are not a Member;
 - (e) when Members are expressly invited to attend meetings.

Schedule 1

Alphabetical List of Outside Bodies

1. At the Annual Council meeting Members are selected to serve and support the following organisations which are known as Outside Bodies. In doing so they represent the community and the Council for the Civic Year.
2. The Council agrees to indemnify Members and Officers in respect of personal liabilities that might occur as a result of sitting as the Council's representative on Outside Bodies, providing they have taken all reasonable steps open to them to prevent such liabilities from arising. The Council is not able to provide an indemnity when the individual acts solely on behalf of an Outside Body – where an individual is a Director, Trustee or on the Management Committee of a Body, is likely that the prime duty will be to that Body. Those Bodies likely to be so affected are marked asterisk. Any resultant liability is limited in most cases or covered by the Body.
3. All the Bodies below are approved duties for the purpose of payment of allowances provided the attendance is for the purpose of, or in connection with, the discharge of a function of the Council. Claims for allowances will be to the City Council as a general rule – however, where reimbursement can be obtained from a particular Body that should be done instead.

Organisation	Representatives 2012/13
Aspire Sports and Cultural Trust	1. Cllr. Porter 2. Cllr. Bhamia
Barton & Tredworth Community Trust	1. Cllr. Patel 2. Cllr. Hansdot
Barton and Tredworth Development Ltd	1. Cllr. Patel
Charity of John Ward	1. Cllr. Lugg 2. Mr B. Large 3. Mr. T. Haines 4. Mr S. Ayland
Citizens' Advice Bureau	1. Cllr. Hansdot 2. Cllr. Toleman
Environment and Ecology Forum	1. Cllr. Williams 2. Cllr. Bhamia 3. Cllr. Brown 4. Cllr. Lewis 5. Cllr. Field

Free Hospital Fund for Children	1. Ms A. Wedley 2. Mrs D. Fenton 3. Mr D. Newcombe 4. Mrs Balderstone
Gloucester Docks Estate Company Ltd	1. Cllr. Llewellyn
GFirst	1. Cllr. James
GL Communities	1. Cllr. Gravells 2. Cllr. Haigh 3. VACANT
Glos. Playing Fields Association	1. Cllr. Dallimore
Gloslinks	1. Cllr. Tracey 2. Cllr. Gravells 3. Cllr. C. Witts 4. Cllr. S Witts
Gloucester Charities Trust	1. Cllr. Lugg 2. Cllr. Porter 3. Cllr. Tracey 4. Mr G Heath 5. Mr G Howell 6. Mr T Haines 7. Mr R Ring
Gloucester City Homes Board	1. Cllr. Beeley 2. Cllr. Hansdot 3. Cllr. Lugg 4. Cllr. Randle 5. Cllr. Toleman
Gloucester City Homes Customer Forum	1. Cllr. Hanman 2. Cllr. P. McLellan 3. Cllr. Smith
Gloucester Heritage Urban Regeneration Company Ltd	1. Cllr. James 2. Cllr. Hilton 3. Cllr. Smith

Gloucester Historic Buildings Limited	1. Cllr. C Witts 2. Cllr Ravenhill 3. Cllr Dee 4. Ms G Gillespie
Gloucester Law Centre Management Committee	1. Cllr. Lugg 2. Cllr. Wood
Gloucester Operatic and Dramatic Society - Executive Committee	1. Cllr. Brown
Gloucester Partnership	1. Cllr. James 2. Cllr. Dallimore
Gloucester Relief in Sickness Fund	1. VACANT
Gloucester United Schools Charity	1. Cllr. Lugg
Gloucestershire Airport plc - 3 Directors (Three year term)	1. Cllr. Hilton 2. Cllr. Porter 3. Cllr. Lugg
Glos. Community and Care Overview & Scrutiny Committee	1. Cllr. Lugg
Glos. Community Safety Overview and Scrutiny Committee	1. Cllr. Dee
Joint Airport Scrutiny Working Group (JASWG)	1. Cllr. Gilson 2. Cllr. Taylor 3. Cllr. C. Witts
Llanthony Secunda Priory Trust	1. Cllr Toleman Plus Phil Staddon, Corporate Director of Regeneration
Lower Severn Drainage Board	1. Cllr. Porter
Marketing Gloucester Limited	1. Cllr. James

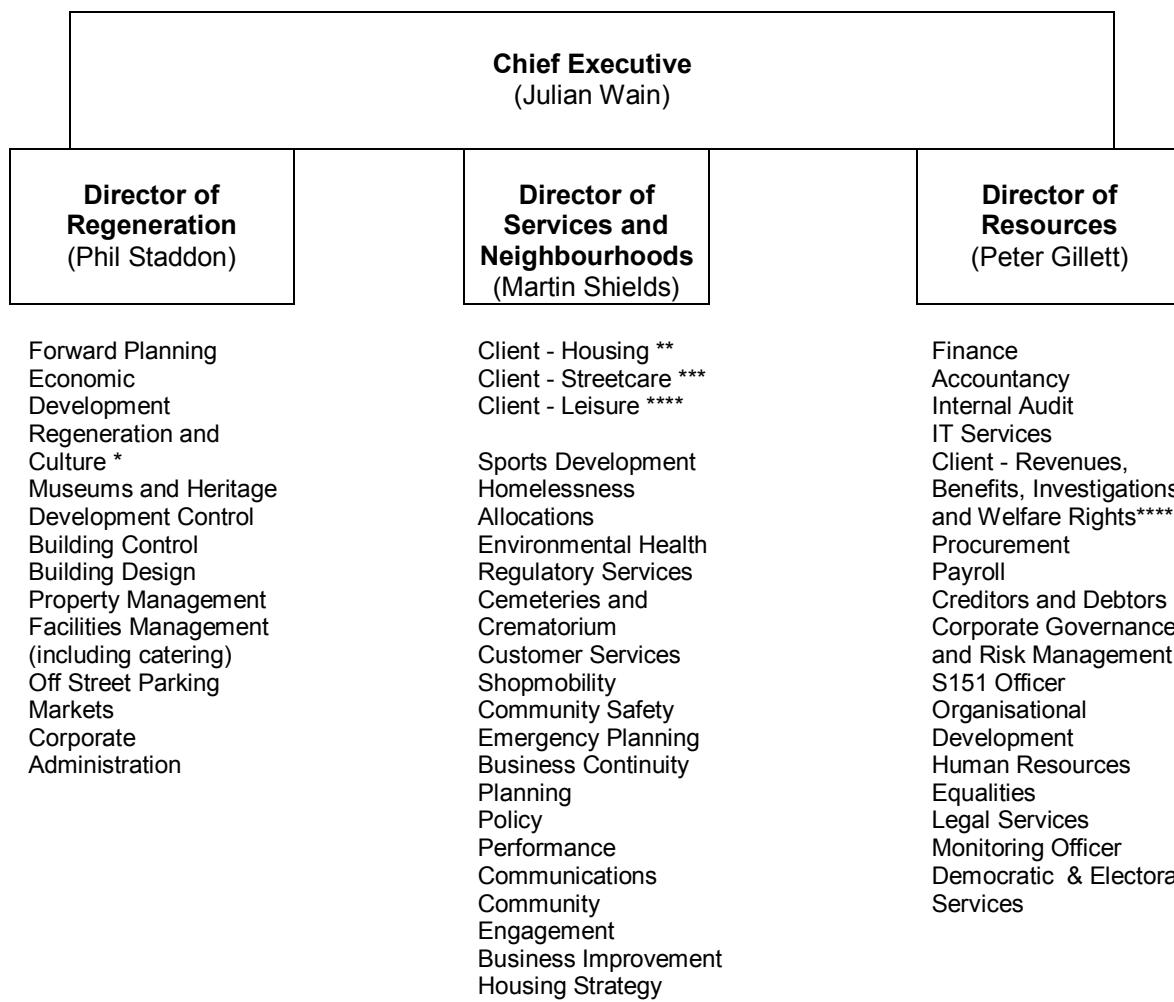
National Association of Black Asian and Ethnic Minority Councillors	1. Cllr. Bhaimia 2. Cllr. Hansdot 3. Cllr. Patel
National Parking Adjudication Service	1. Cllr. James
South West Council	1. Cllr. James
South Western Provincial Council	1. Cllr. James
St Ann Society of Gloucester	1. Cllr. Tracey
Urban Commission	1. Cllr. Wood 2. Cllr. Field

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Part 7 – Management Structure

GLoucester Leadership Team

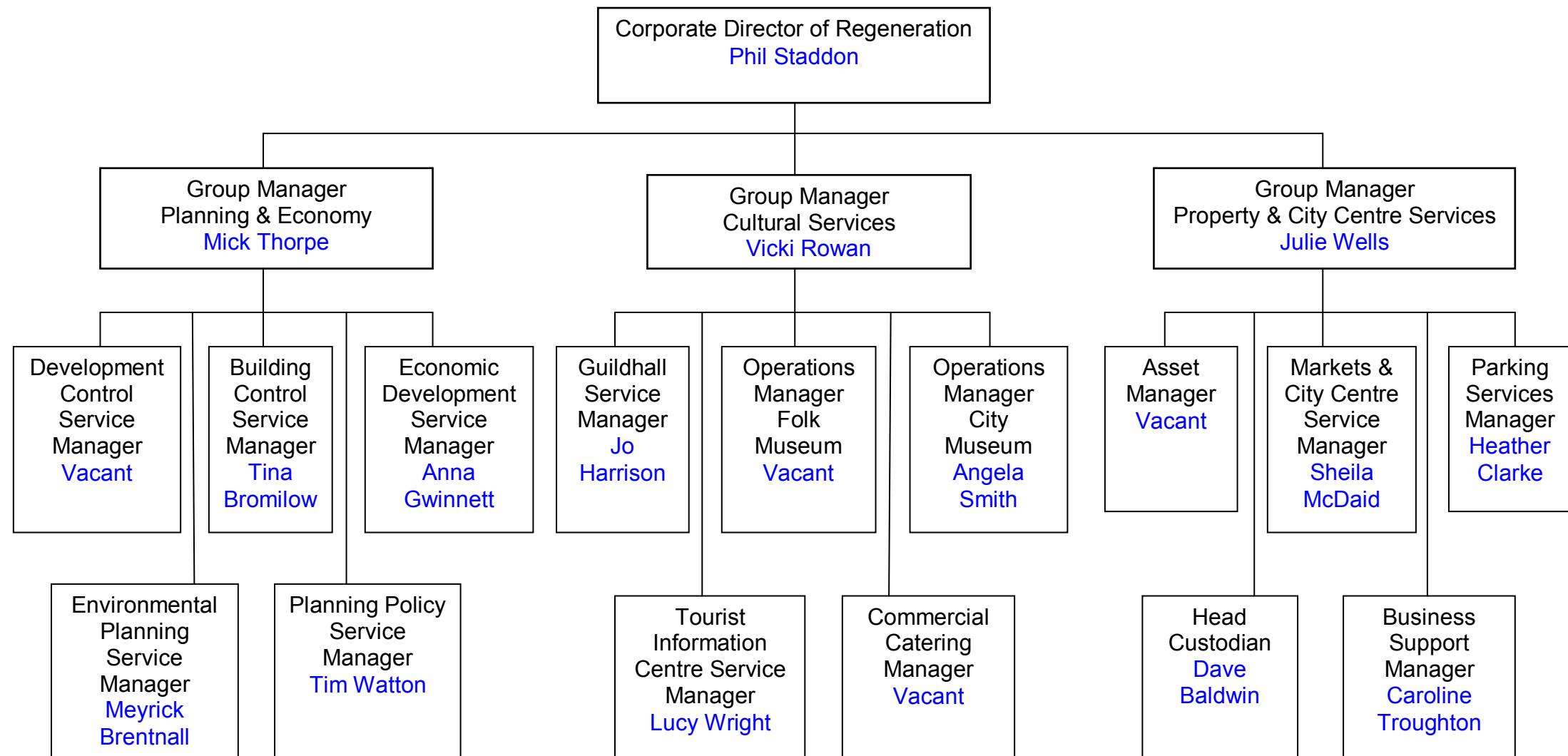


Outside Organisations

- * Marketing Gloucester Limited; GHURC
- ** Gloucester City Homes (GCH)
- *** Enterprise
- **** Aspire Limited
- ***** Civica

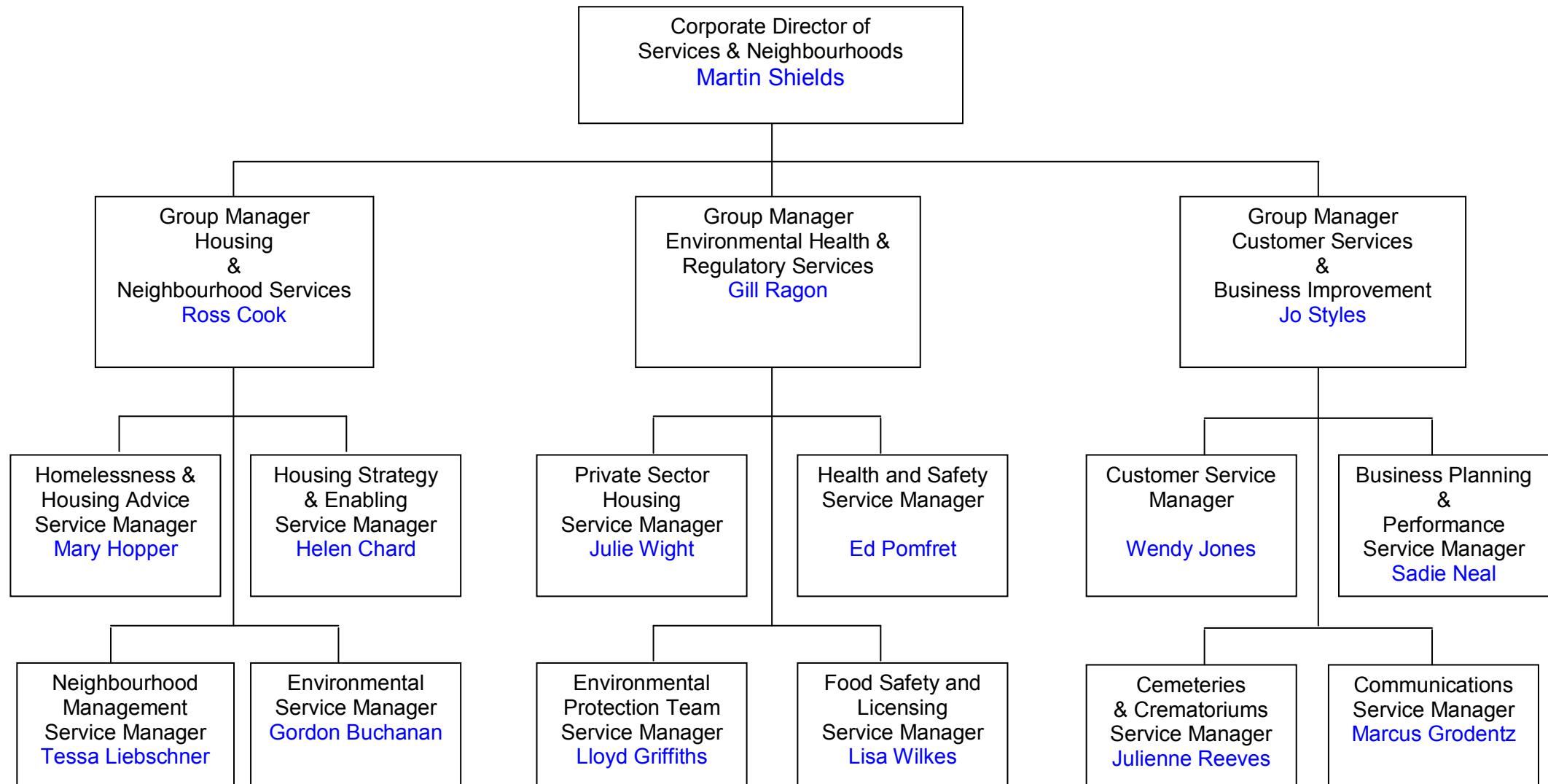
Part 7 – Management Structure

REGENERATION DIRECTORATE



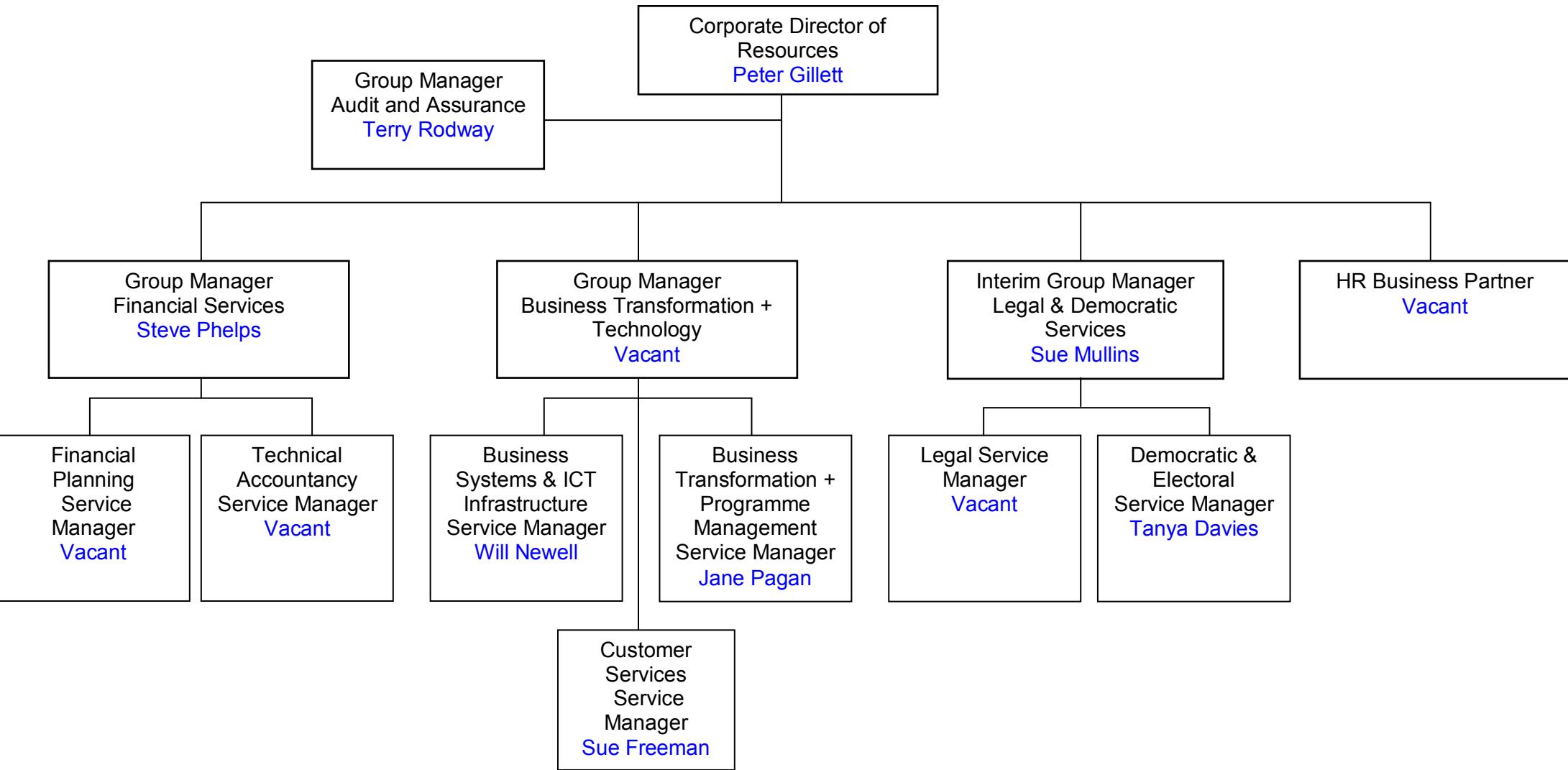
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SERVICES AND NEIGHBOURHOODS DIRECTORATE



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RESOURCES DIRECTORATE



Part 8 – Other Useful Information

Part 8 - Other Useful Information

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Other Useful Information

Part 8 – Other Useful Information

Definitions

The words and phrases defined in this Section shall have the meanings set out below unless it is clear from another part, or section, of this Constitution that a different or alternate meaning is intended for the purposes of that part or section.

Glossary of Terms	Meaning or Description
Access to Information	There are a number of legislative provisions, which are integral to the Council's decision-making processes. The Council's rules relating to access to meetings and other documentation relating to meetings; including exempt and confidential information, can be found in Part 4 of this Constitution.
Advisory Committee	A Committee appointed by the Council to advise the Council on matters relating to the development of Policy and discharge of Council functions.
Annual Meeting	The ceremonial meeting of the full Council at the beginning of the Civic Year at which the positions of Chair and Leader of the Council are elected. Other business related to the beginning of a new municipal year is also conducted.
Articles in the Constitution	Set out the overall framework of what is to be done and by whom. Standing Orders, Codes of Conduct and the other documents forming part of the Constitution set out how the Articles will be put into effect.
Authority, the	Gloucester City Council.
Background Paper	Documents relating to the subject matter of a report which in the opinion of the Proper Officer: <ul style="list-style-type: none"> (a) disclose any facts or matters on which the report or any important part of the report is based; and (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose <i>Exempt</i> or <i>Confidential Information</i>.
Balanced or Hung Authority	Also often referred to as a Hung Council. Where there is no overall political control by any one Political Group.
Budget	This includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virements limits.
Cabinet	The Cabinet and its Members (also referred to collectively as the Executive), operate within the policy framework and budgets set by the Council and this constitution, and are responsible for taking most of the day-to-day decisions.
Cabinet Members	Those Councillors appointed to the Cabinet. Each Cabinet Member will be responsible for a portfolio (area of work) and attend, speak and vote at meetings of the Cabinet. Any power or responsibility given to a Cabinet Member as a portfolio holder may also be taken or actioned by the Leader.
Call-in	A process whereby non-executive Members can suspend an executive decision within five days of it being taken. The Overview and Scrutiny Management Committee will then meet to consider the decision and may refer it back to the decision-maker for reconsideration. (See overview and Scrutiny Manual).
Capital Expenditure	Expenditure to acquire fixed assets that will be used for more than the year in which they are acquired and which adds to the Council's tangible assets rather than simply maintain existing ones.
Chair	The person who presides over a meeting. The Mayor chairs the meetings of the full Council. Full Council appoints Chairs of Committees and Chairs of sub-committees are appointed by the sub-committee. The Leader of the Council will usually chair meetings of the Cabinet.
Chief Executive	The Head of the Paid Service as defined in section 4 of the Local Government and Housing Act 1989.
Chief Finance Officer	The Officer appointed in accordance with S151 of the Local Government Act 1972 that has responsibility for the administration of the financial affairs of the authority.
Chief Officers	The Chief Executive and Officers designated by statutory positions. (see article 11 – Officers of the Council).
Clear Day	A working day, not including weekends or bank holidays. Access to Information legislation insists that agenda and reports are published "five clear days" in advance. This excludes both the day of the meeting and the day on which the meeting is called.

Part 8 – Other Useful Information

Code of Conduct for Members	The document which has been adopted by Council setting out what is expected of Members and co-opted Members of the Authority in terms of their conduct and behaviour, as set out in Part 5 of this Constitution.
Committee	A group of Members (including non-voting co-opted Members) appointed to discharge a specific function. The Authority has various types of committees. There are committees both of the Council and of the Executive. The terms of reference of the Council committees and sub-committees are set out in Article 7 and also Part 3 of this Constitution.
Community Health and Well-Being	Means the degree to which persons resident in an area identify with that area and receive an increased quality of life as a result of the nature and the environment of the area.
Confidential Information	As defined in section 100A(3) of the Local Government Act 1972 as information which may not be disclosed to the public, or, information, the disclosure of which, is prohibited by or under any enactment or by the order of a court. The management of confidential information is explained in the Access to Information Procedure Rules set out in Part 4 of this Constitution.
Constitution	A document adopted by the Council which sets out how the Council operates, how decisions are made and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people.
Contract Standing Orders	Are contained in Part 4 of this constitution and set out the rules and procedure, which govern procurement of all goods, services and works for the Council and entering into contracts within the Council.
Co-opted Member	A Member of any committee or sub-committee of the Council (who is not an Independent Member, as defined below) and not a Councillor or Officer of the Council. Co-opted Members do not normally have voting rights on committees.
Cost Centre	A budgeting level which usually reflects a whole service area, or main sub category of a service. It encompasses a number of standard “subjective” coding areas such as those used for staffing related costs, supplies and services, income etc.
Council Functions	Those functions of the Authority, which cannot be exercised by an Executive.
Council Meeting Procedure Rules	Are the Standing Orders, which set out how meetings of the Council and most Committees will be conducted.
Councillor	An individual democratically elected to serve on the Council. There are restrictions as to who can hold office as a Councillor (Article 3 refers). Councillors are also often referred to as ‘Members’.
Data Protection	Processes and procedures for securing confidentiality and integrity of both electronic and manually held records whilst also providing disclosure and access of information as registered under the Act. NOTE. Information can only be held for the purposes for which it was collected.
Delegated Power / Authority	Authority, delegated by the Council (or an Officer discharging Statutory duties), to another decision-making body or individual decision-maker to make those decisions or discharge functions.
Deputy Chair	Will deputise for the Chair of the body, including chairing the meeting in the Chair's absence.
Deputy Leader	Will deputise for the Leader of the Council and be delegated to undertake any action or decision of the Leader in the Leader's absence or an ability to act.
Designated Office	The office designated for the posting and inspection of notices of meetings in Rules 4 and 5 of the Access to Information
Executive Arrangements	Defined in section 10 of the Local Government Act 2000 as arrangements by a Local Authority for and in connection with the creation and operation of an Executive of the authority; and under which certain functions of the Authority are the responsibilities of the Executive.
Executive Committees	Committees set up by the Executive and to which the Executive has allocated Executive functions under section 15 of the Local Government Act 2000. Members of Executive Committees will be Members of the Executive.
Executive Functions	Any functions of the Authority which are not the responsibility of any other part of the Authority, whether by law or, where the law provides a choice, under the Constitution. The division of functions between the Executive and the Council are set out in Part 3 of this Constitution.

Part 8 – Other Useful Information

Exempt Information	Information falling within the categories set out in Schedule 12A of the Local Government Act 1972 (as amended) and subject to the relevant qualifications set out in that schedule and, in the case of the Standards Committee, the further categories of information set out in the Relevant Authorities (Standards Committee) Regulations 2001. The management of exempt information is explained in the Access to Information Procedure Rules set out in part 4 of this Constitution.
Extraordinary (or Special) Meeting	A meeting of the Council, a committee or the Executive, called in addition to ordinary meetings, to consider a particular issue.
Financial Procedure Rules	Are contained in Part 4 of this Constitution and set out the rules and procedure, which govern financial management and control within the Council.
Five Clear Days	A period of five days, excluding the day of the meeting, the day on which the meeting is called, weekends and bank holidays during which copies of the agenda and reports of a meeting must normally be available for inspection under Rule 5 of the Access to Information Rules.
Forward Plan	A document prepared by the Monitoring Officer on behalf of the Leader which contains details of all the matters likely to be the subject of Key Decisions to be taken by either the Executive or its Committees or Officers and may also include other important decisions to be taken by the Council, its Committees or Officers over the next four months.
Freedom of Information	Processes and procedures to enable the public to formally access information held by public bodies subject to certain exemptions.
Full Council	A formal meeting which all Councillors of the Authority are entitled to attend.
Good Governance Statement and Framework	The Council annually reviews a Good Governance Local Framework as recommended by the Audit and Governance Panel and based on the 6 principles outlined in "Delivering Good Governance" a CIPFA / SOLACE Publication. The framework is adopted and then summarised in an Annual Governance Statement.
Group Manager, Audit and Assurance	The Group Manager, Audit and Assurance undertakes all responsibilities referred to as Head of Internal Audit.
Head of Internal Audit	The Group Manager, Audit and Assurance is for legislation and regulation purposes the Head of Internal Audit.
Head of Paid Service	The Officer appointed by the Authority in accordance with section 4 of the Local Government and Housing Act 1989 who has overall corporate management and operational responsibility within the Council.
ICT	Information and Communication Technology – the term used to cover all computer and telephone equipment, hardware, firmware, software, licenses, infrastructure, data and communication lines, mobile phones and all other telephone equipment and recorded in the ICT Asset Database which is held by the Group Manager, Business Transformation and Technology.
Independent Member (Drawn from the Community)	A representative drawn from the community to sit on a Panel or advisory group. Includes a Member of the <i>Standards Committee</i> or <i>Independent Member Remuneration Panel</i> who is not a <i>Councillor</i> or <i>Officer</i> of the Council. Not to be confused with an elected Member (see below).
Independent Member (Political Description)	Generic term for elected Member(s) who have not joined an existing, or formed their own political group on the Council for purposes of proportionality.
Joint Committee	A Committee comprising Members of two or more Local Authorities created under Section 102(1) of the Local Government Act 1972.
Key Decision	A decision in relation to a Cabinet function which results in the Local Authority incurring expenditure or making of a saving which is significant having regard to the budget for the service or function to which the decision relates. A decision that is likely to have a significant impact on two or more wards within the Local Authority. A decision in relation to expenditure in excess of £100,000 or significant savings. A decision in relation to any contract valued in excess of £500,000. A decision taker may only make a key decision in accordance with the requirements of the Cabinet Procedure Rules set out in Part 4 of this Constitution.
Leader of the Council	The Leader of the Council is elected by the Council annually and is the political spokesperson of the Council. The Leader appoints a "Cabinet" of Members some or all of which will be responsible for a specific area of expertise known as a "Portfolio".

Part 8 – Other Useful Information

	The Leader of the Council may take decisions or actions on behalf of Cabinet Members (Portfolio Holders) in their absence or an ability to act.
Licensing Code of Practice	The document, which has been adopted by the Council to regulate the performance of its licensing function. The main objectives of the Code are to guide Members and Officers of the Council in dealing with licensing related matters and to inform potential licensees and the public generally of the standards adopted by the Council in the exercise of its licensing powers.
Local Assessment	A process to receive and assess complaints that Members have failed to follow their Code of Conduct.
Local Strategic Partnership	The Local Strategic Partnership (LSP), which brings together the different parts of the public, private, community and voluntary sectors with the aim of improving the quality of life for everyone in the borough.
Mayor of the Council	The Mayor is the “first citizen” of the city and is elected annually to preside at Full Council Meetings and to promote the Council’s constitution, procedures and rules and ensure that they are followed during Council Meetings. The Mayor will undertake a number of Civic events and ceremonies and will represent the Council on formal occasions.
Member	A Councillor generally or, in relation to a committee or sub-committee, a Member of that committee or sub-committee. The Chair and Leader of the Council will be treated as Member of the Council unless the law or context requires otherwise.
Members' Allowances Scheme	Contained in Part 6 of this Constitution and sets out the scheme under which the Councillors, Independent Members and Co-opted Members are entitled to receive allowances in respect of carrying out their duties and for fulfilling any special responsibilities allocated to them.
Monitoring Officer	The Officer appointed by the Authority in accordance with section 5 of the Local Government and Housing Act 1989 to report to it on any proposal, decision or omission by the Authority, or its committees or sub-committees, or its Officers, which has given, or may give rise, to a contravention of law or statutory code of practice or to such maladministration or injustice as is mentioned in Part III of the Local Government Act 1974. The Monitoring Officer is 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.
Officers	The Council’s staff.
Overview and Scrutiny Management Committee	A committee established by Council to undertake overview and scrutiny functions as set out in section 21 of the Local Government Act 2000 and subsequent legislation. It consists of Councillors who are not Members of the Executive and reflects the political balance of the Council. The Management Committee holds the Executive to account through consideration of executive decisions. It is also able to undertake policy reviews of Council functions and anything else affecting the economic, social or environmental well-being of the city’s residents.
Overview and Scrutiny “Task and Finish” Group	Undertakes overview and scrutiny functions relating to particular themes or service areas as determined by the Overview and Scrutiny Management Committee. The Panels are politically balanced and report their findings and recommendations to the Overview and Scrutiny Management Committee for approval. The work of the panels is fully scoped, resourced and timetabled from the start to ensure effective scrutiny and overview.
Parish Member	A member of a Parish Council or a representative nominated to sit on the Standards Committee who is also a member of a parish Council wholly or mainly in the city.
Partnership Arrangement	An arrangement between Gloucester City Council and one or more other bodies or persons to achieve objectives of the Council and at least one of the other parties but which is not a contract for the provision by one party to another of a supply, service or works in exchange for a fee or other consideration.
Planning Code of Practice	The document, which has been adopted by Council to regulate the performance of its planning function. The major objectives of the Code are to guide Members and Officers of the Council in dealing with planning related matters and to inform potential developers and the public generally of the standards adopted by the Council in the exercise of its planning powers.

Part 8 – Other Useful Information

Policy Framework	A set of plans and strategies set down by legislation (for list see Article 4). Approving or adopting the elements of the policy framework is a function reserved to the full Council.
Political Group	Two or more Members may form a Political Group on the Council for the purposes of Political Proportionality of Members on Committees and certain bodies.
Portfolio	The responsibilities or roles allocated to a Cabinet Member usually the spokesperson.
Proper Officer	Has a statutory definition in section 270(3) of the Local Government Act 1972 and means, in relation to any purpose, the Officer appointed for that purpose by the Authority or for that area, as the case may be. A non-exclusive list of the Proper Officers can be found in the Scheme of Delegation to Officers in Part 3 of this Constitution.
Proportionality (Political)	A mathematical calculation to ensure that political balance is maintained in the membership of the Council's main committees.
Protocol	A document forming part of the Constitution, which sets out a guide to the way, certain individuals and groups interact with each other. They are not rules but they do give guidance and agreements on how things should operate.
Quorum	The number of Members of the Council, the Executive, a Committee or sub-committee required to be present to allow a meeting to transact business validly. The quorums for each body are set out in the relevant procedure rules in part 4 of this Constitution.
Revenue	Income or expenditure arising from or spent on day to day activities and short lived commodities or consumables
Scheme of Officer Delegation	A record of which powers are delegated to specific Officers and which may be sub-delegated further to individuals
Scrutiny Rules	This sets out how the Overview and Scrutiny Management Committee and Scrutiny Committees function including the structure of the Overview and Scrutiny process.
S151 Officer	The Officer appointed in accordance with S151 of the Local Government Act 1972 and who has responsibility for the administration of the financial affairs of the authority. This position is also known as the Chief Finance Officer.
Service Plan	A plan setting out priorities and service ambitions.
Special Meeting	A meeting of the Executive, any Committee or Sub-Committee of the Council or any Scrutiny body, which was not on the calendar of meetings agreed at the Annual Meeting but is called by the Chair to consider a particular item, or items, of business in accordance with Access to Information provisions.
Special Responsibilities	Roles undertaken by Members for which an Allowance is payable. These include The Chair and Leader of the Council as well as Chairs of specific Committees.
Standards Committee	A Committee established pursuant to section 53 of the Local Government Act 2000. It consists of Councillors and Independent Members drawn from the community and is chaired by one of the Independent Members. The full terms of reference for the Standards Committee are set out in Part 3 of this Constitution.
Standing Orders	Rules, which the Council has adopted to regulate its business and proceedings. There are also separate Standing Orders relating to the appointment and dismissal of staff and the process leading up to and the making of contracts. These are set out in Part 4 –Council Meeting procedure Rules.
Statutory Officers	The Chief Executive as Head of Paid Service, the Corporate Director of Resources as S151 Officer and the person appointed as Monitoring Officer or their Deputies are collectively known as Statutory Officers for the purpose of this Constitution.
Sub-committee	A group of Members (including where appropriate co-opted Members) appointed by a Committee to take responsibility for one or more aspects of its functions or function.
Sub-delegation	Specific delegation to an individual to undertake specific actions. Must be recorded in the Scheme of Officer Delegation
Task-finish Scrutiny Group	A body that may be created by the Overview and Scrutiny Management Committee to undertake a time-limited review of a specific issue as defined within terms of reference set by the Management Committee. The Panel will conclude its work by reporting to the Management Committee and is likely to make recommendations for the Management Committee to consider.
Virement	A transfer of resources between or within approved cost centres for both revenue and capital processes

Part 8 – Other Useful Information

Ward	A geographical area of the city represented by one or more Councillors
Ward Scheme	A scheme by the Local Government Commission and approved by the Secretary of State setting out the Wards of the city and how many Councillors will represent each Ward
Well-being	See Community health and well-being above.

Part 8 - Other Useful Information

Abbreviations and Acronyms (General)

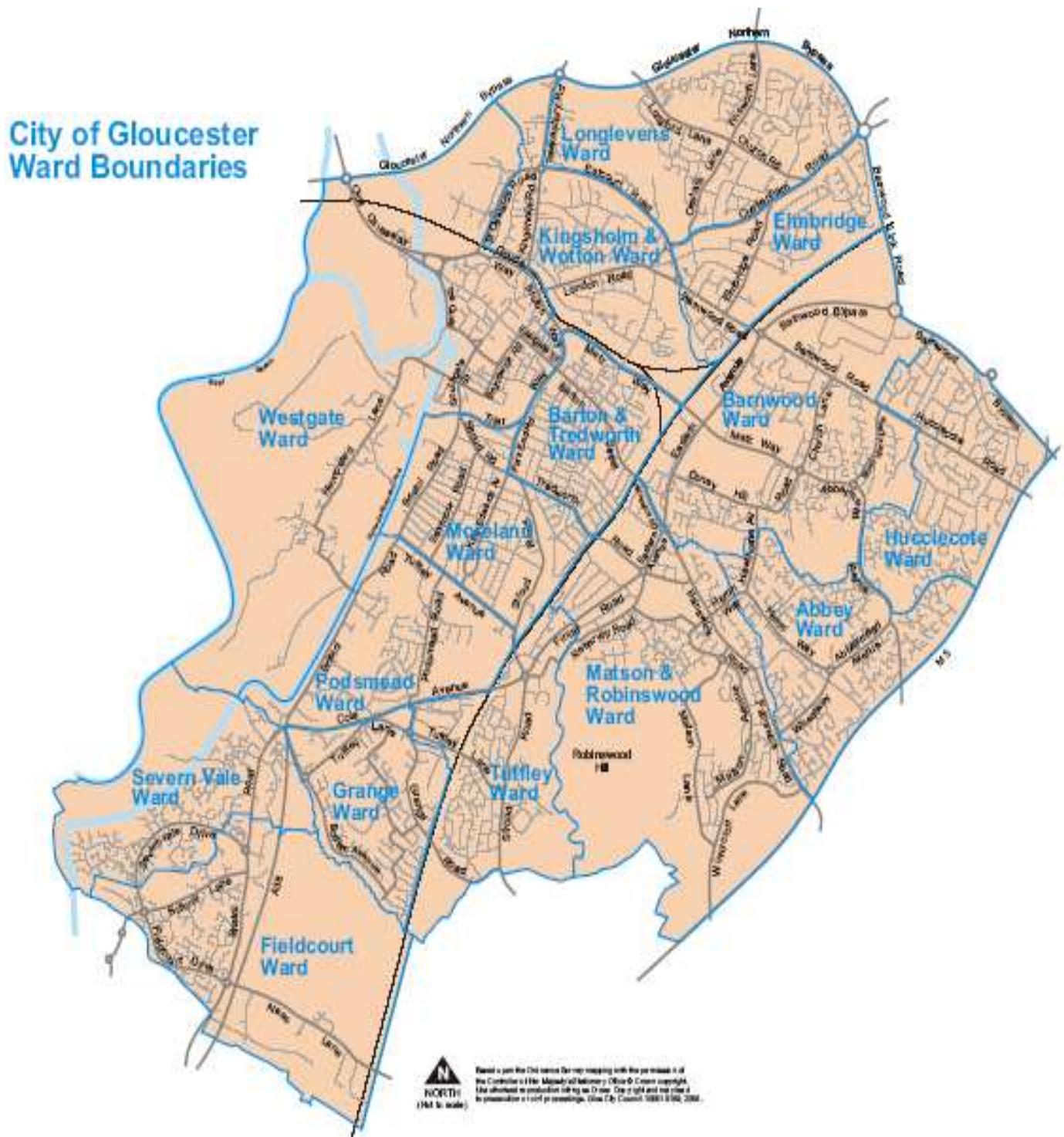
(This list is additional information and does not form part of the Constitution)

<i>Abbreviations and Acronyms</i>	<i>Meaning</i>
ABC	Acceptable Behaviour Contract
ACAS	Advisory, Conciliation and Arbitration Service
ADZ	Alcohol Disorder Zones
ASBO	Anti Social Behaviour Order
BERR	Department of Business, Enterprise and Regulatory Reform (former DTI)
BVPI's	Best Value Performance Indicators
CAA	Comprehensive Area Assessment
CE	Chief Executive
CFO	Chief Finance Officer
CIPFA	Chartered Institute of Public Finance and Accountancy
CPA	Comprehensive Performance Assessment (being replaced by CAA)
CPS	Crown Prosecution Service
CRB	Criminal Record Bureau
CSR	Comprehensive Spending Review
DCLG	Department of Communities and Local Government
DCMS	Department of Culture, Media and Sport
DCSF	Department for Children, Schools and Families
DEFRA	Department for Environment, Food and Rural Affairs
DFT	Department for Transport
DPPO	Designated Public Protection Order
EOC	Equal Opportunities Commission
FOI	Freedom of Information
GOSW	Government Office of the South West
HMRC	HM Revenue and Customs
LAA's	Local Area Agreements
LSP's	Local Strategic Partnerships
MAA's	Multi Area Agreements
MO	Monitoring Officer
MoJ	Ministry of Justice
NDPB	Non-departmental public bodies
NI.(followed by number)	National Indicator Number
NIS	National Indicator Set
PACT	Police and Community Together
PAF	Performance Assessment Framework
PSA	Public Service Agreement
RIPA	Regulation of Investigatory Powers Act
RTPI	Royal Town Planning Institute
SNT	Safer Neighbourhood Team
SO	Standing Orders
STA	Service Transfer Agreements
TPO	Tree Preservation Order
VFM	Value for Money
Planning Related	
AR	Approval of Reserved Matters

Part 8 – Other Useful Information

CAC	Conservation Area Consent
C3C	Conservation Area Consent for a period of 3 years
CDM	Construction, Design and Management
GATCM	Grant approval for telecommunications mast
G3Y	Grant Consent for a period of 3 Years
G3L	Grant Listed Building Consent for a period of 3 Years
GFY	Grant Consent for a period of Five Years
GLB	Grant Listed Building Consent
GLBGOS	Grant Listed Building Consent subject to Government Office of South West clearance
GOP	Grant Outline Permission
GOSWG	Government Office of South West Granted
GP	Grant Permission
GSC	Grant Subject to Conditions
GTY	Grant Consent for a period of Two Years
JCS	Joint Core Strategy
LAW	Certificate of Law permitted
LDL	Local Development Document
LDF	Local Development Framework
LDS	Local Development Scheme
NOB	No objections
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
OBS	Observations to County Council
OBJ	Objections to County Council
PER	Permission for demolition
RAD	Refuse advert consent
REF	Refuse
REFUSE	Refuse
REFREA	Refuse
REFLBC	Refuse Listed Building Consent
RSS	Regional Spatial Strategy
SPD	Supplementary Planning Document
SPLIT	Split decision
WDN	Withdrawn

Part 8 – Other Useful Information



21 May 2012

Other Useful Information

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Part 8 - Other Useful Information

Contact List

(This list is additional information and does not form part of the Constitution)

**Gloucester City Council,
Herbert Warehouse,
The Docks,
Gloucester,
GL1 2EQ.**

**Tel: 01452 396396
Fax: 01452 396140**

Contacts	Names	Telephone Numbers	Email Addresses
Monitoring Officer	Sue Mullins	(01452) 396110	sue.mullins@gloucester.gov.uk
Group Manager, Legal and Democratic Services	Sue Mullins	(01452) 396110	sue.mullins@gloucester.gov.uk
Group Manager, Audit and Assurance	Terry Rodway	(01452) 396430	terry.rodway@gloucester.gov.uk
Chief Executive	Julian Wain	(01452) 396200	julian.wain@gloucester.gov.uk
Corporate Director – Regeneration	Philip Staddon	(01452) 396701	philip.staddon@gloucester.gov.uk
Corporate Director – Services and Neighbourhoods	Martin Shields	(01452) 396745	martin.shields@gloucester.gov.uk
Corporate Director - Resources	Peter Gillett	(01452) 396400	peter.gillett@gloucester.gov.uk