



Wednesday, 21 September 2022

**TO EACH MEMBER OF GLOUCESTER CITY COUNCIL**

Dear Councillor

You are hereby summoned to attend a **MEETING OF THE COUNCIL** of the **CITY OF GLOUCESTER** to be held at the Civic Suite, North Warehouse, The Docks, Gloucester, GL1 2EP on **Thursday, 29th September 2022 at 6.30 pm** for the purpose of transacting the following business:

**AGENDA**

1. **APOLOGIES**

To receive any apologies for absence.

2. **MINUTES (Pages 9 - 20)**

To approve as a correct record the minutes of the Council Meeting held on 7 July 2022.

3. **DECLARATIONS OF INTEREST**

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

4. **CALL OVER**

- (a) Call over (items 9-11) will be read out at the meeting and Members invited to reserve the items for discussion.
- (b) To approve the recommendations of those reports which have not been reserved for discussion.

## 5. PUBLIC QUESTION TIME (15 MINUTES)

The opportunity is given to members of the public to put questions to Cabinet Members or Committee Chairs provided that a question does not relate to:

- Matters which are the subject of current or pending legal proceedings or
- Matters relating to employees or former employees of the Council or comments in respect of individual Council Officers.

To ask a question at this meeting, please submit it to [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk) by 12 noon on Friday 23 September 2022 or telephone 01452 396203 for support.

## 6. PETITIONS AND DEPUTATIONS (15 MINUTES)

A period not exceeding three minutes is allowed for the presentation of a petition or deputation provided that no such petition or deputation is in relation to:

- Matters relating to individual Council Officers, or
- Matters relating to current or pending legal proceedings

## 7. ANNOUNCEMENTS

To receive announcements from:

- a) The Mayor
- b) Leader of the Council
- c) Members of the Cabinet
- d) Chairs of Committees
- e) Head of Paid Service

## 8. MEMBERS' QUESTION TIME

- a) Leader and Cabinet Members' Question Time (45 minutes)

Any member of the Council may ask the Leader of the Council or any Cabinet Member any question upon:

- Any matter relating to the Council's administration
- Any matter relating to any report of the Cabinet appearing on the Council's summons
- A matter coming within their portfolio of responsibilities

- b) Questions to Chairs of Meetings (15 Minutes)

Questions and responses will be published at least 24 hours before the meeting. Supplementary questions will be put and answered during the meeting, subject to the relevant time limit.

## **ISSUES FOR DECISION BY COUNCIL**

### **9. ANNUAL REPORT OF THE CHAIR OF THE AUDIT AND GOVERNANCE COMMITTEE 2021/22 (Pages 21 - 34)**

To consider the Chair of the Audit and Governance Committee's annual report.

### **10. CONSTITUTIONAL CHANGES (Pages 35 - 62)**

To consider the report of the Head of Paid Service concerning proposed changes to the council's Constitution.

### **11. DESIGNATION OF MONITORING OFFICER (Pages 63 - 66)**

To consider the report of the Head of Paid Service seeking approval for the designation of a Monitoring Officer for the council.

## **MOTIONS FROM MEMBERS**

### **12. NOTICES OF MOTION**

#### **1. PROPOSED BY COUNCILLOR CHAMBERS-DUBUS**

"The rise in energy costs for the coming winter will put many people in Gloucester in a position where they will be unable to effectively heat their homes. It is predicted that many families will experience fuel poverty. There is serious concern for the impact this will have not just on vulnerable people and those already experiencing disadvantage but also on working families who are struggling to make ends meet due to the cost of living crisis.

Councils across the country are seriously concerned about the impact the increased energy costs will have and despite the price rises being beyond their control, councils are considering what they can do to help people in their areas.

A number of councils are taking a lead and setting up a 'Warm Places Scheme' where people can attend public buildings during the daytime to stay warm. The scheme would welcome those who cannot afford to heat their homes and venues could include council owned premises and community buildings as well as churches and places of religious worship. By visiting such places people would not only be able to stay warm but also access services who could help and support them with other energy related matters.

In order to establish a Warm Places scheme this council resolves to:

- Take the lead and act urgently and establish a Warm Places initiative across the city.
- Utilise its own premises and liaise with the County Council to make public venues available. This could include places such as libraries, museums and other appropriate council owned buildings.

- Enlist the support of community and voluntary sector organisations to include community centres and neighbourhood buildings.
- Contact churches and other religious organisations to include them in the scheme.
- Establish a Warm Places grant scheme to offer financial support costs to organisations prepared to get involved.”

## **2. PROPOSED BY COUNCILLOR PULLEN**

“Relocating the office accommodation of this council to The Eastgate Centre is to be welcomed as a positive and progressive move. It places the Council in the heart of the city centre where its presence and services can be easily identified and accessed.

To complement the office relocation the council should also move The Gateway Customer Services Reception to The Eastgate Centre.

Prior to Covid, The Gateway was providing face to face services to the public from its Westgate Street base, near to the council offices in Shire Hall. However, once the council moves to Eastgate The Gateway will become remote from the rest of the Council, being located in a different part of the city. This has the potential to cause confusion among the public in identifying exactly where council services are located and accessed.

The office space formerly occupied by the UK DRIC on the first floor is currently unused and this location or somewhere close by would make an ideal location for The Gateway.

As the impact of Covid improves and services begin to return to normal steps should be taken to restore opening times and return The Gateway to a full face to face service.

Having all city council services at The Eastgate Centre, in a central location will be a positive move and make them more easily identifiable and accessible to all council customers.

This council therefore resolves to:

- Relocate The Gateway into The Eastgate Centre
- Utilise the former offices of the UK DRIC or somewhere nearby for this purpose
- Widely publicise and promote this new location to the public
- Return The Gateway to its pre Covid operating model with full face to face public access.”

### **3. PROPOSED BY COUNCILLOR WILSON**

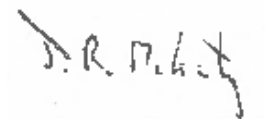
“Council recognises the importance of providing access to toilets across the city. This helps address issues such as healthy living and social inclusion. Older people, parents, those in advanced stages of pregnancy and those with health problems benefit from being able to access facilities easily.

For many years this council helped facilitate this via the Community Toilet Scheme. This scheme was popular with residents and helped the participating businesses who benefited from a rise in footfall.

Council notes that this scheme has now been discontinued.

Council calls on the cabinet to urgently consider restarting this scheme or produce proposals for a viable alternative which achieves the benefits listed above.”

Yours sincerely

A handwritten signature in black ink, appearing to read "J. R. McGinty".

**Jon McGinty**  
**Managing Director**

## NOTES

### Disclosable Pecuniary Interests

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

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

<u>Interest</u>	<u>Prescribed description</u>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous 12 months (up to and including the date of notification of the interest) in respect of any expenses incurred by you carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between you, your spouse or civil partner or person with whom you are living as a spouse or civil partner (or a body in which you or they have a beneficial interest) and the Council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged
Land	Any beneficial interest in land which is within the Council's area.  For this purpose "land" includes an easement, servitude, interest or right in or over land which does not carry with it a right for you, your spouse, civil partner or person with whom you are living as a spouse or civil partner (alone or jointly with another) to occupy the land or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge) – (a) the landlord is the Council; and (b) the tenant is a body in which you, your spouse or civil partner or a person you are living with as a spouse or civil partner has a beneficial interest
Securities	Any beneficial interest in securities of a body where – (a) that body (to your knowledge) has a place of business or land in the Council's area and (b) either – i. The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share

- capital of that body; or
- ii. If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, your spouse or civil partner or person with whom you are living as a spouse or civil partner has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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

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

### **Access to Information**

Agendas and reports can be viewed on the Gloucester City Council website: [www.gloucester.gov.uk](http://www.gloucester.gov.uk) and are available to view five working days prior to the meeting date.

For enquiries about Gloucester City Council’s meetings please contact Democratic Services, 01452 396126, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk).

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

### **Recording of meetings**

Please be aware that meetings may be recorded. There is no requirement for those wishing to record proceedings to notify the Council in advance; however, as a courtesy, anyone wishing to do so is advised to make the Mayor aware before the meeting starts.

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

### **FIRE / EMERGENCY EVACUATION PROCEDURE**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

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

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## COUNCIL

**MEETING** : Thursday, 7th July 2022

**PRESENT** : Cllrs. Hyman (Chair), J. Brown (Vice-Chair), Cook, H. Norman, S. Chambers, Lewis, Padilla, Hilton, Gravells MBE, Morgan, Wilson, Field, Organ, Patel, Toleman, Brooker, Melvin, Bowkett, Ackroyd, Castle, A. Chambers, Chambers-Dubus, Conder, Dee, Durdey, Evans, Hudson, Kubaszczyk, O'Donnell, Radley, Zaman and Sawyer

### **Others in Attendance**

Managing Director

Monitoring Officer

Director of Policy and Resources

Director of Communities

Head of Culture

Head of Place

Policy and Governance Manager

Democratic and Electoral Services Officer

**APOLOGIES** : Cllrs. Pullen, Tracey, Bhaimia, Williams, D. Brown, Taylor and Finnegan

## **9. MINUTES**

**RESOLVED** – That the minutes of the Annual Council Meeting held on 23<sup>rd</sup> May 2022 were approved and signed by the Mayor as a correct record.

## **10. DECLARATIONS OF INTEREST**

No declarations of interest were made on this occasion.

## **11. CALL OVER**

11.1 The Mayor invited Members to indicate whether they wished to reserve agenda items 9, 10 and 11 for discussion. Members indicated that they wished to reserve item 11 for discussion.

**COUNCIL**  
**07.07.22**

- 11.2 Councillor Cook (Leader of the Council) moved and Councillor Norman (Deputy Leader of the Council) seconded that the Gloucester Local Development Scheme 2022-24 be approved.

**RESOLVED** that: -

- (1) The revised Gloucester Local Development Scheme (Appendix 1) is adopted by the Council and takes effect immediately.
- (2) The correction of any minor errors such as spelling, grammar, typographical and formatting changes that do not affect the substantive content of the plan be delegated to the Head of Place, in consultation with the Cabinet Member for Housing and Planning Strategy.

- 11.3 Councillor Cook moved and Councillor Norman seconded that the Overview & Scrutiny Committee Annual Report 2021-22 be approved.

**RESOLVED** that: -

- (1) The Annual Report of the Overview and Scrutiny Committee for 2021-22 be noted.

**12. PUBLIC QUESTION TIME (15 MINUTES)**

- 12.1 A Gloucester resident submitted the following question:

*'It has been over 6 months since the cyber-attack. As a resident of Gloucester, I am still no clearer on whether my personal information has been compromised. Can the council provide this assurance yet?'*

- 12.2 The Deputy Leader of the Council and Cabinet Member for Performance and Resources responded:

*'We apologise that we are still unable to comment any further on the nature or detail of this incident as it remains an active investigation. We are actively working with Information Commissioners Office and agencies regarding this incident.'*

**13. PETITIONS AND DEPUTATIONS (15 MINUTES)**

- 13.1 There were no petitions or deputations.

**14. ANNOUNCEMENTS**

**Mayor**

- 14.1 The Mayor reminded Members that he preferred to be referred to as Mayor rather than Mr Mayor.

**COUNCIL**  
**07.07.22**

- 14.2 The Mayor notified Members of the death of Mrs Daphne Arnold who had served as Gloucester City's Mayoress from 1982-83 and Sheriff from 1978-79.
- 14.3 The Mayor presented Councillor Andrew Lewis with a certificate commemorating his 20 years' service as a Councillor. Councillor Lewis announced that it was a privilege and an honour to serve as a Gloucester City Councillor and expressed the view that he worked with wonderful Councillors and officers. He informed Members that he was particularly honoured to serve as Mayor of Gloucester previously.

**Members of the Cabinet**

- 14.4 The Cabinet Member for Performance and Resources advised Members that the application process for non-direct debit holders to apply for their £150 Council Tax rebate was now live on the council website. She explained that eligible residents had up until 14<sup>th</sup> August 2022 to apply. Should they not reply within the timeframe, the Cabinet Member for Performance and Resources confirmed that the rebate amount would be credited to the residents' future Council Tax bill. She noted that applicants would need a bank statement and their 10-digit Council Tax reference number to hand and urged Members to promote the application process to their communities. The Cabinet Member for Performance and Resources wanted to place on record the thanks of the administration to Revenues and Benefits staff for their hard work in administering the scheme.
- 14.5 The Cabinet Member for Culture and Leisure announced that Visit Gloucester had won a silver TXGB Trailblazer award from Visit England and paid tribute to the Tourism and Destination Marketing Team for their achievement. He also advised Members that the Museum of Gloucester had achieved 'highly commended' at the 2022 SoGlos Gloucestershire Lifestyle awards and encouraged Members to visit the Titanic Exhibition which was on display there.
- 14.6 The Cabinet Member for Communities and Neighbourhoods referred to the Defence Employer Recognition Scheme (DERS) which he explained was an initiative of the Ministry of Defence which encourages employers to support armed forces members. He explained that the scheme encompasses bronze, silver and gold awards for organisations which demonstrate support to the armed forces community and confirmed that Gloucester City Council had achieved bronze status. The Cabinet Member for Communities and Neighbourhoods advised Members that this meant that the City Council committed to statutory requirements, had armed forces-friendly policies in place to support armed forces members and reservists, took part in armed forces community events and supports the local armed forces community by linking them to useful resources and opportunities. The Cabinet Member for Communities and Neighbourhoods commended this achievement and noted that the City Council hoped to build on this work by applying for silver status next year.

**15. MEMBERS' QUESTION TIME**

- 15.1 In respect of question 1, Councillor Hilton thanked the Leader of the Council for explaining the reasons as to why work on the Fleece Hotel had halted. He referred to the council's preferred bidder, Dowdeswell Group Ltd, and stated his understanding that one of the Dowdeswell Group's companies had recently gone into liquidation. Councillor Hilton asked whether the Leader could provide reassurance that the Fleece Hotel restoration was still viable. The Leader of the Council advised that officers would continue to work with Dowdeswell Group Ltd to ensure that the project was still viable.
- 15.2 Referring to question 2, Councillor Hilton asked whether the Leader of the Council was confident that Dowdeswell Group Ltd would still be in a position to raise the purchase price of the Herbert, Kimberley and Phillpotts (HKP) Warehouses. The Leader of the Council reiterated that officers would continue to work with the group to ensure that the purchase remained feasible. He noted that the council had a timeframe of 1 month to ensure that the company was still viable to work with.
- 15.3 Councillor Chambers-Dubus referred to question 3 and asked whether an action plan based on the CLS report could be provided to the Overview and Scrutiny Committee in draft form for consideration in September. The Leader of the Council confirmed that a dedicated Member group on Climate Change was in place, and they would be reviewing the plan in due course. It was his hope that the draft action plan would be available towards the end of the year.
- 15.4 In response to a further query from Councillor Chambers-Dubus in relation to question 4 and whether the Leader intended to ask the Monitoring Officer to carry out an investigation into whether there had been a breach of the City Council's Members' Code of Conduct, the Leader of the Council confirmed that all aspects of the matter were being looked into and he hoped it would not be necessary to approach the Monitoring Officer.
- 15.5 In relation to question 6, Councillor A Chambers referred to a recount at the elections in May 2021 and asked whether the Cabinet Member for Performance and Resources had any concerns about those responsible for the election count. The Cabinet Member for Performance and Resources expressed the view that the work and efforts of those responsible for organising elections were commendable. She noted that the counting process was complex and largely paper based, and that it was not uncommon for recounts to take place. She advised that any concerns about elections should be put in writing to the Returning Officer.
- 15.6 Councillor A. Chambers referred to question 7 and asked whether Council could move into private session for his supplementary question. Following advice from the Monitoring Officer to put the matter to Council, Members indicated that they were not willing to exclude the press and public and move into private session.

**COUNCIL**  
**07.07.22**

- 15.7 In response to a query from Councillor A. Chambers in relation to question 8 and which measures were at Amber and Red, the Cabinet Member for Performance and Resources confirmed that the Performance Monitoring Reports were taken to the Overview and Scrutiny Committee on a quarterly basis and suggested that Councillor A. Chambers attend the next session when the Committee considered the reports. She stated that she welcomed detailed challenge from Members.
- 15.8 In respect of question 9 and a request from Councillor A. Chambers for further clarity as to the responsibilities of the Licensing team in dealing with city events, the Leader of the Council referred to his written answer and the statement that many council departments feed into the process, including the Licensing Team.
- 15.9 Councillor A. Chambers referred to question 10 and raised concerns about delays in issuing documentation including licenses, plates, and ID numbers to taxi drivers. He asked what the council was doing to resolve this issue and deliver documentation in a timely manner. The Leader of the Council confirmed that the cyber-incident which had impacted the council since December 2021 had caused a delay with producing plates and suggested that Councillor A. Chambers provide details of any specific ongoing cases to officers to look into. He expressed the view that it was likely that Tewkesbury Borough Council would bring their driver standards to align with the rest of the Gloucestershire authorities.
- 15.10 In response to a further question from Councillor A. Chambers in respect of question 11 and whether the true costs of the cyber incident might be far in excess of the anticipated costs, the Cabinet Member for Performance and Resources replied that she did not believe so.
- 15.11 With regard to question 12, Councillor A Chambers asked why insurance cover had not been put in place. The Cabinet Member for Performance and Resources explained that this query had been answered during Leader and Cabinet Members' question time at the Cabinet meeting on 15<sup>th</sup> June 2022 and suggested that Councillor A. Chambers consult the minutes of this particular meeting. She confirmed that if Councillor A. Chambers had any additional questions on this matter, she was happy to answer them at future Cabinet meetings.
- 15.12 Councillor A. Chambers referred to question 13 and queried whether it would have been more secure for the City Council to enter into a shared IT service with Gloucestershire County Council. The Cabinet Member for Performance and Resources referred Councillor Chambers to the ICT Services: Options Report which had been considered by Cabinet in October 2021. She confirmed that 3.2 and 3.3 in the report confirmed that during the Summer of 2019, the City Council had entered into discussions with Gloucestershire County Council to explore the possibility of a shared service, however by Spring 2021, the County Council had not yet developed a sufficient shared service design and cost model to provide certainty around cost and continuity.

**COUNCIL**  
**07.07.22**

- 15.13 In response to a further question from Councillor A. Chambers relating to question 14 and whether the City Council reported the cyber incident to the ICO within the 72-hour timeframe, the Cabinet Member for Performance and Resources confirmed that the council had complied with this timeframe and reminded Members that the investigation was still active and ongoing.
- 15.14 In response to a follow-up query from Councillor A Chambers concerning question 15 and personal data, the Cabinet Member for Performance and Resources reminded Members that the investigation had not yet concluded.
- 15.15 Councillor A. Chambers asked for clarification as to the response provided to question 16 and whether any traders had operated in a prime city location without paying rent. The Cabinet Member for Performance and Resources confirmed that she did not believe so but suggested that Councillor A. Chambers write to her with further details if he had any particular concerns.
- 15.16 In respect of question 17, Councillor A. Chambers asked whether the Cabinet Member for Performance and Resources or senior officers were aware of any concerns raised regarding taxi driver licensing processes. The Cabinet Member for Performance and Resources advised that any such concerns should be reported via the appropriate channels and not brought into a public forum without evidence.
- 15.17 In respect of question 18, Councillor Castle asked whether it would be possible to have a document listing the locations of all the dog litter bins in Longlevens which the Leader of the Council confirmed he was happy to provide.
- 15.18 Councillor J. Brown referred to her concerns about the weeds surrounding the Gloucester Park War Memorial outlined at question 19 and asked whether there was a possibility of asking UBICO to clean and weed the area twice annually. The Leader of the Council confirmed that he too had been shocked at the weed overgrowth when he had recently passed the memorial. He noted that it was a difficult time of year with wet and warm weather but would ask if more attention could be paid to the monument.
- 15.19 In response to a follow-up question from Councillor A. Chambers regarding the process for reviewing the officer structure of the council, the Leader of the Council confirmed that, in relation to the Managing Director's role, it was a matter for Council.
- 15.20 Councillor A. Chambers referred to question 21 and asked whether defibrillators could be rolled out to the identified sites in Matson as soon as possible. The Cabinet Member for Communities and Neighbourhoods advised that he would ask officers to keep Councillor A. Chambers updated on progress.
- 15.21 In respect of question 22, Councillor A. Chambers stated that he had witnessed litter pickers sitting in their van. The Leader of the Council advised that this was a matter for UBICO supervisors and suggested that Councillor

**COUNCIL**  
**07.07.22**

A. Chambers raise any concerns he had through the appropriate avenue. He noted that staff may have been on lunch break.

- 15.22 Councillor A. Chambers referred to question 23 and asked for assurances that the grass cutting was on schedule. The Leader of the Council confirmed that grass mowing and strimming were different tasks undertaken by different teams and that there were challenges with recruiting seasonal strimming staff. He anticipated that the team would catch up with the strimming work soon.
- 15.23 In relation to question 24, Councillor A. Chambers raised concerns that foreign objects from overflowing bins could be caught up in the grass mowing. The Leader of the Council reiterated that the team were catching up as quickly as possible, and it was his hoped that any overflowed rubbish would be picked up and disposed of appropriately. He suggested that Councillor A. Chambers raise specific concerns through Here to Help, who could then escalate with UBICO.
- 15.24 Councillor A. Chambers referred to question 25 and noted that an issue he had reported 24 weeks ago via Here to Help regarding a sharp-edged street sign had not yet been dealt with. The Leader of the Council explained that there had been UK-wide issues with supply chain problems and labour shortages which was impacting on how quickly new signs could be cut.
- 15.25 With regard to question 27, Councillor A. Chambers asked whether the Cabinet Member for Communities and Neighbourhoods thought 58 CCTV cameras was an acceptable amount for a city with a population of 130,000 people. The Cabinet Member stated that he would like more and would discuss the matter with officers to determine what was possible..
- 15.26 Councillor A. Chambers referred to question 30 concerning the Council Tax rebate and asked whether communication around the deadline for non-direct debit holders to apply for the rebate could be improved as he felt this should have been made clearer. The Cabinet Member for Performance and Resources noted that there had been an article on the scheme in Gloucestershire Live around 6 weeks ago. She noted that in terms of distributing the direct debit rebates, Gloucester had performed the best in the county despite the challenges with the cyber incident, with the rebate having been issued to 99.4% of residents who had signed up to direct debit payments. She noted that the remaining 0.6% residents with direct debit payments were awaiting an additional verification check and expressed the view that in this instance, the council had done a good job.
- 15.27 In respect of question 31, Councillor A. Chambers asked whether the council had a budget for new play equipment. The Leader of the Council confirmed that there was a budget in place to repair faulty play park equipment and replace equipment beyond repair where necessary, however this was a limited budget, and the works were carried out on a priority basis.
- 15.28 In response to a supplementary question from Councillor A. Chambers regarding question 32 and the reporting of unsafe tarmacked areas to 'Here

**COUNCIL**  
**07.07.22**

to Help' reporting facility, the Cabinet Member for Performance and Resources explained that Here to Help were a front-facing team who passed issues on to the relevant service for resolution. She asked Councillor A. Chambers to send her any relevant correspondence so that she could follow the matter up with the relevant officers.

- 15.29 Councillor Conder referred to question 33 and asked whether the City Council could liaise with Gloucestershire County Council on behalf of elderly or vulnerable residents regarding uneven pavements in some areas of the city. The Leader of the Council agreed that he sympathised with residents who had difficulty navigating pavements however as the Gloucestershire County Council was the responsible authority for highways, he suggested that Councillor Conder raise the issue with the County Council through her County Council counterpart.
- 15.30 Councillor Chambers-Dubus referred to question 35 and noted that she had since learned that the City Council will need to write to all residents with a postal vote to ask them to complete a new application. She asked why this process was not already under way. The Cabinet Member for Performance and Resources explained that the electoral registration system was not up and running yet, but confirmed that the council would be writing to all postal vote holders in due course to ask them to submit another application if they still wanted a postal vote.
- 15.31 In relation to question 36, Councillor Chambers-Dubus asked whether the council would be contacting residents without a direct debit to advise them that the rebate would be credited to their Council Tax account in the event they did not apply. The Cabinet Member for Performance and Resources confirmed that the Revenues and Benefits Team were exploring how best to communicate with the residents concerned.
- 15.32 With regard to question 37, Councillor A. Chambers queried why there had been a significant reduction in council staff between 2015 and 2022 and whether this has had an impact on performance. The Cabinet Member for Performance and Resources referred to the City Council's restructure alongside the Together Gloucester initiative. She explained that during the times of austerity, the council had to reduce its costs to balance its budget and this included finding efficiencies and new ways of working that resulted in a reduction in staff. She noted that some services were outsourced or shared with other councils and that this reduced the council's own headcount.
- 15.33 In response to a follow-up question from Councillor A. Chambers in respect of question 38 and officers' salaries, the Leader of the Council explained that the council followed advice from the Local Government Association when setting senior officer pay scales.

**16. URGENT DECISION REPORTED TO COUNCIL**



**COUNCIL**  
**07.07.22**

- 16.1 Councillor Cook moved and Councillor Norman seconded that in accordance with Part 4 of the Constitution, Council was being asked to resolve that the urgent decision of the Leader of the Council to submit a bid for Levelling Up Grant Funding for the regeneration of the Greyfriars/Eastgate Shopping Centre be noted.
- 16.2 Councillor Cook explained that back in 2017, the council had applied and been awarded £20m to spend on city regeneration projects. As Gloucester has 2 Members of Parliament, he noted that the council was eligible to make a second application. Councillor Cook confirmed that since the Council agenda was published, the deadline for making an application for Levelling Up Grant Funding had since been extended. He paid tribute to the excellent and rapid work of officers in pulling together a bid for regenerating the Eastgate/Greyfriars area.
- 16.3 Councillor Hilton explained that he had requested to debate this item as he felt that an urgent decision was no longer needed since the deadline had been deferred. He requested that a copy of the bid for Levelling Up Grant Funding be circulated to Group Leaders to provide them with an opportunity to consider the document.
- 16.4 Councillor Chambers-Dubus agreed that it was a good idea in principle but raised concerns that the redevelopment might be taken as an opportunity to gentrify the area. She felt it was important to keep the integrity of the market and keep stall holders involved with any decisions about Eastgate.
- 16.5 Councillor Lewis confirmed that the council had consulted traders and they had expressed that they were fully on board. He confirmed that the council would continue to communicate with stall holders and that nothing would be done without consulting them.
- 16.6 Councillor Cook reiterated that the market traders would be kept fully informed and confirmed that if time allowed, officers would be willing to share the bid document with Group Leaders. He noted that once the portal went live, it was likely that there would be limited time to submit the application.

**RESOLVED** that: -

The urgent decision of the Leader of the Council to submit a bid for Levelling Up Grant Funding for the regeneration of the Greyfriars/Eastgate Shopping Centre area of the City Centre to the Department of Levelling Up, Housing and Communities be noted.

**17. NOTICES OF MOTION**

- 17.1 Councillor Field proposed and Councillor Bowkett seconded the following motion:

**COUNCIL**  
**07.07.22**

“Council notes that wildflower meadows have been planted in many areas of Gloucester and that these areas have been very popular with residents and a boon to mental health.

Council further notes that wildflowers enhance an area and help improve biodiversity through giving a habitat to bees, insects and other wildlife.

Council resolves to thank the funders, officers and volunteers involved, for their work in planting the wildflower meadows.

Council agrees to look for potential new sites, whilst remaining within the council budget, by collaborating with volunteer groups and charities to plant more wildflowers across the city in the future.”

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

17.3 **RESOLVED that: -**

Council notes that wildflower meadows have been planted in many areas of Gloucester and that these areas have been very popular with residents and a boon to mental health.

Council further notes that wildflowers enhance an area and help improve biodiversity through giving a habitat to bees, insects and other wildlife.

Council resolves to thank the funders, officers and volunteers involved, for their work in planting the wildflower meadows.

Council agrees to look for potential new sites, whilst remaining within the council budget, by collaborating with volunteer groups and charities to plant more wildflowers across the city in the future.

17.4 Councillor Hilton proposed and Councillor Wilson seconded the following motion:

“The Council of Europe is an international organisation founded in the wake of World War II to uphold human rights, democracy and the rule of law in Europe. It was first proposed by Winston Churchill in a BBC broadcast in 1943.

It was founded in 1949, it has 46 member states, with a population of approximately 675 million; it operates with an annual budget of approximately €500 million. The United Kingdom is one of the ten original members.

The organisation is distinct from the European Union, even though the EU shares the same flag as the Council for Europe. It’s HQ is in Strasbourg.

## **COUNCIL 07.07.22**

The Council of Europe cannot make laws, but it does have the ability to push for the enforcement of select international agreements reached by member states on various topics.

The best-known body of the Council of Europe is the European Court of Human Rights, which functions on the basis of the European Convention on Human Rights (ECHR). The United Kingdom is therefore a signatory of the ECHR.

This council agrees that to continue to protect the human rights and political freedoms of the residents of Gloucester it is important that the United Kingdom continues to be a member of the Council of Europe and remains a signatory to the European Convention on Human Rights.

We therefore agree that the Mayor and three group leaders write to the two members of parliament representing parts of Gloucester calling on them to both vote in parliament against any proposal to withdraw from the European Convention on Human Rights and the Council of Europe.”

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

17.6 **RESOLVED that:** -

The Council of Europe is an international organisation founded in the wake of World War II to uphold human rights, democracy and the rule of law in Europe. It was first proposed by Winston Churchill in a BBC broadcast in 1943.

It was founded in 1949, it has 46 member states, with a population of approximately 675 million; it operates with an annual budget of approximately € 500 million. The United Kingdom is one of the ten original members.

The organisation is distinct from the European Union, even though the EU shares the same flag as the Council for Europe. It's HQ is in Strasbourg.

The Council of Europe cannot make laws, but it does have the ability to push for the enforcement of select international agreements reached by member states on various topics.

The best-known body of the Council of Europe is the European Court of Human Rights, which functions on the basis of the European Convention on Human Rights (ECHR). The United Kingdom is therefore a signatory of the ECHR.

This council agrees that to continue to protect the human rights and political freedoms of the residents of Gloucester it is important that the United Kingdom continues to be a member of the Council of Europe and remains a signatory to the European Convention on Human Rights.

**COUNCIL**  
**07.07.22**

We therefore agree that the Mayor and three group leaders write to the two members of parliament representing parts of Gloucester calling on them to both vote in parliament against any proposal to withdraw from the European Convention on Human Rights and the Council of Europe.

**Time of commencement: 6.30 pm hours**

**Time of conclusion: 7.55 pm hours**

**Chair**



<b>Meeting:</b>	<b>Audit and Governance Committee Council</b>	<b>Date:</b>	<b>18 July 2022 29 September 2022</b>
<b>Subject:</b>	<b>Annual Report of the Chair of the Audit and Governance Committee 2021/22</b>		
<b>Report Of:</b>	<b>Chair – Audit and Governance Committee</b>		
<b>Wards Affected:</b>	<b>Not applicable</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget or Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Piyush Fatania - Head of Audit Risk Assurance (ARA)</b>		
	<b>Email:</b>	<b>Tel: 01452 328883</b>	
	<b><a href="mailto:Piyush.Fatania@gloucestershire.gov.uk">Piyush.Fatania@gloucestershire.gov.uk</a></b>		
<b>Appendices:</b>	<b>A: Audit and Governance Committee Annual Report 2021/22</b>		

**FOR GENERAL RELEASE**

**1.0 Purpose of Report**

- 1.1 The Annual Report of the Chair of the Audit and Governance Committee (the Committee) summarises the Committee’s activities during 2021/22 and sets out its plans for the next twelve months.
- 1.2 This report provides independent assurance that the Council has in place:
  - i. Adequate and effective governance, risk management and internal control frameworks;
  - ii. Internal and External Audit services; and
  - iii. Financial reporting arrangements that can be relied upon and which contribute to the high corporate governance standards that this Council expects and maintains.

**2.0 Recommendations**

- 2.1 Audit and Governance Committee is asked to:
  - i. **RESOLVE** to agree the Audit and Governance Committee Annual Report 2021/22; and
  - ii. **RECOMMEND** to Council that the Annual Report 2021/22 be approved.
- 2.2 Council is asked to **RESOLVE** that the Annual Report 2021/22 be approved.

### **3.0 Background and Key Issues**

- 3.1 Gloucester City Council (the Council) is responsible for ensuring that its business is conducted lawfully and to proper standards. This includes ensuring that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. In discharging this responsibility, the Council is responsible for putting in place the proper arrangements for the governance of its affairs.
- 3.2 A sound corporate governance framework involves accountability to service users, stakeholders and the wider community. Within this, the Council takes decisions and leads and controls its functions to achieve stated objectives and priorities. It thereby provides an opportunity to demonstrate the positive elements of the Council's business and promote public confidence.
- 3.3 Audit Committees are widely recognised as a core component of effective governance. Their key role is to independently oversee and assess the internal control environment (comprising governance, risk management and control) and advise the Council on the adequacy and effectiveness of these arrangements.
- 3.4 The Gloucester City Council Audit and Governance Committee was established in line with guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA). The guidance recommends that Audit Committees should prepare an annual report to the governing body (full Council), which sets out the Committee's work on how they have discharged their responsibilities.
- 3.5 The Annual Report of the Chair of the Audit and Governance Committee 2021/22 at **Appendix A** fulfils the above requirement.

### **4.0 Social Value Considerations**

- 4.1 There are no Social Value implications as a result of the recommendations made in this report.

### **5.0 Environmental Implications**

- 5.1 There are no Environmental implications as a result of the recommendations made in this report.

### **6.0 Alternative Options Considered**

- 6.1 Consideration has been given to not producing an Annual Report, however this has been discounted due to the CIPFA requirements as stated within paragraph 3.4.

### **7.0 Reasons for Recommendations**

- 7.1 The Audit and Governance Committee's terms of reference includes the accountability arrangement to provide an annual report to Council. The report should capture the Committee's performance in relation to the terms of reference criteria and confirm that the Council's systems of governance are operating effectively.

7.2 The approach assists in Audit and Governance Committee independence from the executive and scrutiny functions. In addition, it provides status and clarity to the Committee's role.

## **8.0 Future Work and Conclusions**

8.1 In accordance with CIPFA guidance, the Audit and Governance Committee will continue to present an Annual Report to the full Council.

8.2 The Committee's work programme is dynamic. The programme will continue to be reviewed to ensure the Committee maximise its contribution to the governance and control framework, while managing agendas to ensure that all meetings are focused on the Council's key risks and issues.

## **9.0 Financial Implications**

9.1 None directly arising from this report.

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

## **10.0 Legal Implications**

10.1 None directly arising from this report.

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

## **11.0 Risk and Opportunity Management Implications**

11.1 Audit Committees are a key component of a council's governance framework. The Annual Report of the Chair of the Audit and Governance Committee is part of the overall internal control arrangements and risk management process.

## **12.0 People Impact Assessment (PIA) and Safeguarding:**

12.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact. A full PIA was not required.

## **13.0 Community Safety Implications**

13.1 There are no Community Safety implications as a result of the recommendations made in this report.

## **14.0 Staffing and Trade Union Implications**

14.1 There are no Staffing and Trade Union implications as a result of the recommendations made in this report.

## **Background Documents:**

Audit and Governance Committee meeting papers and minutes 2021/22  
Constitution: Audit and Governance Committee Terms of Reference

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# **ANNUAL REPORT OF THE CHAIR OF THE AUDIT AND GOVERNANCE COMMITTEE**

**2021-22**

# CONTENTS

<b>SECTION</b>	<b>PAGE</b>
Foreword	2
1 Background	3
2 Committee Role and Responsibilities	4
3 Audit Committee Membership	4
4 2021-22 Committee Achievements	4
- Internal Audit	5
- External Audit	6
- Risk Management	6
- Regulatory and Governance	7
- Treasury Management	7
- Annual Statement of Accounts and the AGS	7
5 Work Programme	7
6 Training	8
7 Conclusions	8

## **Foreword**

As Chair of the Audit and Governance Committee, I am pleased to present this report on our contribution to the Council's oversight of risk and governance for 2021-22.

Effective management and governance are important to ensure that the Council successfully delivers crucial services to our community, improves performance and reduces the risk of not achieving our objectives.

The Audit and Governance Committee (the Committee) is a core component of effective governance. Our role is to independently oversee and assess the internal control, governance and risk management environment and to constructively advise the Council on the adequacy and effectiveness of these arrangements.

The Committee considers and monitors internal and external reports, and recommends actions to the Council to address any deficiencies.

We undertake a substantial range of activities and work closely with the Director of Policy and Resources (Section 151 Officer), the Monitoring Officer, Internal and External Audit.

Our work programme is structured around the Committee's main areas of responsibility. It is reviewed and agreed at each meeting to enable key tasks to be considered and delivered.

Through our work programme we have provided independent assurance on the adequacy of the governance, risk management and control environment. This includes assurance on the Council's performance where this affects exposure to risk and weakens the control environment. We have also overseen the statutory financial reporting process.

In addition to this, Members have requested additional detailed reports from officers on particular areas where we felt this to be helpful for assurance purposes.

The External Auditor are due to provide an unqualified opinion on the 2020-21 annual accounts. They are also due to state that the Council had proper arrangements to secure economy, efficiency and effectiveness in its use of resources. The work of the Committee has contributed to this conclusion.

The biggest issue faced by the Council in 2021-22 has been the cyber incident. The Committee questioned management regarding the Council's reaction and scrutinised responses. We will continue to monitor IT and other risks to ensure the Council mitigates against these.

This report is to inform Council of the Committee's work in 2021-22 and to note our opinion on the standard of governance, risk management and audit arrangements in place.

The Committee has made a positive contribution to the Council's overall governance, control and risk management and has been successful in fulfilling its terms of reference. I am satisfied that the Council has maintained an adequate and effective internal control framework through the period covered by this report.

**Councillor Declan Wilson**

**Chair of the Audit and Governance Committee**

## 1. Background

- 1.1 Gloucester City Council (the Council) is responsible for ensuring that its business is conducted lawfully and to proper standards. This includes ensuring that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. In discharging this responsibility, the Council must ensure that it has proper arrangements for the governance of its affairs in place.
- 1.2 A sound corporate governance framework involves accountability to service users, stakeholders and the wider community. Within this, the Council takes decisions, leads and controls its functions to achieve stated objectives and priorities. It thereby provides an opportunity to demonstrate the positive elements of the Council's business and promote public confidence. Audit Committees are widely recognised as a core component of effective governance.
- 1.3 The Chartered Institute of Public Finance and Accountancy (CIPFA) confirm that "Audit Committees are a vital part of any organisation". The Council's Audit and Governance Committee (the Committee) is responsible for overseeing corporate governance, audit and risk management arrangements. The Committee is also responsible for approving the Statement of Accounts and the Annual Governance Statement (AGS). The Committee's specific powers and duties are set out in the Council's Constitution.
- 1.4 The key benefits of the Audit and Governance Committee are:
  - i. Maintaining public confidence in the objectivity and fairness of financial and other reporting. This includes providing a focus on financial reporting throughout the year, leading to confidence in the objectivity and fairness of the financial governance arrangements operating within the Council;
  - ii. Reinforcing the importance and independence of Internal and External Audit and any other similar review process;
  - iii. Considering assurance from various sources and holding management to account;
  - iv. Providing assurance through a process of independent and objective review, via the Internal Audit service, provided by Audit Risk Assurance (ARA);
  - v. Raising the Council's awareness of the need for governance, ethical behaviour, internal control and the implementation of audit recommendations; and
  - vi. Providing assurance on the adequacy of the Council's risk management arrangements, including the risk of fraud and irregularity.
- 1.5 The Committee is established in accordance with CIPFA's "Audit Committees – Practical Guidance for Local Authorities and Police – 2018". It has a direct reporting line to Full Council, and the Chair also has direct access to the Managing Director and the Leader, as required.
- 1.6 Despite the challenges faced by the Council in 2021-22, the Committee maintained a detailed work programme for its main areas of activity which it considered and updated at each meeting.

1.7 The Committee met five times during the year and each meeting had a full and wide-ranging agenda, reflecting its broad role.

## **2. Committee Role and Responsibilities**

2.1 The core functions of the Committee are incorporated in its [terms of reference](#). They are presented under the main areas of activity, which are to oversee:

- i. Audit activity (Internal, External and any Inspections);
- ii. Regulatory framework; and
- iii. The Statutory Accounts and AGS.

2.2 The Committee raises awareness of the need for sound internal control and risk management arrangements. The Committee's presence and effective operation provide assurance to the Council and stakeholders about these important aspects of governance.

## **3. Audit Committee Membership**

3.1 The Committee's membership of nine elected Councillors for 2021-22 was:

- i. Councillor Wilson (Chair);
- ii. Councillor Brooker (Deputy Chair);
- iii. Councillor Bowkett;
- iv. Councillor Durdey;
- v. Councillor Evans;
- vi. Councillor Patel;
- vii. Councillor Pullen;
- viii. Councillor Melvin; and
- ix. Councillor Norman (ex-Officio).

3.2 The Council's officers and External Auditors (Deloitte) support the Committee. Key officer engagement is principally via the Director of Policy and Resources (S151 Officer), the Monitoring Officer and the Head of ARA.

## **4. 2021-22 Committee Achievements**

4.1 The Council entered the new financial year still being in the midst of the COVID-19 pandemic. The Council continued to follow government guidance, which included allowing staff to continue to work flexibly either from home or in a socially distanced, safe office environment.

4.2 The biggest issue faced by the Council in 2021-22 has been the cyber incident. The Council experienced some disruption to IT systems and service delivery, and has worked hard to address the position and minimise the impact on customers.

4.3 The Committee received regular updates on the cyber incident and the Council's recovery position, to ensure understanding of the risks and the relevant action plan.

- 4.4 The Committee asked questions of management regarding the Council's response to the incident and scrutinised these.
- 4.5 The IT position necessitated an update to the Internal Audit Annual Plan for 2021-22 which was overseen and agreed by the Committee.
- 4.6 The Committee will continue to oversee the Council's recovery from the incident and to ensure that mitigating actions minimise the likelihood of a reoccurrence.
- 4.7 The Committee has continued throughout the pandemic to oversee the Council's work on risk management, treasury management and anti-fraud. The Committee held in-person meetings from May 2021 onwards.
- 4.8 The outcomes of the Committee's work in relation to its core functions are summarised below.
- 4.9 **Internal Audit** – the Council's Internal Audit service is provided by Audit Risk Assurance (ARA). The Committee reviewed and considered:
- i. The Internal Audit Annual Plan for 2021-22. The Committee contributed towards the formulation of the Internal Audit Plan. The plan helps Internal Audit to target resources to those areas considered to be the highest risks, or which contribute most to the achievement of the Council's corporate objectives;
  - ii. The Head of ARA's Annual Report and opinion for 2020-21. This provided a Satisfactory opinion on the effectiveness of the Council's internal control environment and summarised the activity upon which that opinion was based. The Committee can therefore take reasonable assurance that there is a sound system of internal control in place at the Council;
  - iii. Internal Audit reports – this included receiving responses from officers and Members;
  - iv. Reports on Internal Audit's progress against the Annual Audit Plan through regular update reports presented by the Head of ARA;
  - v. Information on the ARA Improvement Journey, including updates on working and reporting arrangements. This positively builds on the successful outcomes from the 2020-21 External Quality Assessment of the Effectiveness of Internal Audit;
  - vi. Amendments to the Internal Audit Plan 2021-22, following the cyber incident and the relevant prioritised actions delivered by the Council. The Committee received regular management updates on the incident and the Council's recovery position to date, to ensure understanding of the risks and the relevant action plan;
  - vii. Management progress to address control weaknesses identified in Internal Audit reports where a limited opinion on the control environment has been provided; and
  - viii. The outcomes of special investigations undertaken by the Internal Audit Counter Fraud team. This included progress made in the investigation of queries arising as a result of the National Fraud Initiative (NFI) data matching exercise.

- 4.10 **External Audit** – the Local Audit and Accountability Act 2014 confirms that a Council must appoint an External Auditor to audit the Council’s annual Statement of Accounts and value for money arrangements. Under the Public Sector Audit Appointments (PSAA), Deloitte LLP were the appointed External Auditor for Gloucester City Council for the financial years 2018-19 to 2022-23.
- 4.11 The Committee (or the Chair via delegated responsibility) have monitored the work of the External Auditor and have:
- i. Considered the Internal Audit and External Audit joint working arrangements;
  - ii. Received and considered regular External Audit progress reports;
  - iii. Considered and accepted the Audit Results Report;
  - iv. Considered and approved the Letter of Representation; and
  - v. Considered and accepted the External Auditor’s Plan for 2022-22.
- 4.12 The Council’s Statutory Annual Accounts for 2020-21 are due to be considered and approved by the Committee in July 2022.
- 4.13 The term of the current External Auditor ends on 31<sup>st</sup> March 2023. A report on External Auditor procurement was submitted to the Committee. Following consideration, the Committee recommended that the Council opt-in to the PSAA for the appointment of the Council’s External Auditors from 2023-24. Council approved the above recommendation on 27<sup>th</sup> January 2022.
- 4.14 **Risk Management** – the Committee:
- i. Received regular risk management update reports (including the review of the Strategic Risk Register); and
  - ii. Considered risk and opportunity management implications within Internal Audit reports.
- 4.15 Risk management is a key component of effective governance. The Committee and senior management supported an independent review of the Council’s risk management arrangements. This will ensure that risk management continues to be embedded within the Council’s key business processes.
- 4.16 The review’s outcomes are included in the Risk Management Annual Report 2021-22, with key areas included within the Risk Management Action Plan 2022-23. The report was presented to the Committee in July 2022.

#### 4.17 **Regulatory and Governance** – the Committee:

- i. Reviewed and approved the Council's 2020-21 Local Code of Governance (the Code) and AGS. The Code will be kept under review and be subject to Internal Audit inspection to verify supporting evidence;
- ii. Reviewed the progress made by management to address the required actions identified in the 2020-21 AGS Improvement Plan; and
- iii. Considered updates on key areas including the Appointment of an Independent Member (an action from the most recent self-assessment of the effectiveness of the Committee); and the Council's ICT position.

4.18 CIPFA are due to issue refreshed Audit Committee guidance in 2022-23. The Committee will ensure robust self-assessment against the new guidance and identify improvement actions as required.

4.19 **Treasury Management** – is a key area for the Committee to monitor. The Committee considers and recommends approval by Full Council of amendments to the investment strategy in response to changing market conditions. The Committee has:

- i. Approved the half yearly Treasury Management activity reports; and
- ii. Considered and recommended to Full Council for approval the Treasury Management Strategy, the Annual Investment Strategy and Minimum Revenue Provision Policy Statement 2022/23 (through the March 22 Committee meeting). These reports set the Council's prudential indicators and the treasury strategy for the respective periods. This is a key area for the Committee to monitor, consider and recommend to Full Council for approval amendments to the investment strategy in response to constantly changing market conditions.

#### 4.20 **Annual Statement of Accounts and the AGS** – the Committee:

- i. Held a meeting to scrutinise the draft annual Statement of Accounts for 2020-21;
- ii. Ensured appropriate accounting policies had been followed and considered whether there were any concerns that needed the attention of Council. Following scrutiny, the Committee approved the annual Statement of Accounts; and
- iii. Considered and approved the AGS for 2020-21.

### 5. **Work Programme**

5.1 The Audit Committee can report that the majority of governance functions and processes are well-controlled and delivered.

5.2 Where Internal Audit reports revealed risks of concern, the Committee have asked questions to management to explain their plans to rectify any areas of weakness.

5.3 Recent reports to the Committee have indicated that further work is needed on some areas around anti-fraud and risk management arrangements.



## **6. Training**

- 6.1 A breadth of training opportunities were offered to all Members within 2021-22.
- 6.2 In addition to the above, the following training was specifically made available to members of the Committee to support them in discharging their responsibilities:
- i. Role of Internal and External Audit;
  - ii. Role of the Audit Committee in relation to the Annual Statement of Accounts;
  - iii. Role of the Audit Committee in relation to governance, risk and control;
  - iv. The Committee's standards role; and
  - v. How breaches of the Code of Conduct are dealt with.

## **7. Conclusions**

- 7.1 The Committee has been successful in maintaining oversight of the Council's governance, risk management and internal control framework throughout 2021-22 and providing constructive challenge.
- 7.2 The Committee's work programme is dynamic. The programme is regularly reviewed to ensure the Committee maximises its contribution to the governance and control framework, while ensuring that the agenda for meetings are focused on key issues.
- 7.3 The Committee is committed to ensuring high governance standards are maintained.
- 7.4 During 2022-23, the Committee will continue to be an important source of assurance over the Council's risk management and control environments, and the financial and performance reporting arrangements.
- 7.5 In particular, the Committee will continue to:
- i. Support the work of Internal and External Audit and ensure appropriate responses are given to their recommendations;
  - ii. Monitor actions arising from the AGS Action Plan for 2021-22, to ensure the Council's governance arrangements are effective; and
  - iii. Monitor actions arising from the Risk Management Annual Report 2021-22 Action Plan and support their implementation.

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<b>Meeting:</b>	<b>General Purposes Committee Council</b>	<b>Date:</b>	<b>7 September 2022 29 September 2022</b>
<b>Subject:</b>	<b>Constitutional Changes</b>		
<b>Report Of:</b>	<b>Head of Paid Service</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Tanya Davies, Policy and Governance Manager</b>		
	<b>Email: tanya.davies@gloucester.gov.uk</b>	<b>Tel:</b>	<b>39-6125</b>
<b>Appendices:</b>	<b>1. Record of questions by the public</b> <b>2. Record of questions by Members</b> <b>3. Draft revised Council Procedure Rules</b>		

**FOR GENERAL RELEASE**

**1.0 Purpose of Report**

1.1 In accordance with the decision of Council on 18 November 2021, to review the operation of changes made to the council’s Constitution in respect of public and Member questions to determine whether to recommend to Council a return to previous arrangements or any other changes.

**2.0 Recommendations**

2.1 General Purposes Committee is asked to **RECOMMEND TO COUNCIL** that

- (1) The proposed changes to Council Procedure Rule 10 (Questions by the public) and any consequential changes to other Council Procedure Rules or parts of the Constitution set out in paragraph 3.4 of this report be approved.
- (2) The proposed changes to Council Procedure Rule 12 (Questions by Members) and any consequential changes to other Council Procedure Rules or parts of the Constitution set out in paragraphs 3.9, 3.10, and 3.11 of this report be approved.
- (3) Note that, if agreed, the amendments shall take effect at the close of the Council meeting at which they are agreed.

## 2.2 Council is asked to **RESOLVE** to

- (1) Consider the recommendations of the General Purposes Committee and adopt the proposed changes to the Constitution, subject to:
  - Amending proposed Procedural Rules 10(2)(i) and 12.01(i) to permit questions relating to matters that the council may be able to influence even if it is not directly responsible.
  - Removing the proposed restriction on Members asking a question that is substantially the same as a question which has been put at a meeting of the Council or Cabinet in the past 6 months from the proposed amendments to Procedural Rule 12.01.
  - Removing the proposal for the Managing Director, in consultation with the Mayor, to be able to edit Member questions to bring them into proper form and brevity from the proposed amendments to Procedural Rule 12.01.
  - Making provision for the schedule of Member questions (without the responses) to be circulated to all Members once the order has been agreed by the Managing Director, in consultation with the Mayor.
  - Removing the proposal not to minute questions and responses.
- (2) Note that, if agreed, the amendments shall take effect at the close of the Council meeting at which they are agreed.

## 3.0 **Background and Key Issues**

- 3.1 Following consultation with the General Purposes Committee, Council approved a number of amendments to the Council Procedure Rules contained within the council's Constitution at its meeting on 18 November 2021. The changes related to public and Member questions at council meetings and introduced a requirement to give notice of questions in advance. Council agreed to review the operation of the changes after three ordinary meetings of Council.

### **Questions by the public**

- 3.2 Since the changes took effect, there has been no real impact on the number of questions asked at Council and Cabinet meetings by members of the public, with use of the facility remaining limited despite promotion of the new deadline on the council's social media channels. Several members of the public have made use of the option to have their question read out by an officer, thereby ensuring they can obtain a response to their question without having to physically attend a council meeting. Appendix 1 sets out the number of public questions asked before and after the changes took effect.
- 3.3 While we are promoting the notice requirement on the agenda and via social media, there have been two occasions where a member of the public missed the deadline and each time the relevant Cabinet Member has been happy to allow and answer the question. It is considered that the deadline should be retained as notice of questions in advance ensures that members of the public receive a full answer to any questions. Efforts will always be made to be flexible if members of the public miss the deadline as they are less likely to be aware of procedures, which are not intended to prevent members of the public from engaging in the democratic process.

- 3.4 One additional amendment is proposed to ensure that it is clear to members of the public what they may ask questions about at a public meeting, and that is to elaborate on limitations currently set out in Procedure Rule 10 by stipulating that the Managing Director, in consultation with the Mayor, may edit questions to bring them into proper form and brevity and reject a question if it:
- Is not about a matter for which the local authority has responsibility **or influence**; or
  - Is illegal, improper, defamatory, frivolous or offensive; or
  - Is substantially the same as a question which has been put at a meeting of the Council, Cabinet or Committee in the past 6 months; or
  - Is related to confidential staffing matters; or
  - Is relating to the personal affairs or conduct of individual Members or Officers; or
  - Requires the disclosure of confidential or exempt information.

### **Questions by Members**

- 3.5 Since the changes took effect, there has been a significant increase in the number of questions asked by Members at Council and Cabinet meetings and Appendix 2 sets out the number of public questions asked before and after the changes took effect.
- 3.6 In respect of Cabinet meetings, at the eight meetings prior to the change, a total of 8 questions were asked by Members and they all related to reports on the agenda for the meeting in question. At the eight meetings since the changes took effect, a total of 85 questions have been asked by Members. This is an increase of 963%. Some of the questions asked have related to reports on the agenda, though some of those could have been asked when the reports were received by the Overview and Scrutiny Committee. Most have not related to items on the agenda, indicating that some Members are straying from the informal precedent previously set and are using the facility as another opportunity to question Cabinet Members on any matter relating to their portfolio, which is the purpose of the questions at Council.
- 3.7 In respect of Council meetings, at the 3 meetings prior to the change, a total of 54 questions were asked by Members, 28 of which were spontaneous verbal questions and 26 which were written questions submitted in advance. It should be noted that there was a reduced period of 30 minutes for verbal questions during these meetings, however, it was rare for the full time limit to be utilised. At the 3 meetings since the changes took effect, a total of 129 questions have been asked by Members. This is an increase of 139%.
- 3.8 As a rough estimate, each question response takes a Service Manager approximately 30 minutes to draft, though this could be longer if research is involved, and 5 minutes for a member of the Senior Management Team to review, with more time required if amendments are made. Prior to the changes and based on the figures above, officers spent an estimated 15 hours preparing responses to questions by Members over 3 ordinary Council meetings and 8 ordinary Cabinet Meetings; this equates to approximately 2 days of a full-time post. Since the changes, officers have spent an estimated 125 hours preparing responses to questions by Members over the same number of Council and Cabinet meetings.

This an increase of 733% and equates to approximately 3 weeks and 2 days of a full-time post.

- 3.9 In light of the increasing volume of questions at Council and Cabinet meetings, and to ensure that all Members have a better chance of being able to ask their supplementary questions, it is proposed that a limit of 5 questions per Member per meeting be implemented for both Council and Cabinet meetings. Only 4 Members have asked more than 5 questions at a single meeting and only 2 of those have done so repeatedly, so it is considered that 5 is a reasonable maximum, given that there are a variety of other ways for Members to obtain information.
- 3.10 Furthermore, to ensure that all Members have the opportunity to ask their supplementary questions, while questions will ordinarily be added to the schedule in the order they are received, it is proposed that the order may be amended as necessary by the Managing Director, in consultation with the Mayor, to ensure that all Members have the opportunity to ask supplementary questions within the time available. **The schedule of questions (without responses) will be circulated to all Members when the order of questions has been determined.**
- 3.11 To mirror the existing and proposed arrangements for questions from the public and to ensure that the content of questions and responses comply with the relevant Codes and Protocols within the Constitution, it is proposed that the same limitations be applied to questions by Members, by stipulating that the Managing Director, in consultation with the Mayor, may ~~edit questions to bring them into proper form and brevity and~~ reject a question if it:
- Is not about a matter for which the local authority has responsibility **or influence**; or
  - Is illegal, improper, defamatory, frivolous or offensive; or
  - ~~Is substantially the same as a question which has been put at a meeting of the Council or Cabinet in the past 6 months; or~~
  - Is related to confidential staffing matters; or
  - Is relating to the personal affairs or conduct of individual Members or Officers.

Questions from Members regarding exempt or confidential are permissible under certain conditions and this is detailed in existing Rule 12.04. Any supplementary questions arising from accepted questions that do not comply with the above will not be answered.

### **Minuting of questions**

- ~~3.12 While not covered by the Council Procedure Rules, going forward, questions and responses will not be minuted in detail as this detracts from the purpose of minutes, which is record decisions. Any actions arising from questions and responses will continue to be recorded and followed up by Cabinet Members and Officers.~~

### **Recommendations of the General Purposes Committee**

- 3.13 The General Purposes Committee considered the proposed changes to Constitution at their meeting on 7 September 2022. The Committee resolved to recommend the changes to Council for approval, subject to the following:

1. That the changes proposed to Procedural Rules 10(2)(i) and 12.01(i) are amended to permit questions relating to matters that the council may be able to influence even if it is not directly responsible.
2. That the proposed restriction on Members asking a question that is substantially the same as a question which has been put at a meeting of the Council or Cabinet in the past 6 months be removed from the proposed amendments to Procedural Rule 12.01.
3. That the proposal for the Managing Director, in consultation with the Mayor, to be able to edit Member questions to bring them into proper form and brevity be removed from the proposed amendments to Procedural Rule 12.01.
4. That the schedule of Member questions (without the responses) be circulated to all Members once the order has been agreed by the Managing Director, consultation with the Mayor.
5. That the proposal not to minute questions and responses be removed from the report.

3.14 These recommendations are reflected in the recommendation before Council, through insertions and strike throughs in this report and in the revised version of Appendix 3 to this report.

#### **4.0 Social Value Considerations**

4.1 Not applicable.

#### **5.0 Environmental Implications**

5.1 Not applicable.

#### **6.0 Alternative Options Considered**

6.1 Various alternative options have been considered in drawing up the proposals, including lower and higher limits on the number of questions per Member at Council, and making no changes at all.

6.2 Members may wish to propose further alternatives for consideration.

#### **7.0 Reasons for Recommendations**

7.1 It is considered that the recommendations achieve the right balance between ensuring there is sufficient opportunity to hold the Administration to account without disproportionately impacting on the delivery and management of council services.

#### **8.0 Future Work and Conclusions**

8.1 The proposed amendments, if agreed shall take effect at the close of the Council meeting and therefore be in place for the next ordinary meetings of Council and Cabinet. The changes will be made to the Constitution, which will be republished on the council's website.

8.2 Further reviews and proposed revisions will be made in future to reflect the fact that the Constitution is an evolving document.

## **9.0 Financial Implications**

9.1 None arising from this report.

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

## **10.0 Legal Implications**

10.1 There are no specific legal implications arising from this report. Having a clear procedure for the submission and consideration of public and member questions will provide guidance to those persons who wish to submit questions.

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

## **11.0 Risk & Opportunity Management Implications**

11.1 Not applicable.

## **12.0 People Impact Assessment (PIA) and Safeguarding:**

12.1 A PIA is not applicable at this time because a PIA Screening was undertaken as part of the previous decision-making process, specifically in relation to the changes proposed to Council Procedure Rule 10 (Questions by the Public) and the further changes proposed to that rule relate to the content of questions only.

## **13.0 Community Safety Implications**

13.1 Not applicable.

## **14.0 Staffing & Trade Union Implications**

14.1 Not applicable.

**Background Documents:** None



**Record of public questions**

<b>Council Meeting</b>	<b>Number of questions</b>
March 2021	1
July 2021	1
September 2021	0
November 2021	1
January 2022	3 (2 from the same person)
February (Budget) 2022	0 (not an 'Ordinary' meeting, but public questions are permitted)
March 2022	1
July 2022	1

<b>Cabinet Meeting</b>	<b>Number of questions</b>
January 2021	0
February 2021	0
March 2021	0
June 2021	2
July 2021	0
September 2021	0
October 2021	0
November 2021	0
December 2021	1
January 2022	0
February 2022	0
March 2022	0
April 2022	6 (5 from the same person)
May 2022	0
June 2022	0
July 2022	0

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**Record of Member questions**

<b>Council Meeting</b>	<b>Number of questions</b>
July 2021	8 (8 verbal, 0 written)
September 2021	30 (10 verbal, 20 written)
November 2021	16 (10 verbal, 6 written)
January 2022	23
March 2022	32
July 2022	74

<b>Cabinet Meeting</b>	<b>Number of questions</b>
January 2021	2
February 2021	1
March 2021	1
June 2021	0
July 2021	3
September 2021	0
October 2021	1
November 2021	0
December 2021	5
January 2022	0
February 2022	7
March 2022	1
April 2022	10
May 2022	31
June 2022	24
July 2022	7

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

## **1. ANNUAL MEETING OF THE COUNCIL**

### **1.01 Timing and Business**

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

The annual meeting shall:

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

### **1.02 Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council meeting shall:

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

## **2. ORDINARY MEETINGS ORDER OF BUSINESS**

### **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;
- (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 functions of the Council 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, Licensing and Enforcement Committee Chair, Planning Committee Chair, Audit and Governance Committee Chair or the Head of Paid Service (time limit 10 minutes in total);
- (viii) receive oral questions from Members, including Leader and Cabinet Members' Question Time and Questions to Chairs of Meetings;
- (ix) determine which items of business set out in the summons to the meeting shall be approved without discussion and which items require discussion: after which the Council shall approve those items that can be approved without discussion and then consider the matters reserved for discussion in the following order
  - (a) proposals from the cabinet in relation to the Council's budget and policy framework
  - (b) reports from the Cabinet
  - (c) reports from the Council's Committees
  - (d) reports from the Overview and Scrutiny Committee;
- (x) an exception to the above rules will apply to the budget meeting of Council by the omission of Leader and Cabinet Members' Question Time, and Questions to Chairs of Meetings.

### **3. EXTRAORDINARY MEETINGS**

#### **3.01 Calling Extraordinary Meetings:**

Those listed below may request the Head of Paid Service to call Council meetings in addition to ordinary meetings:

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

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

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

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

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

meeting (to ensure the relevant papers are supplied to the substitute Member), provided that in the event of genuine emergencies, the Chair of the relevant meeting, after consultation with the Head of Paid Service, may approve a Member attending as a deputy without such notice being given.

**5. TIME AND PLACE OF MEETINGS**

Ordinary meetings of Council shall commence at 18.30 hours.

The time and place of other meetings shall be determined by the Head of Paid Service and notified in the Summons.

**6. DURATION OF MEETINGS**

The length of time of Council meetings shall be limited to three hours, but shall only be closed after three hours if a two-thirds majority of those Members in attendance vote to close the meeting.

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

**7. NOTICE OF AND SUMMONS TO MEETINGS**

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

**8. CHAIR OF MEETING**

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

**9. QUORUM**

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

**10. QUESTIONS BY THE PUBLIC**

(1) Subject to the provisions of Rule 2 (Order of Business), at or as soon as reasonably possible after the commencement of business at ordinary meetings of the Council (except the annual meeting), the Cabinet, a Committee, (except the Planning Committee) or a Forum, a period of 15 minutes shall be set aside for members of the public to put questions to the meeting **PROVIDED that no such question shall be allowed in relation to:**

- ~~(i) matters which are the subject of current or pending legal proceedings or~~
- ~~(ii) matters relating to employees or former employees of the Council or comments in respect of individual Council officers~~

(2) The Managing Director, in consultation with the Mayor, may reject a question if it:

- (i) Is not about a matter for which the local authority has responsibility or influence; or
- (ii) Is illegal, improper, defamatory, frivolous or offensive; or



(iii) Is substantially the same as a question which has been put at a meeting of the Council, Cabinet or Committee in the past 6 months; or  
(iv) Requires the disclosure of confidential or exempt information; or  
(v) Is related to confidential staffing matters; or  
(vi) Is relating to the personal affairs or conduct of individual Members or Officers.  
Questions may be edited as necessary by the Managing Director, in consultation with the Mayor, to bring them into proper form and brevity.

- (2) Notice of questions must be given by no later than 12 noon, three clear working days before the day of the meeting. Such notice must be in writing or by electronic mail to the Head of Paid Service, c/o Democratic Services, PO Box 2017, Pershore, WR10 9BJ (e-mail, democratic.services@gloucester.gov.uk). Each question must be supported by the name and address of the questioner.
- (3) Questions will be dealt with in the order they were received. However priority will be given to Gloucester City Council residents.
- (4) Members of the public shall be allowed to ask one question each. Where not all the time set aside for questions by the public is used, members of the public shall be allowed to ask a second question.
- (5) If a member of the public who has submitted a question is unable to be present at the meeting, the question will be put on their behalf by the Mayor or a Council officer.
- (6) All public questions shall be put to the relevant Cabinet Member or Chair to respond.
- (7) Only one answer shall be given in response to an individual question at a meeting and no debate shall be allowed on the question or the response given.
- (8) The Mayor or Chair shall not allow the same question, or substantially the same question, to that put at a previous meeting of the Council, a Committee, or a Forum within the preceding six months, unless circumstances relating thereto have materially changed.

## 11. PETITIONS AND DEPUTATIONS FROM THE PUBLIC

- (1) All petitions received, including e-petitions, shall be dealt with in accordance with the Council's published petitions scheme (Part 5 – Codes and Protocols).
- (2) Subject to the provisions of Rule 2, after the period set aside for public questions as provided in Rule 10, at all ordinary meetings of the Council (except the annual meeting) the Cabinet, a Committee, (except the Planning Committee) or a Forum, a period of 15 minutes shall be set aside for members of the public to present petitions or make deputations to the meeting **PROVIDED** that no such petitions or deputations shall be allowed in relation to:
  - (i) matters relating to individual Council Officers; or
  - (ii) matters relating to current or pending legal proceedings
- (3) Where any petition is presented or any deputation is made, the Mayor or the Chair shall allow only one member of the public to speak on the matter for a reasonable period not exceeding 3 minutes.
- (4) Where a petition is presented or a deputation is made:
  - (i) at a Council meeting, the Mayor shall refer the matter to the appropriate Cabinet Member or Committee Chair to respond on behalf of the Council;
  - (ii) at a Committee, or Forum meeting, the Chair shall respond.
- (5) Only one response shall be given to a petition or deputation and no debate shall be allowed on the petition, deputation or response.

- (6) At the discretion of the responding Cabinet Member or Committee Chair, the subject matter of the petition or deputation may be referred to a future meeting of the Council, the Cabinet, appropriate Committee, or Forum for consideration.
- (7) The Mayor or Chair shall not allow a petition to be presented or a deputation made on the same issue, or substantially the same issue, to that presented or made at a previous meeting of the Council, the Cabinet, a Committee, or a Forum within the preceding six months, unless circumstances relating thereto have materially changed.

## 12. QUESTIONS BY MEMBERS

### 12.01 Leader and Cabinet Members' Question Time

That a period of forty-five minutes be set aside so that any Member of Council may ask the Leader of the Council or any Cabinet Member any question, up to a maximum of 5 questions per Member, upon:

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

The Managing Director, in consultation with the Mayor, may reject a question if it:

(i) Is not about a matter for which the local authority has responsibility or influence;

or

(ii) Is illegal, improper, defamatory, frivolous or offensive; or

(iii) Is related to confidential staffing matters; or

(iv) Is relating to the personal affairs or conduct of individual Members or Officers.

Where there is one opposition Group, the opposition group leader shall have the opportunity to ask the first two questions and where there are two opposition groups, the opposition group leaders shall have the opportunity to ask the first four questions, two questions each respectively. Thereafter, ~~questions will be dealt with in the order they were received including any further questions from opposition group leaders~~ questions will ordinarily be added to a schedule in the order they are received, however, the order may be amended as necessary by the Managing Director, in consultation with the Mayor, to ensure that all Members have the opportunity to ask supplementary questions within the time available. The schedule of questions (without responses) will be circulated to all Members when the order of questions has been determined.

### 12.02 Questions To Chairs of Meetings

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

### 12.03 Notice of Questions

Members may not ask questions unless a written copy of the question has been delivered to the Managing Director, c/o Democratic Services, PO Box 2017, Pershore, WR10 9BJ (e-mail, [democratic.services@gloucester.gov.uk](mailto:democratic.services@gloucester.gov.uk)) by 12 noon five clear working days before the meeting; or

The question relates to:

- A matter which the Chair decides is urgent;
- The Member to whom the question is addressed, has agreed; and
- Notification of the question has been given to the Head of Paid Service at least half an hour before the scheduled start of the meeting.

**12.04 Exempt or Confidential Information**

Unless a Member has first complied with 12.03, they shall not ask any questions or make any statement relating to any decision made by the Cabinet or other Council body, if the statement or decision relates to confidential or exempt information.

Before such a question is asked, the Mayor shall consider inviting the Council to resolve that the meeting, or part of it, shall not be open to members of the public.

**12.05 Response**

Responses to submitted questions will be published in a schedule at least 24 hours prior to the meeting.

Submitted questions and their responses shall normally be taken as read and not read out at the meeting, but a Member may ask one supplementary question to the same person as the original question.

**12.06 Supplementary Questions**

Supplementary questions shall be invited in accordance with the order in the published schedule of questions. No notice has to be given for the supplementary question, but it must arise directly out of the original question or the reply given to that question. Supplementary questions must comply with the criteria set out in 12.01 and any that do not will not be answered. If the supplementary question relates to any decision that relates to confidential or exempt information, then before asking the supplementary question, the Member shall inform the Mayor that is the case. Before the supplementary question is asked, the Mayor of the meeting shall consider inviting the full Council to resolve that the meeting, or part of it, shall not be open to members of the public.

**13. MOTIONS ON NOTICE**

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

**Motions To Be Set Out in Summons**

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

**Selection of Motions**

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

**Motion Not Moved**

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

**Automatic Reference to the Cabinet or Appropriate Committee**

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

**Scope of Motions**

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

**Motions Out of Order**

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

**14. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the Summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to extend the time limit for speeches;
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to suspend a particular Council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules
- (p) to not hear further a Member named under Rule 22.03 or to exclude them from the meeting under Rule 22.04; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

**15. RULES OF DEBATE**

**15.01 Motions and Amendments**

A motion or amendment shall not be discussed unless it has been proposed and seconded and, unless notice has already been given in accordance with Rule 13, it has been put into writing and handed to the Chair before it is further discussed or put to the meeting. Provided that an amendment to Committee minutes shall be moved only after questions under Rule 12.05 have been answered and before Members speak to the minutes.

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

### **15.02 Seconded's Speech**

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

### **15.03 Only One Member to Stand at a Time**

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

### **15.04 Content and Length of Speeches and Questions**

Speeches of Members or questions shall be directed to the matter under discussion or to a personal explanation or to a point of order. No speech or question shall exceed three minutes in length except

- (i) with the consent of the Council
- (ii) the proposer and seconder of a motion or amendment (limited to five minutes)
- (iii) the mover of a motion or the response by an opposition group leader regarding the annual budget statement or the annual work programme (no time limit).
- (iv) other speeches regarding the annual budget statement or the annual work programme (limited to five minutes)

### **15.05 When a Member May Speak Again**

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

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

### **15.06 Amendments to Motions**

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

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

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

Amendments to Motions on Notice shall be given in writing, signed by the Member proposing the amendment (or alternatively by electronic form, provided that the Head of Paid Service is satisfied with proof of identity), and delivered, by noon on the day of the relevant Council meeting, to the Head of Paid Service who will circulate all amendments received to Group Leaders no later than 3.00pm the same day.

### **15.07 Amendments to be Dealt with Singly**

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

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

### **15.08 Effect of Amendment if Carried or Lost**

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

### **15.09 Alteration of Motion**

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

- (a) alteration of a motion of which they have given notice; or
- (b) with the further consent of the seconder alter a motion which the Member has moved;

if (in either case) the alteration is one which could be made as an amendment thereto.

### **15.10 Withdrawal of Motion**

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

### **15.11 Right of Reply**

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

### **15.12 Motions which may be Moved During Debate**

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

- (a) to amend the motion under Rule 15.06;
- (b) to proceed to next business under Rule 15.13(a) below;
- (c) that the question be now put under Rule 15.13(b) below;
- (d) to adjourn the debate or the meeting under Rule 15.13(c) below;
- (e) that the Member named be not further heard on the particular amendment or motion or at the meeting under Rule 22.03;
- (f) by the Chair that a Member do leave the meeting either generally or during consideration of the amendment or Motion before the meeting under Rule 22.04;
- (g) a motion under Section 100A(4) of the Local Government Act 1972, as amended, to exclude the public.

### **15.13 Closure Motions**

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

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

### **15.14 Points of Order or Personal Explanation**

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

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

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

### **15.16 Respect for Chair**

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

### **15.17 Powers of Chair**

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

## **16. PREVIOUS DECISIONS AND MOTIONS**

### **16.01 Motion to Rescind a Previous Decision**

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

### **16.02 Motion similar to one previously rejected**

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

## **17. URGENT ITEMS**

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

## **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.

### **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.

### **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.

## **19. MINUTES**

### **19.01 Signing the Minutes**



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

### **19.02 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

The business transacted at an extraordinary meeting is restricted to the purpose for which the meeting has been called (Rule 3.01 above). An extraordinary meeting is not, therefore, a suitable meeting for the purposes of Rule 19.01 and the signing of the minutes of the preceding meeting will be deferred to the following suitable meeting.

### **19.03 Form of Minutes**

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

### **19.04 No Protest Recorded in Minutes**

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

## **20. RECORD OF ATTENDANCE**

The Policy and Governance Manager will record the names of all Members present during the whole or part of a meeting on the attendance sheets to assist with the record of attendance.

## **21. EXCLUSION OF PUBLIC**

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

## **22. MEMBERS' CONDUCT**

### **22.01 Standing to Speak**

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

### **22.02 Chair Standing**

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

### **22.03 Member not to be Heard Further**

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

### **22.04 Member to Leave the Meeting**

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

### **22.05 General Disturbance**

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

## **23. DECLARATIONS OF INTEREST**

### **23.01 Disclosable Pecuniary Interests**

Where a Member has a Disclosable Pecuniary Interest as defined by Regulations under the Localism Act 2011 or an “other” as described in paragraph 18 of the Councillor Code of Conduct, they will be required to declare that interest and remove themselves to the public gallery during discussion and voting on the item in which they have an interest. The Chair of any meeting at which such an interest is disclosed shall have discretion to exclude the Member from the meeting during the discussion and voting on the item in which the Member has an interest if the Member’s behaviour is considered by the Chair to be having an undue influence on or attempting to put pressure on the Members voting on that item.

### **24. DISTURBANCE BY PUBLIC**

#### **24.01 Removal of a Member of the Public**

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

#### **24.02 Clearance of Part of Meeting Room**

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

### **25. RECORDINGS 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.

### **26. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### **26.01 Suspension**

All of these Council Rules of Procedure except Rule 18.02 and 18.04 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting or for that part of the meeting identified in the motion.

#### **26.02 Amendment**

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

### **27. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to meetings of Full Council. Only Rules 5-11, 14, 18-26 (but not Rule 22.01) apply to meetings of the Cabinet, Committees, Sub-Committees, Forums and Working Parties.

Rule 12 (but not Rule 12.02) also applies to meetings of the Cabinet as follows:

- (a) a period of fifteen minutes is allocated for Leader and Cabinet Members’ Question Time
- (b) notice of questions must be given by 12 noon three clear working days before the meeting
- (c) responses to submitted questions will be published by 12 noon on the day of the meeting.

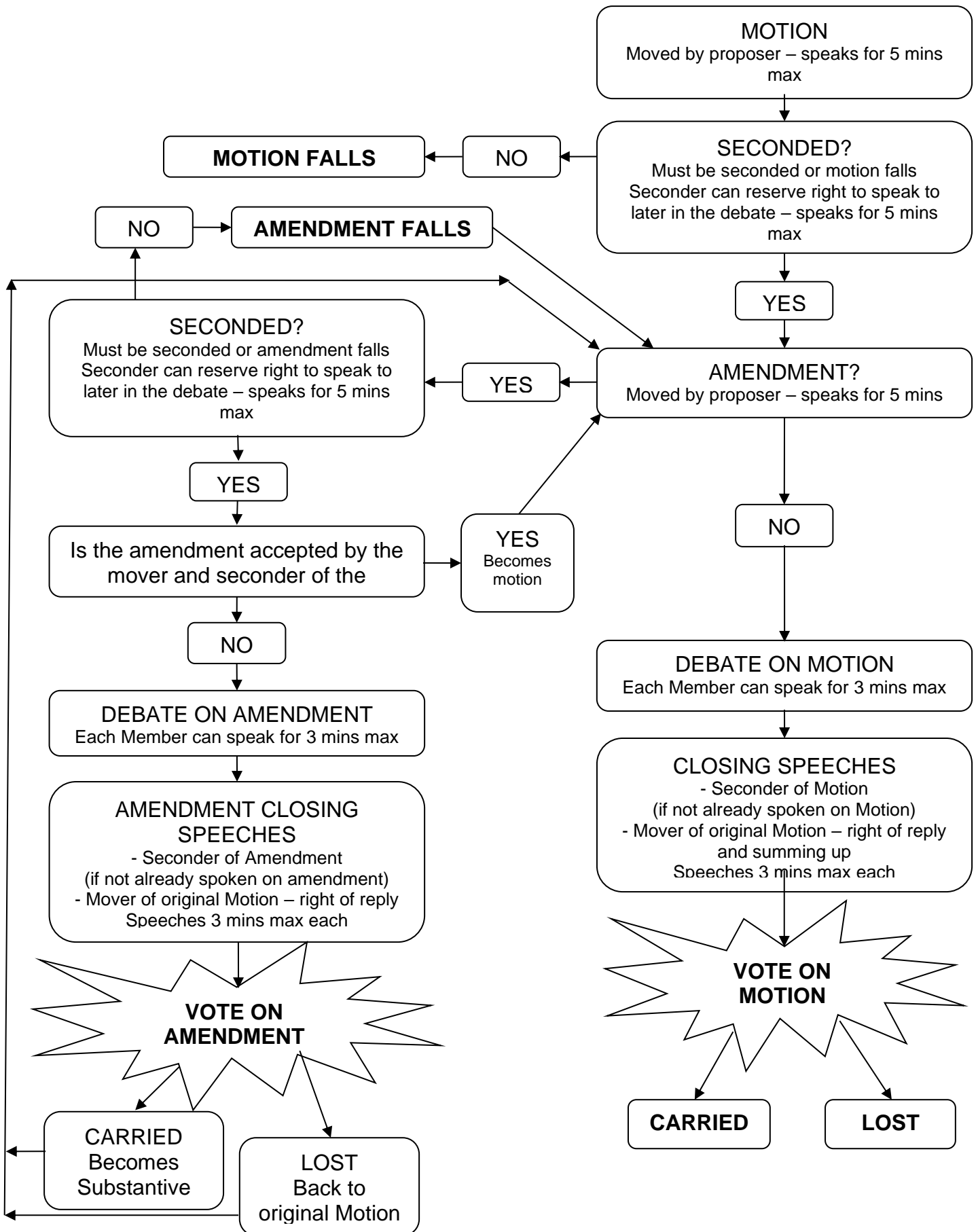
### **28. ORDER OF SENIORITY OF MEMBERS**

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

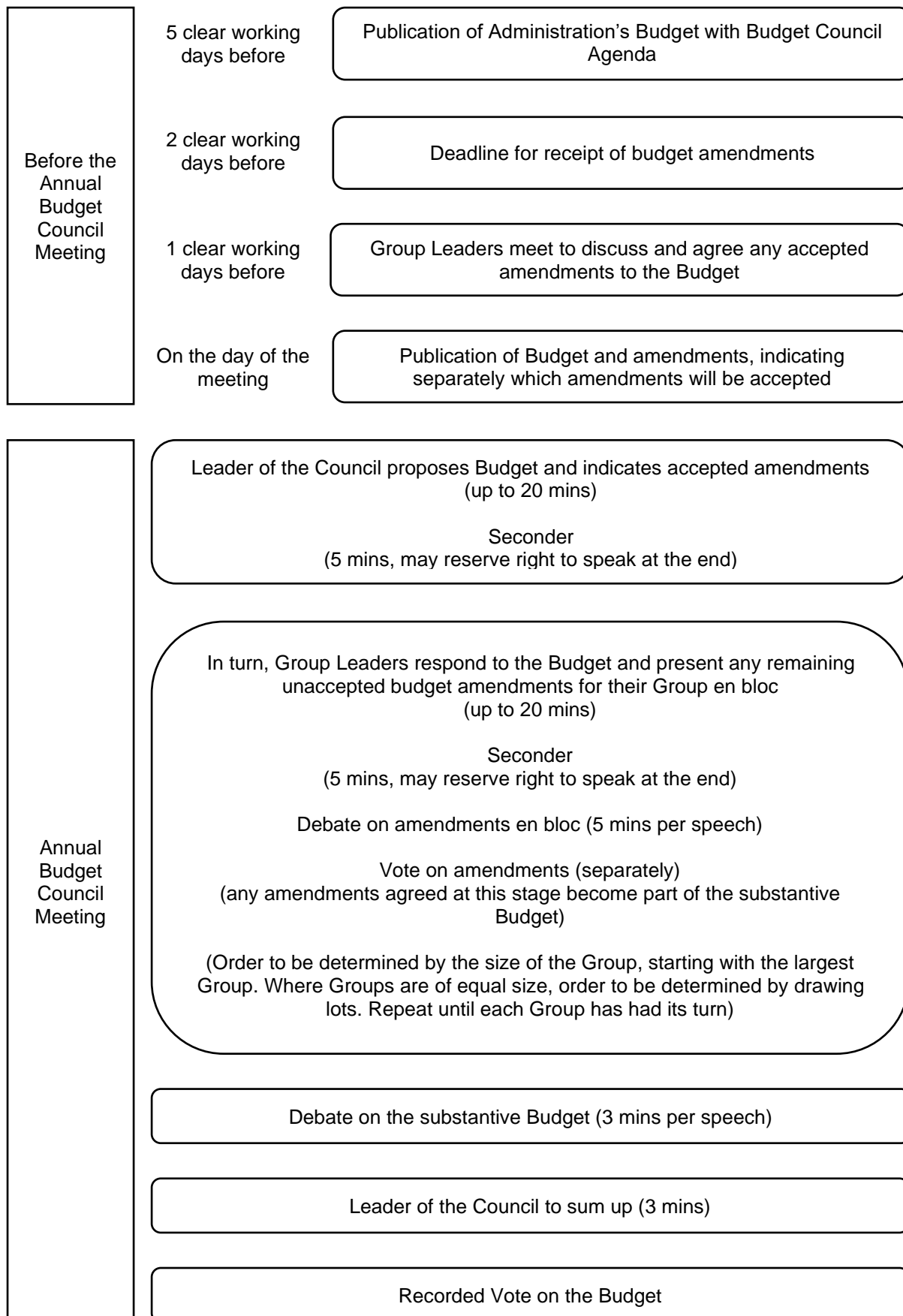
- The Mayor
- The Sheriff and Deputy Mayor
- The Leader of the Council
- The Deputy Leader of the Council
- Cabinet Members (in alphabetical order)
- The Leaders of political groups

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

## 29. Council Debate Flowchart



### 30. Council Budget Flowchart



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<b>Meeting:</b>	<b>Council</b>	<b>Date:</b>	<b>29 September 2022</b>
<b>Subject:</b>	<b>Designation of Monitoring Officer</b>		
<b>Report Of:</b>	<b>Head of Paid Service</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Jon McGinty, Managing Director</b>		
	<b>Email: jon.mcginty@gloucester.gov.uk</b>	<b>Tel:</b>	<b>39-6200</b>
<b>Appendices:</b>	<b>None</b>		

**FOR GENERAL RELEASE**

**1.0 Purpose of Report**

1.1 To designate a Monitoring Officer.

**2.0 Recommendations**

2.1 Council is asked to **RESOLVE** that

- (1) It be noted that the current shared Monitoring Officer arrangements with Stroud District Council are coming to an end;
- (2) The Managing Director be authorised to appoint a locum Monitoring Officer to succeed Stephen Taylor, for a period not exceeding twelve months, and to bring a report to this Council at its next meeting concerning that interim appointment;
- (3) Stephen Taylor’s designation as Monitoring Officer to this Council continue until such time as a successor Monitoring Officer is appointed; and
- (4) It be noted that the Managing Director took an urgent decision on 18<sup>th</sup> August 2022 to extend Stephen Taylor’s designation as Monitoring Officer for the City Council until 30<sup>th</sup> September 2022.

**3.0 Background and Key Issues**

3.1 The Local Government and Housing Act 1989, Section 5, requires all local authorities to designate one of their officers as the “Monitoring Officer”. The Act specifically excludes the Head of Paid Service and the Chief Finance Officer (Section 151 Officer) from being the Monitoring Officer, although any other officer of the Council can be appointed.

3.2 The Act imposes a duty on the Monitoring Officer, if at any time there appears to the Monitoring Officer that any proposal, decision or omission of the Council, or

Committee etc. either has given rise to, or is likely to give rise to, a breach of any law, or any maladministration as would be dealt with by the Ombudsman, to prepare a report to the Council specifying the contravention.

- 3.3 The Monitoring Officer also has a number of responsibilities arising from the Localism Act 2011 relating to Councillor conduct (City and its Parish Council). These responsibilities include dealing with complaints on the Code of Conduct, as well as providing training for Members thereon. There is a close connection with the S151 Officer, and Internal Audit, and the Monitoring Officer is a member of the Corporate Governance Group.
- 3.4 The current functions of the Monitoring Officer are specified in the Constitution, including the Monitoring Officer's Protocol although some of these may be assigned to other officers by the Managing Director. There is no statutory requirement for the Monitoring Officer to be a Solicitor, although the majority are legally qualified and have a commensurate role within a Council.
- 3.5 Council resolved on 23<sup>rd</sup> September 2021 to designate Stephen Taylor as interim Monitoring Officer for an interim period of up to 6 months, but no more than 12 months. The Head of Paid Service took a decision on 31<sup>st</sup> March 2022 to extend this interim appointment until 1<sup>st</sup> September 2022, and then took a decision on 18<sup>th</sup> August 2022 to further extend this designation until 30<sup>th</sup> September 2022, the maximum allowed under this Council delegation.
- 3.6 Stephen Taylor's employment contract at Stroud District Council (through which he was seconded to Gloucester City Council on a part time basis) comes to an end on 23<sup>rd</sup> October 2022, and as he is moving on to a new role elsewhere, he will no longer be able to continue to act as Gloucester City's Monitoring Officer for any appreciable length of time after then.
- 3.7 The Head of Paid Service has been exploring options for recruiting a successor for some time, but it has proved difficult to identify an available and suitable candidate so far. Accordingly, it is suggested that Stephen Taylor's designation as Gloucester's Monitoring Officer be extended further to allow the Head of Paid Service some more time to identify and put in place succession arrangements. It is intended that this be done by the end of October 2022.
- 3.8 As Council is not expected to meet again until November, it is likely that the Head of Paid Service will need to take a decision before the end of October to make an interim appointment to the role of Monitoring Officer, until such time as Council can meet and consider any recommendations.
- 3.9 Having considered the current resource requirement for a Monitoring Officer in Gloucester City Council, the Head of Paid Service is expecting to make an interim appointment to the role on a 2 day/week basis.

#### **4.0 Social Value Considerations**

- 4.1 Not applicable.



## **5.0 Environmental Implications**

5.1 Not applicable.

## **6.0 Alternative Options Considered**

6.1 The option of designating an officer already within the Council was considered but discounted on the basis of insufficient capacity.

6.2 One Legal were approached to see if they could offer these services on an interim basis, but also had capacity pressures that meant they were unable to do so.

## **7.0 Reasons for Recommendations**

7.1 It is a legal requirement that the Council designates one of their Officers as Monitoring Officer. The Head of Paid Service advises that extending Stephen Taylor's designation as Monitoring Officer for a further month, and delegating authority to him to make a further interim appointment thereafter, will provide a better solution for the Council than other options.

## **8.0 Future Work and Conclusions**

8.1 The recommended designation extension for Stephen Taylor will be for a short period of time only and will provide the Head of Paid Service some further time to identify succession arrangements and to make an interim appointment.

## **9.0 Financial Implications**

9.1 The appointment of a new Monitoring Officer on a 2 day/week basis would be approximately double the current resource commitment for Stephen Taylor which is on a one day/week basis. The Director of Policy and Resources has been consulted and considers that this increased cost can be managed as a necessary in-year cost pressure within the Council's overall budgetary management.

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

## **10.0 Legal Implications**

10.1 These are contained within the main body of the report.

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

## **11.0 Risk & Opportunity Management Implications**

11.1 If a Monitoring Officer is not in post, the Council would be in breach of Section 5 Local Government and Housing Act 1989.

## **12.0 People Impact Assessment (PIA) and Safeguarding:**

12.1 None.

### **13.0 Community Safety Implications**

13.1 None.

### **14.0 Staffing & Trade Union Implications**

14.1 The Local Government and Housing Act 1989 effectively requires the person designated as Monitoring Officer to be employed by the Council. The existing secondment agreement between Stephen Taylor, Stroud District Council and Gloucester City Council will cover this proposed designation extension. The Head of Paid Service will need to identify a suitable employment route for any further interim appointment following the 23<sup>rd</sup> October 2021.

**Background Documents:** None