



CONSTITUTION

~~2013~~2014-~~2014~~2015

Approved by Council on ~~21~~27 March 201~~3~~4
to take effect on ~~20~~9 ~~May~~June 201~~4~~3

Contents

Note: To use this index electronically and to move throughout the document seamlessly, please click the heading you wish to view in the index and the page will appear. However, in some programs this may not necessarily work.

	Page
Foreword	3
Part 1 - Summary and Explanation	1
Part 2 - Articles of the Constitution	1
Article 1 - The Constitution	2
Article 2 - Members of the Council	3
Article 3 - Citizens and the Council	5
Article 4 - The Full Council	6
Article 5 - Chairing the Council	8
Article 6 - Overview and Scrutiny Committee	9
Article 7 - The Leader and Cabinet.....	11
Article 8 - Regulatory and other Committees	13
Article 9 - Area Committees and Forums	15
Article 10 - Joint Arrangements	17
Article 11 - Officers	19
Article 12 - Decision Making	22
Article 13 - Finance, Contracts and Legal Matters	24
Article 14 - Review and Revision of the Constitution	25
Article 15 - Suspension, Interpretation and Publication of the Constitution	26
Schedule 1 - Description of Executive Arrangements	27
Part 3 - Responsibility for Functions	1
Scheme of Management	2
Council Functions	2
Local Choice Functions	4
Leader and Cabinet Functions	6
Meetings of the City Council	20
Officers Scheme of Delegations	37
Part 4 - Rules of Procedure	1
Council Procedure Rules	2
Budget and Policy Framework Procedure Rules	17
Financial Regulations	20
Contract Standing Orders including Procurement Rules	62
Cabinet Procedure Rules	102
Overview and Scrutiny Procedure Rules	107
Access to Information Procedure Rules	114
Arrangements for dealing with standards allegations under the Localism Act 2011	122
Officer Employment Procedure Rules	130
Part 5 - Codes and Protocols	1
Code of Governance	2
Members' Code of Conduct	8
Declaring Interests Flowchart	20
Officers' Code of Conduct	21
Protocol on Member / Officer Relations	27
Monitoring Officer's Protocol	33
Planning and Development - Code of Practice	36

Probity In Licensing and Enforcement - Code of Practice	55
Internal Audit Charter	69
Anti Fraud and Corruption Strategy	73
Whistleblowing Policy	79
Part 6 - Members' Allowances Scheme	1
Members' Scheme of Allowances	2
Schedule 1. Representation on Outside Bodies	5
Part 7 - Management Structure	1
Management Structure	2
Chief Executive's Directorate	3
Services and Neighbourhoods Directorate	4
Resources Directorate	5
Part 8 - Other Useful Information	1
Glossary of Terms	2
Abbreviations and Acronyms	7
Ward Boundaries Map	9
Contact List	10

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~~

Comment [s1]: To be revised to reflect new Council Plan priorities when adopted.

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

Article 11 – Officers

11.01 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 for providing and maintaining a comprehensive system of formal record keeping to meet various legislative requirements and to maintain an accurate record of Council's decision-making processes.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Legal and Democratic Services, including Electoral Administration and Civic Support, Corporate Policy Development, Communications and Marketing, Economic Development, Development Control, Building Control, Building Design, Property management, Off-street parking, Housing Strategy</p>
Corporate Director of Resources	<p>Finance, Accountancy, Audit, ICT, Client role for Housing (GCH), Streetcare (Enterprise), Leisure (Aspire), Revenues and Benefits, Investigations and Welfare Rights (Civica), Procurement, Payroll, Creditors/Debtors, Corporate Governance and Risk Management, Use of Resources Framework, S151 Officer Duties, Human Resources and Organisational Development, Gloucestershire Airport, Performance Management and Review, Business Improvement, Administration</p>
Corporate Director of Services and Neighbourhoods	<p>Homelessness and Allocations, Environmental Health, Regulatory Services, Cemeteries and Crematoria, Customer Services, Community Safety, Business Continuity Planning, Emergency Planning, Safeguarding Children, Community Engagement, Health and Wellbeing, Museums, Shopmobility, Facilities management (including catering), Street trading, Markets, Guildhall, Tourist Information Centre, Streetcare, Marketing Gloucester</p>

Article 13 – Finance, Contracts and Legal Matters

13.01 Financial Management

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

13.02 Contracts

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

13.03 Legal Proceedings

The Head of Legal and Policy Development 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 Head of Legal and Policy Development considers that such action is necessary to protect the Council's interests.

13.04 Authentication of Documents

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

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

13.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Policy Development. 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 Head of Legal and Policy Development should be sealed. The affixing of the Common Seal will be attested by the Mayor, the Chief Executive, a Corporate Director, or the Head of Legal and Policy Development or the Head of Finance.

Part 3 – Responsibility for Functions

	Page
Introduction	2
1. Council Functions	2
1.1 Quasi Judicial Functions	3
2. Local Choice Functions	4
3. Leader and Cabinet Functions	6
3.1 Decision-making by Individual Cabinet Members	6
3.2 Cabinet Portfolios	7
A. Cabinet Member for Regeneration and Culture	7
B. Cabinet Member for Housing, Health and Leisure	7
C. Cabinet Member for Environment	7
D. Cabinet Member for Performance and Resources	8
E. Cabinet Member for Communities and Neighbourhoods	8
Annex A – Functions Relating to Town and Country Planning and Development	
Control Functions	9
Annex B – Licensing and Registration Functions	10
Annex C – Functions Relating to Health and Safety at Work	15
Annex D – Functions Relating to Elections	15
Annex E – Functions Relating to Name and Status of Areas and Individuals	16
Annex EB – Functions Relating to Community Governance	16
Annex F – Power to Make, Amend, Revoke or Re-Enact Byelaws	16
Annex FA – Functions Relating to Smoke-Free Premises	16
Annex G – Power to Promote or Oppose Local or Personal Bills	17
Annex H – Functions Relating to Pensions etc	17
Annex I – Miscellaneous Functions / Other Miscellaneous Functions	17

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 choose to discharge either through a committee / sub-committee or the Executive or delegate 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 below (Decision Making by Individual Cabinet Members) or the terms of reference for that committee / sub-committee or recorded in the Officers' 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 Establishment 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 a 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) The power to make Standing Orders with regards to contracts.
- (10) The 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	<p>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 Responsibilities) (England) Regulations 2000.</p> <p>To determine all matters relating to Section 106 Process – determining Council priorities for Developer Contributions.</p>	<p>In accordance with Article 8 of the Constitution and the Committee's Terms of Reference set out in the Council's Scheme of Delegation.</p> <p>See Annex A</p>
Licensing and Enforcement	Ten to fifteen Members of the Council	Taxi, private hire vehicles, liquor, late night refreshment, entertainment, gaming, gambling, Sex Establishments, Street trading licensing, scrap metal dealer	In accordance with Article 8 and the Committee's Terms of Reference set out in the Council's Scheme of

Part 3 - Responsibility for Functions

		licensing and miscellaneous licensing. Functions relating to licensing and registration as set out in Part B (Functions relating to Licensing and Registration) of Schedule 1 to The Local Authorities (Functions and Responsibilities) (England) Regulations 2000.	Delegation. See Annexes B and C
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. To promote and maintain high standards of conduct by Councillors and co-opted Members.	In accordance with Article 8 and the Committee's Terms of Reference set out in Council's Scheme of Delegation.

Comment [s2]: Council - 12.09.13

(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	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
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	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
10.	Any function relating to contaminated land.	Cabinet	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.

Part 3 - Responsibility for Functions

11.	The discharge of any function relating to the control of pollution or the management of air quality.	Cabinet	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
12.	The service of an abatement notice in respect of a statutory nuisance.	Cabinet	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
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	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
14.	The inspection of the authority's area to detect any statutory nuisance.	Cabinet	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
15.	The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
16.	The obtaining of information under section 330 of the Town and Country Planning Act 1990.	Cabinet	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
17.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
18.	The making of agreements for the execution of highways work.	Cabinet	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
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	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
20.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.	Cabinet	In accordance with the Council's Scheme of Delegation as set out in paragraph 3 below.
21.	Not applicable to the Council.	-	

Part 3 - Responsibility for Functions

3. Leader and Cabinet 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 77.)
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.
8. To appoint Cabinet Members.

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.

Part 3 - Responsibility for Functions

3.2 Cabinet Portfolios

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

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

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

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

- Regeneration
- Planning
- 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
- Street naming and numbering

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
- Parks and Countryside Unit
- Crematorium and Cemeteries

Part 3 - Responsibility for Functions

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 ([*client side*](#))
- Customer Services, Contact Centre and website
- Personnel
- Procurement
- Revenues and Benefits ([*client side*](#))
- 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
- Emergency Planning and flood resilience
- Equalities (external)

Part 3 - Responsibility for Functions

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

Please note the following abbreviations in this table:

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 & Chief Executive
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 & Chief Executive
3	Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning Committee & Chief Executive
4	Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Planning Committee & Chief Executive
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 & Chief Executive
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 & Chief Executive
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 & Chief Executive
8	Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.	Planning Committee & Chief Executive
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 & Chief Executive
10	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	Planning Committee & Chief Executive
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 & Chief Executive
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 & Chief Executive
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 & Chief Executive
15	Power to issue a temporary stop notice.	Section 171E of the Town and Country Planning Act 1990.	Planning Committee & Chief Executive
16	Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.	Planning Committee & Chief Executive
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 & Chief Executive

20 May 2013

Part 3 - Responsibility for Functions

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 & Chief Executive
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 & Chief Executive
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 & Chief Executive
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 & Chief Executive
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 & Chief Executive
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 & Chief Executive
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 & Chief Executive
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 & Chief Executive
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 & Chief Executive
28	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee & Chief Executive
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 &

20 May 2013

Part 3 - Responsibility for Functions

	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)

Part 3 - Responsibility for Functions

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). Section 3 Scrap Metal Dealers Act 2013	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

Comment [s3]: Council – 12.09.13

Part 3 - Responsibility for Functions

			CD (S & N)
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 - (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

Part 3 - Responsibility for Functions

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)
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	Regulation 26 of the Food Safety (Fishery Products	Licensing &

20 May 2013

Part 3 - Responsibility for Functions

	wholesale markets.	and Live Shellfish) (Hygiene) Regulations 1998.	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)
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)
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	Section 21 of the Representation of the People Act	Returning Officer

Part 3 - Responsibility for Functions

	insufficient nominations.	1985.	
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
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 & Chief Executive
7	Duty to publicise outcome of review.	Section 96 of the 2007 Act.	Council & Chief Executive
8	Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98 (1) of the 2007 Act.	Council & Chief Executive
9	Power to make agreements about incidental matters.	Section 99 of the 2007 Act.	Chief Executive
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

Part 3 - Responsibility for Functions

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)
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

20 May 2013

Part 3 - Responsibility for Functions

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
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).	Chief Executive
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 Chief Executive
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 Chief Executive
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 Chief Executive
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

20 May 2013

Part 3 - Responsibility for Functions

			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
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).	Chief Executive
47	Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (S.I. 2012/605).	Chief Executive
47A	Powers relating to complaints about high hedges	Part 8 of the Anti-Social Behaviour Act 2003	Chief Executive
48	Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	Head of Legal and Policy Development
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.	Head of Legal and Policy Development
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

Part 3 - Responsibility for Functions

Meetings of the City Council

Type of Meeting	Meeting	Page
Executive (Article 7)	The Cabinet	20
Overview and Scrutiny (Article 6)	Overview and Scrutiny Committee	21
Quasi Judicial and Regulatory (Article 8)	Planning Committee	22
	Planning Policy Sub-Committee	22
	Licensing and Enforcement Committee	23
	Licensing and Enforcement Sub-Committee (Licensing and Gambling)	24
	Licensing and Enforcement Sub-Committee (Enforcement)	24
	Audit and Governance Committee	25
	Audit and Governance Sub-Committee (Hearings Panel)	27
	Organisational Development Committee	27
Member / Officer Working Group	Constitutional and Electoral Working Group	28
	Equality Champions Group	29
	ICT Working Group	29
Partnerships and Shared Services (11)	Employee Forum	30
	Safer Gloucester Partnership (Gloucester Community Safety Partnership)	32
	Grants and Community Services Forum	34
	Gloucestershire Police and Crime Panel	35
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 2013/14:-

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

Part 3 - Responsibility for Functions

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 at least monthly, showing a twelve-month programme of work and those decisions which are "Key Decisions", and also those decisions that may be made by an Individual Cabinet Member or which are delegated to an officer to make.

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.
- (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).

Part 3 - Responsibility for Functions

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 Plan.
 - (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.

(i) To approve the Planning Enforcement Plan.

Comment [s4]: Council – 12.09.13

(ii) To determine Neighbourhood Planning applications.

Comment [s5]: Council – 19.07.12

(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.

4. Planning Policy Sub-Committee

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

Part 3 - Responsibility for Functions

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 its Sub-Committees shall have the 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 formulation and approval of policy guidelines with the exception of the following which are dealt with by the Council:
- Sex Establishment Licensing Policy
 - Licensing Policy Statement - Licensing Act 2003

Part 3 - Responsibility for Functions

- Gambling Policy - Statement of Principles - Gambling Act 2005
- (ii) to receive information from the County Council and other relevant bodies on matters relating to the Council's licensing functions.
- (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 receive reports and determine policy in relation to street trading.
- (vii) to approve policy and to determine fees in relation to scrap metal dealer licensing.

Comment [s6]: Council – 12.09.13

(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 (Licensing and Gambling) 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.

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

Part 3 - Responsibility for Functions

Council and shared between all Members of the parent committee on a rota basis.

Requirement: Members appointed to the Licensing and Enforcement Sub-Committee (Enforcement) 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, or conditions applied to, street trading consents.
- (iv) To consider contentious applications for scrap metal dealer licences and to hear appeals against refusals of applications for scrap metal dealer licences.

Comment [s7]: Council – 12.09.13

8. 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.

Frequency

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

Requirement: All Members appointed to the Audit and Governance 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.

Comment [s8]: Please Note – Audit and Governance Committee will be considering amended Terms of reference at it's meeting on 17 March (after publication of CEWG agenda) and changes may be recommended

Part 3 - Responsibility for Functions

- (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 the operation of the Council's codes and protocols (see Part 5 of this Constitution) and the Council's complaints process and to advise the Council on the adoption or revision of such codes.
- (xiii) To consider the Council's arrangements for corporate governance and recommend the necessary action to ensure compliance with best practice.
- (xiv) To consider the Council's compliance with its own published standards and controls.
- (xv) To approve the statement of accounts and the annual governance statement.
- (xvi) 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.
- (xvii) To consider the external auditor's report on issues arising from the audit of the accounts.
- (xviii) To commission work from internal and external audit.
- (xix) To review any issues referred to it by the Chief Executive or a Corporate Director or any Council body.
- (xx) To approve the Council's anti-fraud and corruption policies and any other governance policies deemed necessary.
- (xxi) To receive allegations and any accompanying report from the Monitoring Officer and to refer the allegation to the Monitoring Officer for formal investigation or informal resolution.
- (xxii) To set up, where necessary, a Hearings Panel to consider any alleged breach of the Members' Code of Conduct.
- (xxiii) To promote and maintain high standards of conduct by Councillors and co-opted Members.
- (xxiv) To assist Councillors and co-opted Members to observe the Members' Code of Conduct.
- (xxv) To advise the Council on the adoption, revision of, or publicity on the Members' Code of Conduct.
- (xxvi) To advise, train or arrange to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct.
- (xxvii) To grant dispensations to Councillors and co-opted Members from the requirements relating to interests set out in the Members' Code of Conduct or other Council codes and protocols where:
 - (a) without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter;
 - (b) the Committee considers that the dispensation is in the interests of persons living in the Council's area; or
 - (c) the Committee considers that it is otherwise appropriate to grant a dispensation.
- (xxviii) To consider appeals against decisions made by the Monitoring Officer in exercise of their dispensation powers;
- (xxix) The exercise of (xxii) to (xxiv) above in relation to Quedgeley Parish Council and the Members of the Parish Council;
- (xxx) To set up, where necessary, a Sub-Committee to shortlist and interview candidates for the role of Independent Person and to make recommendations to Council regarding the appointment of Independent Persons.

Part 3 - Responsibility for Functions

- (xxxi) To provide such advice and assistance as appropriate regarding the appointment of the Independent Person as required under Part 7 of the Localism Act 2011.
- (xxxii) To set the allowances and expenses payable to the Independent Person and Reserve Independent Persons.

- (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.
 - (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.

Part 3 - Responsibility for Functions



Officers' Scheme of Delegation

CONTENTS

	Page
<u>General Provisions</u>	38
<u>Chief Executive and Head of Paid Service</u>	43
Sub-delegation to Head of Legal and Policy Development	
Sub-delegation to Head of Regeneration and Economic Development	
Sub-delegation to Development Services Manager	
Sub-delegation to Communications and Marketing Service Manager	
Sub Delegation to Building Control Service Manager	
Sub Delegation to Development Control Service Manager	
Sub-delegation to Asset Manager	
Sub-Delegation to Housing Strategy and Enabling Manager	
<u>Corporate Director of Resources</u>	55
Sub-delegation to Head of Finance	
Sub-delegation to ICT Manager	
Sub-delegation to Audit, Risk and Assurance Manager	
Sub-delegation to Business Improvement Manager	
<u>Corporate Director of Services and Neighbourhoods</u>	61
Sub-delegation to Head of Neighbourhood Services	
Sub-delegation to Head of Public Protection	
Sub-delegation to Environmental Health Staff	
Sub-delegation to Food, Licensing and Markets Service Manager	
Sub-delegation to Consultant in Communicable Disease Control	
Sub-delegation to Cemeteries and Crematorium Service Manager	
Sub-delegation to Commercial Services Manager	
Sub-delegation to Environmental Planning Service Manager	
Sub-delegation to Housing Service Manager	
<u>Head of Legal and Policy Development and Monitoring Officer</u>	72
Audit, Risk and Assurance Manager	75

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 or Corporate Director 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 by a personal delegation meeting the required criteria. Each Corporate Director is responsible for maintaining a register of such delegations and for notifying the Head of Legal and Policy Development of any delegations made.
- 1.4 All powers, responsibilities and duties must be exercised with professionalism and due diligence and be in accordance with current Legislation, Procedural Rules, Financial Regulations, Contract Standing Orders, Council Policies and decision-making processes.
- 1.5 If a matter is sensitive, contentious or doubtful then the officer should ensure they consult with the relevant Statutory Officers, Cabinet Member and Leader and/or Deputy Leader of the Council as deemed appropriate in the circumstances.
- 1.6 Each Corporate Director shall have the power in relation to the following to:-

Policy and Service Provision

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

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

- 1.11 To authorise legal proceedings, in consultation with the Head of Legal and Policy Development, in respect of offences under Acts, Regulations, bylaws or orders within the

Part 3 - Responsibility for Functions

remit of the relevant Corporate Director or Chief Executive, subject to any relevant enforcement policy or guidance.

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

Financial and Contractual Matters

- 1.17 To ensure effective use of the Council's Financial Systems including the Budget building processes, Cost Centre Management, Creditors and Debtors and Audit systems.
- 1.18 To ensure compliance with Financial Regulations, Contracts Standing Orders, Procurement Rules and the Internal Audit Charter and Anti-Fraud and Corruption Strategy.
- 1.19 To incur expenditure from approved revenue estimates and capital programmes, including making virements, within the limits and Controls set down in Financial Regulations.
- 1.20 To submit bids in respect of external funding such as government grants, European funding, and other such funding bids or grants, subject to prior consultation with the 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, services and works for the execution of the Council's day to day affairs, subject to compliance with the Council's Financial Regulations, Contract Standing Orders and Procurement Rules.
- 1.24 To settle Contractors' Claims and accept additional cost reports in line with thresholds set out in Contract Standing Orders.
- 1.25 To authorise payment of revenue grants to voluntary organisations from within approved budgets and within policy.
- 1.26 The following delegations (1.27 to 1.32) require the 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.

In respect of Property Matters:

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

In respect of Tenders and Quotations:

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

Miscellaneous

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

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.

Part 3 - Responsibility for Functions

- 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 Head of Legal and Policy Development 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 shall be communicated to all Members by the Monitoring Officer and reported formally to the next Council meeting.
- 5. Consequential and Supplemental Provisions**
- 5.1 Any reference in any enactment or statutory provision passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972; or in any instrument made before 26 October 1972; or in any Order made under Section 254 of the Local Government Act 1972, to the: -
- (a) Clerk or Town Clerk of a local authority in the capacity as Clerk, Town Clerk, Solicitor or Legal Officer;
 - (b) The Treasurer or Finance Officer;
 - (c) Surveyor, Planning Officer or Engineer;
 - (d) Cemeteries Superintendent;
 - (e) Medical Officer of Health;
 - (f) Markets Superintendent;
 - (g) Sanitary Inspector or Public Health Inspector or Chief Sanitary Inspector or Chief Public Health Inspector
 - (h) Or any other officer
- of a local authority, which, by virtue of any provision of the said Act, is to be construed as a reference to the appropriate Proper Officer of the Council for that function.
- 5.2 The Consultant in Communicable Disease Control, being a registered medical practitioner, is hereby authorised and appointed to do anything on behalf of the Council in relation to any matter arising under a function transferred to the said Council on the 1 April 1974, under the Local Government Act 1972, which, prior to that date, could be done by the Medical Officer of Health by virtue of his being a registered medical practitioner on behalf of the Gloucester Corporation.

Part 3 - Responsibility for Functions

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, executive power is vested in the appropriate Corporate Director, in consultation with the Chair, Vice-Chair (or in their absence, their nominees who should, if possible, be members of the appropriate Committee) to deal with such matters and to give instructions provided that no decisions shall be made or instructions issued which are contrary to any resolutions of the Council, Committee, Sub-Committee or to established practice. In the case of Sub-Committees, the Chair of the parent Committee shall also be consulted.

6.3 Where urgent matters arise and neither the Chief Executive nor a Corporate Director is contactable, executive power is vested in the Monitoring Officer and the Head of Finance, in consultation with the Leader (or, in their absence, with the Deputy Leader(s)) or the relevant Chair (or in their absence, Vice-Chair 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.

~~6.36.4~~ Where action is taken under 6.1 or 6.2 above, a report of that action, together with an explanation of the circumstances which made it necessary, shall be reported to the next meeting of the Council or Committee.

Part 3 - Responsibility for Functions

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 for providing and maintaining a comprehensive system of formal record keeping to meet various legislative requirements and to maintain an accurate record of Council's decision-making processes.
 - Representing the Council on partnership and external bodies (as required by statute or the Council).
 - Legal and Democratic Services, including Electoral Administration and Civic Support
 - Communications and Marketing
 - Economic Development
 - Marketing Gloucester - Client
 - Development Control
 - Building Control
 - Building Design
 - Property management
 - Housing Strategy
 - Off Street Parking and Car Parking

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

2. The 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.

Part 3 - Responsibility for Functions

Section 83 (1)	Local Government Act 1972	The officer to whom a person elected to the office of Councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under Section 42 of the Act.
Section 83 (3)(b)	Local Government Act 1972	The officer before whom a declaration of acceptance of office of Chair of Council or Deputy Chair of Council may be made.
Section 84	Local Government Act 1972	The officer to whom written notice of resignation of elected office shall be delivered.
Section 86	Local Government Act 1972	The officer to declare any vacancy in any office under the Section.
Section 89 (1)(b)	Local Government Act 1972	The officer to whom notice in writing of a casual vacancy occurring in the office of Councillor may be given by two local government electors for the Borough.
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> .

Part 3 - Responsibility for Functions

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.
	Regulatory Enforcement and Sanctions Act 2008	
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.
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.

Part 3 - Responsibility for Functions

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.
	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 Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012	The Proper Officer in relation to the 2012 Regulations.
Section 191	Local Government Act 1972	Appointing officer
Section 20	The Party Wall Act 1996	Appointing officer

Part 3 - Responsibility for Functions

	The Building Act 1984	Action / enforcement provisions
	Building Regulations 2010 (as amended)	Action / enforcement provisions
Section 37	The Public Health Amendments Act 1890	Action / enforcement provisions
Section 20	The Building (Approved Inspectors, etc.) Regulations 2010	Action / enforcement provisions
Sections 17 and 37	Crime And Disorder Act 1998	Having regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons (<i>Duty on all Corporate Directors</i>)
	Emergency Workers (Obstruction) Act 2006	Action / enforcement provisions
	The Building (Local Authority Charges) Regulations 2010	Appointing officer

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

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. (Any such appointment shall be reported to Council.)
3. To determine requests for early retirement and voluntary redundancy including lump sum compensation in accordance with Council policy and after consultation with the Corporate Director of Resources and the Human Resources Business Partner.
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.

Part 3 - Responsibility for Functions

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.
8. To accept or reject expressions of interest submitted under the community right to challenge, in accordance with the legislation and in consultation with the relevant Cabinet Member and the Monitoring Officer.
9. 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.
10. To act as lead officer in respect of the work of the Independent Members' Remuneration Panel and to implement the Council's decisions, including advertising changes to the Members' Allowances Scheme and publishing an annual summary.
11. To have overall responsibility for Freedom of Information including training, public information and determining exemptions where necessary.
12. 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.
13. To exercise the powers and functions of the Council relating to charging of fees under the Building (Local Authority Charges) Regulations 2010 and Planning Legislation.
14. To set fees as required under the Building (Local Authority Charges) Regulations 2012.
15. 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.
16. To determine details submitted pursuant to Conditions.
17. To determine minor variations of a non-controversial nature to approved plans.
18. To determine applications for non-material amendments submitted under Section 96A of the Town and Country Planning Act 1990.
19. To provide a screening opinion under Regulation 5, require an environmental statement under Regulation 7, provide a scoping opinion under Regulation 13, and carry out all publicity and other action pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
20. To determine planning applications which are subject to prior agreements under Section 106 of the Town and Country Planning Act 1990.
21. To determine jointly with the Head of Legal and Policy Development the wording of, and completion of agreements under Section 106 of the Town and Country Planning Act 1990.
22. 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.
23. To serve notices under Section 35 and 36 of the Building Act 1984 and under the Building Regulations 2010.
24. To take appropriate action under and to enforce the provisions of the Building Act 1984, the Building Regulations 2010 (as amended), Section 37 of the Public Health Amendments Act 1980, Section 20 of the Building (Approved Inspectors, etc.) Regulations 2010 (as amended), and section 317 of the Housing and Regeneration Act 2008.

Part 3 - Responsibility for Functions

25. 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).
26. To take appropriate action in respect of Dangerous Buildings under Sections 77 and 78 of the Building Act 1984.
27. The determination of all forms of planning and other applications, and all forms of consent and other notifications (except as set out in paragraph 30 below) submitted under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 including:
 - Outline planning and reserved matters applications and any subsequent amendments.
 - Renewals of planning permission and any subsequent amendments.
 - Removal/variation of planning conditions.
 - Advertisement consent.
 - Lawful Development Certificates.
 - Demolition Consent.
 - Responses to proposals for Development by Government Departments under Circular 02/2006 – Crown Application of the Planning Acts.
 - Representations on applications for Goods Vehicle Operating Licences.
 - Listed Building Consent.
 - Conservation Area consent.
 - Responses to consultations from neighbouring local authorities.
30. With the exception of proposals falling within 30.1 below and taking into account the provisions of 30.2 below, the Chief Executive, who may delegate the authority to the Development Services Manager and Development Control Service Manager, be authorised to determine all applications and submissions for Planning permission, approval of reserved matters, advertisement consent, certificates of lawful use or development, prior approval applications, Listed Building Consents, Conservation Area Consents, all consents relating to trees, consultations with other authorities and any similar applications made under the principal Planning Acts and associated legislation.
 1. The following types of application are not to be approved under delegated powers:
 - (i) Applications submitted by or on behalf of the City Council, or for development on Council owned land or where the Council has a direct interest, except where no objections are received.
 - (ii) Applications submitted by a serving Member or Officer of the Council.
 - (iii) Applications, which constitute a significant departure from the most up to date Local Plan that is formally approved and adopted by the Council for Development Control purposes.
 - (iv) Applications for 50 or more new houses/flats.
 - (v) Applications Proposals which entail more than 1000 square metres of gross floor space.
 - (vi) Buildings or structures which exceed 15 metres in height.
 - (vii) Applications where Officers are recommending an agreement under S.106 of the Town and Country Planning Act 1990 with the exception of Agreements which relate to the collection and administration of contributions for open space which accord with Local Plan policy and associated Supplementary Planning Guidance.

Part 3 - Responsibility for Functions

- (viii) Applications which are accompanied by an Environmental [AssessmentStatement](#).
- (ix) Applications for change of use to hot food takeaway, except where no objections are received.
- (x) Applications for a change of use to Class A2(c) within the Town and Country Planning (Use Classes) Order 1987, where the Officer recommendation is for approval.
- (xi) Applications for the demolition of a listed building.
- (xii) Applications for the development that significantly affects the setting of a grade 1 or 2* Listed Building or a Scheduled Ancient Monument.
- (xiii) Applications for the removal of trees protected by a Tree Preservation Order (except where exempted by the Act) where there are objections received.

2. The following provisos apply:

- (i) Decisions must pay due regard to the provisions of the Local Plan, other local Planning Guidance, all relevant legislation, national Planning Policy Guidance, Circulars, Regulations and all other relevant material considerations.
- (ii) All Councillors will be notified of all applications received through the weekly list.
- (iii) Only the relevant Ward Members where the application site is located plus Members in adjacent Wards where the application might have an impact, the Chair or Vice Chair of the Planning Committee or the Party Spokespersons are able to refer an application to Committee.
- (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 Chief Executive, the Development Services Manager, the Development Control Service Manager, the Chair of the Planning Committee or Party Spokespersons.
- (v) The Chief Executive, the Development Services Manager and the Development Control Service Manager will use their discretion to refer any matter to the Planning Committee which would raise sensitive issues, or where it would be otherwise be beneficial for the decision to be made by Members.

- 32. 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.
- 33. To exercise the functions of the Council in relation to the strategies and policies regarding information management.
- 34. The expenditure of Government grants related to provision of services required to assist with Council's statutory homelessness duties as permitted by legislation.

NOTE:

- 1. The exercise of delegated power by the Chief Executive, the Development Services Manager and/or the Development Control Service Manager pursuant to paragraphs 29, 30 and 31 above shall be reported regularly to the Planning Committee.

Part 3 - Responsibility for Functions

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 Head of Legal and Policy Development.
- (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.

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

1. All non-contentious or urgent matters relating to the Legal, Democratic, Electoral Corporate and Civic Support and Communications Services.
2. To deputise, in the absence of the Chief Executive, 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.

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

1. All non-contentious or urgent matters relating to the Council's non-housing corporate property, facilities management of the Docks offices, capital projects, property maintenance, Off-street Parking, Economic Development and City Centre Management.
2. To approve the provision, maintenance and disposal of the Council's administrative and operational buildings.
3. [To carry out internal reviews of any decision to list an asset under Section 92 of the Localism Act 2011.](#)
4. In relation to Car Parking and subject to the service level/agency agreement with the Highway Authority (Gloucestershire County Council), to negotiate and complete any necessary service level agreements, agency arrangements, contracts with service providers (e.g. parking monitoring, ticketing) and the creation of an appropriately expanded and refocused City Council based parking service.
5. To approve grants and loans within the Economic Development budget provisions after consultation with the relevant Cabinet Member.
6. To approve Funding bids for regeneration, after consultation with the Corporate Director of Resources and the relevant Cabinet Member.

Comment [s9]: Council – 18 July 2013

Part 3 - Responsibility for Functions

H. Sub-delegation to Development Services Manager

1. All non-contentious or urgent matters relating to the Local Development Framework, Heritage and Conservation, Archaeology, Monuments, Development Control, Building Control, Planning Policy, and Housing Strategy.
2. All matters relating to footpaths and Bridleways.
3. To engage consultants and experts in respect of research, inquiries and appeals in accordance with Contract Standing Orders.
4. The Chief Executive has additionally delegated powers under the Proper Officer provisions relating to the Development Services Manager in respect of Development Control and Building Control (in consultation with a qualified Building Inspector).
- 4.5. To exercise the functions of the Council as Housing Landlord in accordance with the Council's Housing Strategy and Policies.

G. Sub-delegation to 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 Chief Executive, in matters relating to communications and marketing.

G1. Sub-delegation to Building Control Services Manager

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

G2. Sub-delegation to Development Control Services Manager

1. The Chief Executive has delegated powers under the Proper Officer provisions relating to the Development Control Services Manager, in respect of Planning matters.
2. To exercise the powers to serve notices and issue decisions, as set out in Section C paragraphs 17, 18, 19, 20, 21, 22, 23, 24, 29, 30 and 31 above, at all times keeping the Chief Executive and the Development Services Manager advised on contentious and sensitive matters.
3. To agree minor variations to agreements under Section 106 of the Town and Country Planning Act 1990, in consultation with the Chair of Planning Committee.

H. Sub-delegation to Asset Manager

1. To enter into negotiations for the sale of freehold, short and long leasehold and licence interests in Council land and buildings.
2. To approve the acquisition and disposal of property acquired for the general benefit, improvement and development of the City, in accordance with the Council's policies and financial provisions made for the purpose, after consultation with the Corporate Director of Resources and relevant Cabinet Member, Leader and/or Deputy Leader of the Council.

Part 3 - Responsibility for Functions

3. To approve the appropriation of land and/or buildings from one Council purpose or function to another and the terms thereof.
4. To maintain an Asset Register of all property, land and other significant asset ensuring individual Asset Management Plans and corporate working through a Corporate Asset Management Group.
5. To engage specific expertise and assistance as and when required in respect of surveys for individual Asset Management Plans and financial and environmental evaluations.
6. To ensure statutory testing is undertaken as required by legislation and to maintain records relating to each property asset of the Council.
7. To act as a Construction, Design and Management Contract Co-ordinator.
8. **To determine nominations for the inclusion of local assets on the Council's list of assets of community value.**
9. To manage the letting of accommodation at the North Warehouse, such authority to including determination of "free uses".
10. To make such Orders as are appropriate and required in relation to public car parking, in consultation with the Cabinet Member for Regeneration and Culture.

Comment [s10]: Council – 18 July 2013

I. Sub-delegation to Housing Strategy and Enabling Manager

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

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

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

Part 3 - Responsibility for Functions

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 role for Housing, Streetcare, Leisure, Revenues and Benefits, Investigations and Welfare Rights
 - Procurement
 - Payroll, Creditors/Debtors
 - Corporate Governance and Risk Management
 - Use of Resources Framework
 - S151 Officer Duties
 - Human Resources and Organisational Development
 - Gloucestershire Airport
 - Performance Management and Review
 - Business improvement
 - 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 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 and Governance 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.

Part 3 - Responsibility for Functions

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

C. Specific Powers:

20 May 2013

Part 3 - Responsibility for Functions

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 2011.
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 and Governance 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 of less than £10,000 and to make recommendations to the Cabinet Member for Performance and Resources in respect of debts in excess of £10,000, but below £100,000. Irrecoverable debts greater than £100,000 will be the subject of a report to Council.
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).
13. 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.
14. To action staff salaries following re-evaluation of posts in accordance with the Council's job evaluation procedures, in consultation with the Chief Executive.
15. To revise existing employment policies and terms and conditions following consultation with the Employee Forum and the Organisational Development Committee.
16. To approve and vary the Council's ICT policies, in consultation with the Cabinet Member for Performance and Resources and the Chair of the Audit and Governance Committee.
17. To act as the Council's Senior Information Risk Officer.

18. **To determine appeals in respect of compensation claims for listed land (assets of community value) in consultation with the Cabinet Member for Performance and Resources and the Head of Regeneration and Economic Development.**

Comment [s11]: Council - 18 July 2013

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;

Part 3 - Responsibility for Functions

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

E. Sub-delegation to Head of Finance

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.
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.

Part 3 - Responsibility for Functions

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 Section 438 of the Housing Act 1985.
20. Calculation of the annual Council Tax base for the City Council.
21. 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.
22. To represent the Council at Valuation Tribunals and to authorise other Officers to attend and represent the Council at such Valuation Tribunals.
23. 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).
24. To administer the Council's Concessionary Fares Scheme in line with national and local policies and legislation.
25. In consultation with the Head of Legal and Policy Development to authorise specific officer(s) to attend Magistrates' and County Court on behalf of the Council on matters relating to the Revenues, Fees and Charges Services.
26. To approve the removal of goods where distraint has taken place by authorised certificated bailiffs in respect of Council Tax. In relation to Business Rates this power is deferred to the bailiff company.
27. **To determine claims for compensation for listed land (assets of community value) in consultation with the Cabinet Member for Performance and Resources and the Asset Manager.**
28. 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.

Comment [s12]: Council – 18 July 2013

F. Sub-delegation to ICT Manager

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 in consultation with the Head of Legal and Policy Development.

Comment [s13]: Please Note – These delegations will be revised following completion of BT & T outsourcing

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

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

Part 3 - Responsibility for Functions

H. Sub-delegation to Business Improvement Manager

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

Part 3 - Responsibility for Functions

Corporate Director of Services and Neighbourhoods

A. General Powers:

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

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	

Part 3 - Responsibility for Functions

	Regulations 2004	
	The Milk And Dairies (General) Regulations 1959	
17 and 37	Crime And Disorder Act 1998	Having regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons and Youth Justice System. (Duty on all Corporate Directors)
4	Regulatory Enforcement and Sanctions Act 2008	Lead Officer for the authority having regard to guidance and advice of the Local Better Regulation Office regarding Enforcement and Regulatory Powers.
Section 210 (6) and (7)	Local Government Act 1972	Transitional powers with respect of Charities.

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

C. Specific Powers:

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

GCC Ref	Sub-Delegation Ref	Legislation
1.	E	Agriculture Act 1986
2.	E	Animal Boarding Establishments Act 1963
3.	CS	Anti Social Behaviour Act 2003
4.	E	Breeding and Sale of Dogs (Welfare) Act 1999
5.	E	Breeding of Dogs Act 1973, 1991
6.	E	Building Act 1984
7.	E	Caravan Sites Act 1968
8.	E	Caravan Sites and Control of Development Act 1960
9.	L	Charities Act 2006
10.	E	Clean Air Act 1993
11.	E & CS	Clean Neighbourhood and Environment Act 2005
12.	E F	Contaminants in Food (England) Regulations 1997, 2007, 2010

Part 3 - Responsibility for Functions

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 CS L	Criminal Procedure and Investigation Act 1996
19.	E	Dangerous Wild Animals Act 1976
20.	E	Defective Premises Act 1972
21.	E	Dogs (Fouling Land) Act 1996 and Dogs (Fouling of Land) Regulations 1996
22.	E	Energy Act 1976
23.	E	Environment Act 1995
24.	E	Environmental Damage (Prevention and Remediation) Regulations 2009
25.	E	Environmental Protection Act 1990 (as amended) where the Council is the Enforcing Authority (Part I) or the local authority (Parts III and VII) including: <ul style="list-style-type: none"> • Sections 6 and 7 - Granting of authorisations and conditions • Sections 8 and 12 - Revocation of authorisations • Sections 10 and 11 - Variation of authorisation and conditions • Section 13 - Enforcement Notices • Section 14 - Prohibition Notices • Section 34 –Duty of care etc. as respects waste • Section 34A – Fixed penalty notices for certain offences under Section 34 • Section 46 – receptacles for household waste • Section 47 – Receptacles for commercial or industrial waste • Section 80 - Abatement Notices • Section 81 - Statutory Nuisance - Supplementary Provisions • Section 88 - Fixed Penalties re Litter • Section 99 - Shopping and Luggage Trolleys • Sections 149 and 150 - Control of Dogs • Schedule 1 Part 1 - Applications for authorisation further information • Part 2A
26.	E	European Communities Act 1972
27.	E	Farm and Garden Chemical Act 1967
28.	E	Food and Environment Protection Act 1985 (Part I) (Part III)
29.	E F	Food Safety Act 1990 (as amended)
30.	E F	Food Hygiene (England) Regulations 2006 (as amended): <ul style="list-style-type: none"> • Regulation 6 Hygiene Improvement Notices • Regulation 8 Hygiene Emergency Prohibition Notices • Regulation 9 Remedial Action Notices and Detention Notices • Regulation 12 Sampling • Regulation 14 Powers of Entry • Regulation 27 Certify food failing to meet food safety requirements
31.	L	Gambling Act 2005
32.	E F	General Food Regulations 2004
33.	E	Hazardous Waste (England and Wales) Regulations 2005
34.	E	Health Act 2006 <ul style="list-style-type: none"> • Section 9 and Schedule 1 – Fixed penalties • Section 10 and Schedule 2 – Powers of Entry
35.	E	The Smoke-free (Premises and Enforcement) Regulations 2006
36.	E	The Smoke-free (Penalties and Discounted Amounts) Regulations 2007
37.	E	The Smoke-free (Exemptions and Vehicles) Regulations 2007
38.	E	The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
39.	E	The Smoke-free (Signs) Regulations 2007
40.	E	Health and Safety at Work etc Act 1974

Part 3 - Responsibility for Functions

		To exercise the power of an Inspector specified in: - <ul style="list-style-type: none"> • Sections 20 and 25 of the 1974 Act; • Any Health and Safety Regulations and Sections 21 and 22 of the 1974 Act; • The provision of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the third column of that schedule and of the Regulations; • Orders or other instruments of a legislative character made of having effect under any provision so specified, as in force. • To institute proceedings pursuant to Section 38 of the 1974 Act.
41.	E	Highways Act 1835, 1864, 1980 and 1990
42.	E	Home Safety Act 1961
43.	L	House to House Collections Act 1939 and Regulations 1947
44.	E	Housing Act 1985
45.	E	Housing Act 1996
46.	E	Housing Act 2003
47.	E	Housing Act 2004
48.	E	Housing Grants Construction and Regeneration Act 1996
49.	E	Imported Food Regulations 1997
50.	E	Land Drainage Act 1976, 1991, 1994
51.	E	Environmental Impact Amendment (Local Drainage Improvement Works) Regulations 1994
52.	E	Law of Property Act 1925
53.	L	Licensing Act 2003
54.	L	Local Government (Miscellaneous Provisions) Act 1976, and 1982
55.	E	Local Government Act 1972 and 1985
56.	E	Local Government Act 2003
57.	E	Local Government and Housing Act 1989
58.	E	National Assistance Act 1948
59.	E	New Roads and Street Works Act 1991
60.	E	Noise Act 1996
61.	E	Noise and Statutory Nuisance Act 1993
62.	E F	Official Feed and Food Controls (England) Regulations 2009 (as amended) as an Authorised Officer for the purpose of that Act to execute and enforce the Import Provisions in its area in relation to food (Regulation 24) and entitled to act on these matters below: <ul style="list-style-type: none"> • Regulation 30 Notice to detain, destruct, special treatment, re-dispatch and other appropriate measures • Regulation 35 Procurement of samples • Regulation 36 Analysis of samples • Regulation 37 Powers
63.	L	Pedlars Act 1871
64.	E	Pet Animals Act 1951
65.	L	Police, Factories etc. (Miscellaneous Provisions) Act 1916
66.	E	Pollution Prevention and Control (England and Wales) Regulations 2000 (as amended)
67.	E	Pollution Prevention and Control Act 1999
68.	E	Prevention of Damage by Pests Act 1949
69.	E F	Products of Animal Origin (Disease Control) (England) Regulations 2008 as amended as an Authorised Officer for the purpose of the Act and entitled to act on these matters below Part 4 Regulation 17 Powers of Inspectors
70.	E F	Products of Animal Origin (Import and Export) Regulations 1996 as amended as an Authorised Officer for the purpose of that Act and entitled to act on these matters below: <ul style="list-style-type: none"> • Regulation 6(2) Power of Entry • Regulation 6(3) Enforcement Powers • Regulation 13(2) Inspection and checking of imports under Part III

Part 3 - Responsibility for Functions

		<p><i>Intercommunity trade</i></p> <ul style="list-style-type: none"> • <i>Regulation 16(1) Consignments posing a risk to health and illegal consignments</i> • <i>Regulation 16(3) Notice to prohibit the movement</i> • <i>Regulation 16(4) Notice for destruction</i>
71.	E F	<p>Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (as amended) as an Authorised Officer for the purpose of that Act and entitled to act on these matters below:</p> <ul style="list-style-type: none"> • <i>Regulation 8(1) Power of Entry</i> • <i>Regulation 8(2) Detention Notice</i> • <i>Regulation 24(2) Re-dispatch/Dispose</i> • <i>Regulation 25 Seizure Consignment/Dispose Notice dangerous to health</i>
72.	E	Public Health (Control of Diseases) Act 1984
73.	E	Public Health Act 1875, (Amendment Act 1890), 1936
74.	E	Public Health Acts 1936 and 1961
75.	E	Refuse Disposal (Amenity) Act 1978, Section 3(1)
76.	E	Regulatory Enforcement and Sanctions Act 2008
77.	CD (S&N)	Regulation of Investigatory Powers Act 2000
78.	E	Regulatory Reform (Housing Assistance) (England and Wales) 2002
79.	E	Reservoirs Act 1975
80.	E	Riding Establishment Acts 1964 and 1970
81.	E	Rights of Way Act 1990
82.	E	Rivers (Prevention of Pollution) Act 1951
83.	E	Rivers Pollution Act 1876
84.	E	Road Traffic Regulations Act 1984
85.	L	Scrap Metal Dealers Act 1964- 2013
86.	E	Slaughter of Animals Act 1958
87.	E	Slaughter of Poultry Act 1967
88.	E	Slaughterhouses Act 1974
89.	E	Sunbeds (Regulation) Act 2010
90.	E	Sunday Trading Act 1994
91.	E	Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, SI 1988, No. 1199
92.	E	Town and Country Planning (Environmental Impact Amendment) (England and Wales) Regulations 1999
93.	E	Town and Country Planning Act 1971
94.	E	Town and Country Planning Act 1990
95.	E	Town and Country Planning General Development Order 1995
96.	L	Town and Police Clauses Acts 1847 and 1889
97.	E F	The Trade in Animals and Related Products Regulations 2011
98.	E F	The Transmissible Spongiform Encephalopathies Regulations 2010
99.	L	Transport Acts 1980, 1981 and 1985
100.	L	Vehicles (Crime) Act 2001
101.	L	The Motor Salvage Operators Regulations 2002
102.	E	Waste Management Licensing Regulations 1994
103.	E	Water Act 1989
104.	E	Water Act 2003
105.	E	Water Industry Act 1991
106.	E	Water Resources Act 1991 (particularly Section 105)
107.	E	Waterworks Clauses Act 1847
108.	E	Weeds Act 1959 c54
109.	E	Wildlife and Countryside Act 1981
110.	E	Zoo Licensing Act 1984

4. To exercise the functions of the Council in relation to matters relating to Customer Services.

Part 3 - Responsibility for Functions

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 Head of Service within the Directorate will take full responsibility for their area of service and, where a Head of Service is also absent, then, providing that other Heads of Service within the Directorate are qualified, trained, experienced and competent, they may deputise for the Head of Service in their absence.
13. All non-contentious or urgent matters relating to Customer Services, Leisure, Cemeteries and Crematoria, , Community Development and Partnerships.
14. The management and approval of the provision and uses of the Council's disused burial grounds.
15. The preparation of tender bids for non-construction related housing contracts.
16. To approve the transfer of mortgage property on marital break-up or death or other family arrangements after consultation with the Head of Legal and Policy Development. On transfer of the mortgage the Corporate Director of Resources will also be consulted.
17. To exercise the Council's functions in respect of Safeguarding Children.
- 17-18. To approve minor amendments to Scrap Metal Dealer licensing policy following consultation with the Chair of Licensing and Enforcement Committee.
22. Subject to prior consultation with the Head of Legal and Policy Development, to take the following action under the provisions of the Town and Country Planning Act 1990 (as amended) and the Planning (Listed Building and Conservation Areas) Act 1990:
 - (i) The service of Completion Notices, Planning Contravention Notices, Enforcement Notices, Breach of Condition Notices, Notices of Intended Entry, Section 215 Notices and Requisitions for Information.
 - (ii) To serve Notices and exercise the Council's powers of removal and obliteration in respect of unauthorised advertisements (Sections 224 and 225 A – K).
 - (iii) To serve, and unless objections are received, confirm Tree Preservation Orders.
 - (iv) To serve Tree Replacement Notices under Section 207.

Comment [s14]: Council – 12.09.13

Part 3 - Responsibility for Functions

- (v) To serve Stop Notices and Temporary Stop Notices (Sections 183 and 171E to 171H).
 - (vi) To serve Listed Building Enforcement notices under S.38 of the Planning (Listed Building and Conservation Areas) Act 1990.
 - (vii) To serve notices requiring urgent works to unoccupied Listed Buildings under S.54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
22. To deal with all matters relating to temporary road closures, including giving public notice.
 23. The approval of the provision of recreational leisure, sporting activities, exchanges and entertainment
 24. To vary charges for the hiring or letting of all leisure facilities within defined total financial targets.
 25. The determination of all sports grant applications under £5,000 in value, after consultation with the relevant Cabinet Member.

D. Sub-delegations:

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

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

E. Sub-delegation to Head of Neighbourhood Services

1. To deal with all non-contentious or urgent matters relating to the Council's Climate Change, Nature and Biodiversity, Landscape and Public Realm Design, Environmental Enhancement Schemes, Clean Neighbourhoods and Environment , and Community Regeneration.
- 1.2. To exercise the City Council's responsibilities regarding highways, sewers and sewerage, residual traffic management, local public transport, agency agreements with the County Council other functions, not related to highways.
- 2.3. To liaise with the County Council on those matters referred in paragraph (a) and other functions not related to highways.
- 3.4. To exercise the Council's powers in respect of street furniture and informative signs.
- 4.5. To deal with matters in respect of tree planting, felling and lopping (open spaces and public areas).
- 5.6. To confirm road traffic regulation orders where no objection(s) has been received, in agreement with the Highways Agency.
- 6.7. The making of agreements for the execution of highway works.

Part 3 - Responsibility for Functions

- ~~7.8.~~ To exercise the Council's powers relating to the removal of things so deposited in the highways as to be a nuisance.
- ~~8.9.~~ To exercise the Council's powers relating to obstruction of Highways.
- ~~9.10.~~ The implementation of temporary traffic regulation schemes and orders.
- ~~10.11.~~ To respond to consultations upon the Statutory Waste Management Strategy, after consultation with the relevant Cabinet Member.
- ~~11.12.~~ In relation to the Environmental Protection Act 1990 (Control of Dogs), the power to adjust the recovery charges for the collection of stray dogs as and when necessary and the discretion to waive or reduce the charge in relation to genuine cases of hardship, the unemployed, senior citizens and persons on state benefit.
- ~~12.13.~~ The management and approval of the provision and uses of the Council's country parks, parks, playing fields, allotments and open spaces.
- ~~13.14.~~ To enter into allotment tenancy agreements, subject to such agreements being in a form approved by the Head of Legal and Policy Development.
- ~~14.15.~~ All non-contentious or urgent matters relating to the Landscape and Public Realm Design.
- ~~15.16.~~ All matters relating to the consent, retention or removal of Hedgerows; and the planting, felling and lopping of trees (private land).

F. Sub-delegation to Head of Public Protection

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

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

20 May 2013

Part 3 - Responsibility for Functions

		deems appropriate to exercise the powers under the Food Safety Act 1990.
13(2)(a) and 69(2)(a) 304 of Part 15	Licensing Act 2003 and Gambling Act 2005	Authorised person as defined by, and responsible to the Council for carrying out its responsibilities as a Licensing Authority under the Acts.
204(3)	Local Government Act 1972	

The Head of Public Protection is hereby authorised to: -

3. Enforce the provisions of the Environmental Protection Act 1990 where the City of Gloucester is the enforcing authority (Part I), or a local authority (Part III and Part VIII).
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 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.
6. Sign documents confirming that such officers mentioned in "G" below are duly authorised to act in any capacity determined by the Manager within the purview of Public Protection.
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 Head of Legal and Policy Development).
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 Head of Public Protection hereby delegate to those officers as shown in the table at paragraph 3.C above ("the Table of Sub-Delegations) providing that the delegation is commensurate with the qualification, training, experience and competence of the postholder, all the necessary powers in respect of the legislation marked "E" in the Table of Sub-Delegations detailed in paragraph 3.C Specific Powers above.

Part 3 - Responsibility for Functions

- Every officer shown in the Table of Sub-Delegations will be issued with a warrant determining the powers and responsibilities required under the legislation.

F.2 Sub-delegation to Food Licensing and Markets Manager

- 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.
- To appear, as witness on behalf of the Council, in the Magistrates' Court in respect of the Licensing Act 2003, the Gambling Act 2005 and that legislation shown marked "L" and "F" in the Table of Sub-Delegations (Specific Powers) above in consultation with the Head of Legal and Policy Development.
- 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.
- To issue Personal and Premises Licences and Club Premises Certificates in accordance with the Licensing Act 2003 and deal with minor variations to Premises Licences and Club Premises Certificates as prescribed by legislation; except in those cases reserved for the Licensing and Enforcement Committee. i.e. where there is an objection or a Member requests a particular issue to be considered by the committee.
- To issue Premises Licences and Permits in respect of the Gambling Act 2005.
- To receive notification of temporary events where there are no objections received from the Chief Constable of Gloucestershire Constabulary. However, if an objection is received within the due time, authority is hereby given to serve a Counter Notice and / or arrange an urgent meeting of the Licensing and Enforcement Sub-Committee (Licensing and Gambling) as appropriate under the legislation.
- 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.
- To suspend Hackney Carriage and Private Hire Licences and, if necessary, to arrange a meeting of the Licensing and Enforcement Sub-Committee (Enforcement), as appropriate under the legislation with powers to revoke licences.
- 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.
- The consideration and approval of street collection permits, House to House Collections, Small Society Lotteries, Gaming Machine permits, Amusements (with prizes) and other licences as provided for within legislation.
- The consideration and making of Designated Public Place Orders pursuant to Sections 12-16 of the Criminal Justice and Police Act 2001.
- The determination of Licensing Fees in consultation with the Head of Finance.
- To suspend Premises Licences and Club Premises Certificates following non-payment of annual fees under section 55A and 92A of the Licensing Act 2003.
- ~~14.~~ 14. ***The determination of non-contentious applications for Scrap Metal Dealer licences.***
- ~~15.~~ 15. To vary standard fees and charges in the Market Service for business start up purposes.
- ~~16.~~ 16. The approval, withdrawal or refusal of applications for street trading consents including variation of charges within overall financial targets.

G. Sub-delegation to Consultant in Communicable Disease Control

Part 3 - Responsibility for Functions

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.

H. 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.

I. Sub-delegation to Commercial Services Manager

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

J. Sub-delegation to Environmental Planning Service Manager

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

K. Sub-delegation to Housing Services Manager

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

Part 3 - Responsibility for Functions

Head of Legal and Policy Development (Monitoring Officer)

A. General:

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

B. Proper Officer Responsibilities:

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

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

Part 3 - Responsibility for Functions

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

C. Specific Powers:

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

Part 3 - Responsibility for Functions

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

D. Sub-delegations:

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

- (a) Be formally offered to and accepted by a named officer.
- (b) Be offered only if the Head of Legal and Policy Development is satisfied that the delegation of powers is commensurate with the qualification, training, experience and competence of the named officer.
- (c) Be limited for a specific period and / or for a specific purpose.
- (d) Be made in writing with sufficient detail to ensure clear understanding and any limitations of the delegated powers.
- (e) Be recorded in a register held by the Head of Legal and Policy Development.

Any matters under this delegation, which may be interpreted, as being sensitive, contentious or doubtful be subject to prior consultation with the relevant Cabinet Member and Leader and/or Deputy Leader of the Council.

Part 3 - Responsibility for Functions

Audit, Risk and Assurance Manager

A. General Powers

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

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

B. Legislation, Guidance and Good Practice

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

C. Specific Powers

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

Part 3 - Responsibility for Functions

5. The Corporate Director of Resources, the Audit, Risk and Assurance Manager 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 Audit, Risk and Assurance Manager shall be informed of all suspect or detected fraud, corruption or improprieties so that he/she can consider the adequacy of the relevant controls and evaluate the implications of fraud and corruption for his / her opinion on the internal control environment.
7. To liaise with external Auditors and, where appropriate, Inspectors.

D. Sub-delegations:

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

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

Part 4 - Rules of Procedure

	Page
Council Procedure Rules	2
Budget and Policy Framework Procedure Rules	17
Financial Regulations	20
Contract Standing Orders	62
Cabinet Procedure Rules	102
Overview and Scrutiny Procedure Rules	107
Access to Information Procedure Rules	114
Arrangements for dealing with standards allegations under the Localism Act 2011	122
Officer Employment Procedure Rules	130

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.

CONTENTS

Rule

1.	Annual meeting of the Council	3
2.	Ordinary meetings	3
3.	Extraordinary meetings	4
4.	Appointment of substitute Members of Committees and Sub-Committees and Forums	4
5.	Time and place of meetings	5
6.	Duration of meetings	5
7.	Notice of and summons to meetings	5
8.	Chair of meeting	5
9.	Quorum	5
10.	Questions by the public	5
11.	Petitions and Deputations from the Public.....	6
12.	Questions by Members	6
13.	Motions on notice	7
14.	Motions without notice	8
15.	Rules of debate	9
16.	Previous decisions and motions	11
17.	Urgent Items	12
18.	Voting	12
19.	Minutes	12
20.	Record of attendance	13
21.	Exclusion of public	13
22.	Members' conduct	13
23.	Declarations of interest	13
24.	Disturbance by public	14
25.	<u>Recording of Meetings.....</u>	14
26.	Suspension and amendment of Council Procedure Rules	
26.	Application to Committees and Sub-Committees	14
27.	Order of Seniority of Members	14
28.	Council Debate Flowchart	15

Part 4 - Rules of Procedure

29. Council Budget Flowchart	16
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2. ORDINARY MEETINGS ORDER OF BUSINESS

2.01 Programme of ordinary meetings

The programme of ordinary meetings of the Council will be agreed at an ordinary meeting of Council on an annual basis.

[Note: The programme of ordinary meetings of the Council will normally cover at least an 18 month period]

2.02 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, Overview and Scrutiny Committee Chair, [Chair of Planning Committee, Chair of Licensing and Enforcement Committee, Chair of Audit and Governance Committee](#) 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) and reports of the Overview and Scrutiny Committee for debate;
- (ix) consider the report of the Chief Executive concerning recommendations to Council from other Committees;
- (x) consider motions;
- (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.

...

18. VOTING

18.01 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.

18.02 Chair's Casting Vote

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

18.03 Show of Hands

Unless a recorded vote is demanded under Rule 18.04, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Part 4 - Rules of Procedure

18.04 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.

18.05 Recorded Votes at Budget Council Meetings

A recorded vote shall take place when the Council makes a calculation of the budget requirement or issues a Council tax precept under relevant sections of the Local Government Finance Act 1992. Such a vote shall be undertaken in accordance with Procedure Rule 18.04.

Comment [s15]: Legislative requirement – Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014..

18.06 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.

18.07 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.

...

25. RECORDING OF MEETINGS

25.01 The Council supports the principles of openness and transparency and allows filming and recording at its meetings that are open to the public. These arrangements will operate in accordance with the a protocol agreed by the Council and which is set out in Part 5 of the Constitution.

Part 4 - Rules of Procedure



CONTRACT STANDING ORDERS 2009
Including Procurement Rules

Part 4 - Rules of Procedure

Contract Standing Orders

	Page
1 Introduction	66
Definition of Procurement	66
2 General Principles	66
Procurement Principles	67
3 Scope and Application of Standing Orders	68
Review of Contract Standing Orders	68
4 Procurement Overview	68
New Financial Year Requirements	68
Awarding Contracts	68
Contract Management	69
Execution of Contracts	69
Terms and Conditions	69
Framework Agreements	70
Quotations	70
Tenders	70
<i>Tender Thresholds</i>	70
<i>The Invitation to Tender (ITT) or Negotiate (ITN)</i>	71
<i>Tender Evaluation</i>	71
<i>Evaluation Team</i>	72
European Procurement Rules	72
European Contract Award Notice	72
Procurement Cards	72
E-Procurement.....	72
Letters of Intent	73
Pressure Selling and Undue Influence	73
5 Regulation and Compliance	73
Legislation	73
Code of Conduct (Members and Officers)	74
Declaration of Interests	74
Gifts and Hospitality	74
Employment and TUPE	74
6 Procurement Methods, Processes and Procedures	74
Pre-Procurement Procedures	74
Pre-Qualification	75
Collaboration and Partnership	75
Open Procedure	76
Restricted Procedure	76
Negotiated Procedure	76
Competitive Dialogue	77
Contract Extensions	77

Part 4 - Rules of Procedure

7	Roles and Responsibilities	78
	Cabinet	78
	Corporate Directors	78
	Head of Finance	78
	Lead Procurement Officer	79
	Head of Legal and Policy Development	79
8	Contract and Procurement Exemptions	79
	Other Exemptions	81
	Waivers of Contract Standing Orders	81
9	Financial Thresholds and Procurement Valuation (see Annex 2)	81
	Procurement Valuation	81
	A. Low Value Procurement (£0-£5,000)	82
	B. Intermediate Value Procurement (£5,000-£50,000)	82
	C. High Value Procurement (in excess of £50,000 and below European Threshold)	82
	D. European Threshold (Variable Annually).....	83
	E. The £500,000 Procurement Threshold (£500,000 or over).....	83
10	Quotation and Tender Procedures	83
	Quotation Procedures	83
	Tender Procedures	83
	<i>Approved Lists of Suppliers</i>	83
	<i>Tenders – Public Notices</i>	84
	<i>Submission of Tenders</i>	84
	<i>Receipt of Tenders</i>	85
	<i>Opening of Tenders</i>	85
	<i>Errors, Alterations and Corrections to Tenders</i>	85
	<i>Acceptance of Tenders</i>	86
	<i>Post Tender Negotiation</i>	86
	<i>Post Contract Negotiation or Variation to Contracts</i>	86
	<i>Equality of Tenders</i>	87
	E-Tendering	87
	E-Auctions	87
11	Risk Assessment, Best Value and Competition	88
	Risk Assessment	88
	Best Value	88
	Competition	88
	Safeguards for Due Performance	88
	<i>Quality Standards</i>	88
	Liquidated Damages	89
	Failure to Deliver	89
	Prohibition on Unauthorised Assignment or Underletting	89
	Cancellation of Contracts in Cases of Corruption or Fraud	89
	Novations (Transfers)	90

Part 4 - Rules of Procedure

Termination of Contract	90
12 Other Financial Issues	90
Periodic and Interim Payments	90
Accreditation	91
Contractors, Technical and Bankers References	91
Technical References	91
Performance Bonds and Parent Company Guarantees.....	91
13 VAT, Tax and Insurances	91
Insurances	91
14 Depreciation	92
15 Construction Design and Management	92
16 Land and Property	92
Land and Property Transactions	92
Exceptions	92
Disposal of Land or Property	93
Procedure for Disposal of Goods, Land or Property by Public Tender	93
Public Notice of Disposal	93
<i>Acceptance of Highest Tender</i>	93
<i>Acceptance of Tender not the Highest</i>	94
Disposal of Goods or Land of Minimal or Insignificant Value	94
17 Consultants, Sub-Contractors and Agents	94
Consultants	94
Sub-Contractors	95
18 Contract and Procurement Record Management	95
Contracts Register	95
Contracts File (Manual or Electronic)	95
Formal Contracts	96
Retention of Contract Documents	96
Asset Management	96
Hardware and Software	96
Specialist Equipment	96
19 Other Considerations	96
Environmental and Sustainability	96
Economic Development	97
Annex 1 – Glossary of Terms, Definitions and Interpretations	98
Annex 2 – Procurement Thresholds and Document Retention	101

Part 4 - Rules of Procedure

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 pounds 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 effect is to avoid the application of Contract Standing Orders. These shall apply to the aggregated contracts.
- 9.5 If procurement is required, the Lead Procurement 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 of Thresholds at Annex 2 to these Rules and is available from the Procurement Team and Legal Services;
 - (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. a 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 Summary of Thresholds at Annex 2 to these Rules and is available from the Procurement Team and Legal Services;
 - (d) establish a business case for the procurement;
 - (e) determine whether this requirement can be met through any existing contract or Framework agreement.
- 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 the 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

Part 4 - Rules of Procedure

purchase order can be issued. The purchase order form shall specify the supplies, services 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 relevant documents 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 (tenders@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 8.6.)
- 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 Head of Finance.
- 9.18 Prior to the commencement of the contract procedure, the Lead Procurement Officer shall develop the Procurement Approach.
- 9.19 Prior approval of the proposed contract award procedure, including pre-tender questions (PTQ's) and 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 Head of Legal and Policy Development 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.

Part 4 - Rules of Procedure

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 this level of procurement shall be the subject of a report to the appropriate decision maker, as determined by the Monitoring Officer and the S151 Officer.

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.

Comment [s16]: Changes have been requested to the procedures for engagement of consultants, including external legal advisers. Further discussion is needed on this before changes are made.

Part 5 – Codes and Protocols

Page

Code of Governance	2
Members' Code of Conduct	8
Declaring Interests Flowchart	20
Officers' Code of Conduct	21
Protocol on Member / Officer Relations	27
Monitoring Officer's Protocol	33
Planning and Development - Code of Practice	36
Probity in Licensing and Enforcement - Code of Practice	55
Internal Audit Charter	69
Anti-Fraud and Corruption Strategy (Policy Statement)	73
Whistle-Blowing Policy	79
<u>Protocol on Recording at Meetings</u>	<u>84</u>

Part 5 - Codes and Protocols

GLOUCESTER CITY COUNCIL

**The Code of Conduct
for Members and Co-Opted Members**

together with

**The Rules for
Registration of Interests
and
Conflicts of Interest**

*Approved and adopted by the Council on
19th July 2012*

Part 5 - Codes and Protocols

Contents

	Page
<u>Part 1</u>	
The Code of Conduct for Members of Gloucester City Council	8
1. Purpose of the Code	10
2. Scope of the Code	10
3. Public Duties of Members	10
4. General Principles of Conduct	11
5. Expectations of Conduct	11
6. Rules of Conduct	12
7. Registration and Declaration of Interests	13
8. Duties in respect of the Audit and Governance Committee and the Monitoring Officer	14
<u>Part 2</u>	
Registration, Disclosure and Duties on Interests held by Members	
9. Registration of Interests	15
9.4 Disclosable Pecuniary Interests	15
9.5 Other Interests	15
9.9 Gifts and Hospitality	16
10. Duties in Respect of Interests	16
10.1 Declaration of Interests not in the Register	16
10.3 Disclosable Pecuniary Interests	16
10.7 General	17
Schedule of Disclosable Pecuniary Interests	18

Part 5 - Codes and Protocols

The Code of Conduct for Members of Gloucester City Council

Prepared pursuant to Chapter 7 of the Localism Act 2011

Part 1

1. Purpose of the Code

1.01 The purpose of this Code of Conduct is to assist Members (including co-opted Members) in the discharge of their obligations to the Council, their local communities and the public at large by:

- a) setting out the standards of conduct that are expected of Members and co-opted Members of the Council when they are acting in that capacity, and in so doing.
- b) providing the openness and accountability necessary to reinforce public confidence in the way in which Members perform those activities.

2. Scope of the Code

2.01 The Code applies to Members in all aspects of their activities as a Member, including when acting on Council business, ward/division business or when otherwise purporting to act as a Member and when attending informal meetings with other Members and/or officers relating to the discharge of the Council's functions. It does not seek to regulate what Members do in their purely private and personal lives.

2.02 The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the Council and the rulings of the Chair.

2.03 The obligations set out in this Code are also complementary to, and include, those obligations which apply to Members falling within the scope of related Codes and Protocols of the Council, specifically:

- the Protocol on Member and Officer Relations;
- the Planning and Development Code of Practice; and
- the Probity in Licensing and Enforcement Code of Practice.

3. Public Duties of Members

3.01 Members have a duty to uphold and comply with the law, including the general law against discrimination and the requirements of the Localism Act 2011, and to act on all occasions in accordance with the public trust placed in them.

3.02 Members have an overriding duty to act in the interests of the City as a whole, but also have a special duty to represent the views of the residents and communities of their ward.

4. General Principles of Conduct

20 May 2013

Part 5 - Codes and Protocols

4.01 In carrying out their duties in exercising the functions of their Council or otherwise acting as a Councillor, Members will be expected to observe the following general principles of conduct identified by the Committee on Standards in Public Life in its First Report as applying to holders of public office. These principles will be taken **into** consideration when any allegation is received of breaches of the provisions of the Code.

- a. **“Selflessness**
Holders of public office should act solely in terms of the public interest.
- b. **Integrity**
Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
- c. **Objectivity**
Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- d. **Accountability**
Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- e. **Openness**
Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- f. **Honesty**
Holders of public office should be truthful.
- g. **Leadership**
Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Comment [s17]: Approved - Council - 23.01.14.

Part 5 - Codes and Protocols

PROTOCOL ON RECORDINGS AT MEETINGS

1. Introduction

1.1 This Protocol provides guidance to members of the public or press who wish to record proceedings at any of the Council's public meetings.

1.2 Gloucester City Council supports the principles of openness and transparency and allows recording at its meetings that are open to the public, subject to the provisions of this Protocol

1.3 The Council already makes facilities available for reporting on its meetings and these facilities include:

- Publication of agendas, reports and minutes on the Council's website;
- Provision of a 'public gallery' from which the proceedings of meetings can be observed – including a designated area for journalists.

1.4 For the purposes of this Protocol, 'recording' includes sound recording, photography and filming.

1.5 Failure to follow the provisions within this Protocol may result in the Mayor/Chairman refusing to allow the proceedings to be recorded.

2. Before the meeting

2.1 There is generally no requirement for those wishing to record proceedings at a meeting to notify the Council in advance. However, as a matter of courtesy, anyone wishing to record proceedings at a meeting is advised to make the Mayor/Chair aware that they wish to do so before the meeting starts.

2.2 Those intending to bring large items of equipment or who may have special requirements are advised to contact the Council's Democratic and Electoral Services Manager in advance of the meeting to seek advice and guidance.

2.3 The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

3. At the meeting

3.1 Notices will be displayed in the meeting room advising those present that the proceedings may be recorded and the Mayor/Chairman will make an announcement to this effect at the beginning of the meeting. Meeting agendas will also carry this message.

3.2 The Council understand that some members of the public attending its meetings may not wish to be recorded whilst using their right to speak. Members of the public attending a meeting, whether to ask a question, present a petition, make a representation or view proceedings from the public gallery, and who actively object to being recorded, should not be recorded. The Mayor/Chairman will remind all present at the start of the meeting of the right not to be recorded and will take reasonable steps to ensure that any request not to be recorded is complied with.

3.3 Recording must take place in such a way as to ensure that the view of Councillors, officers, the public and press is not obstructed.

Part 5 - Codes and Protocols

- 3.4 Where any meeting goes into exempt session, all recording equipment must be switched off and removed from the meeting room.
- 3.5 The Mayor/Chairman has absolute discretion to terminate or suspend any recording activities if, in their opinion:
- (a) continuing to do so would prejudice the proceedings at the meeting; or
 - (b) the recording is disruptive or distracting to the good order and conduct of the proceedings; or
 - (c) the person recording is in breach of this Protocol.
- 3.6 If a person refuses to stop recording when requested to do so by the Mayor/Chairman, the Mayor/Chairman will ask the person to leave the meeting. If the person refuses to leave, the Mayor/Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption.
4. After the meeting
- 4.1 Any recordings made of Council proceedings must not be edited in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by Councillors. Officers or others speaking at the meeting or in a way that infringes the core values of the Council. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- 4.2 If any person fails to comply with this Protocol when recording proceedings of the Council, the Mayor/Chairman may refuse to allow this person to record any future meetings.
- 4.3 The Council takes no responsibility for any recording made by a third party or its subsequent use.