



Wednesday, 5 July 2023

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, 13th July 2023** at **6.45 pm** for the purpose of transacting the following business:

AGENDA

1. **APOLOGIES**

To receive any apologies for absence.

2. **MINUTES (Pages 11 - 18)**

To approve as a correct record the minutes of the Council Meeting held on 22 May 2023.

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 9-14) 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 questions do not contravene the provisions set out Council Procedure Rule 10(2).

To ask a question at this meeting, please submit it to democratic.services@gloucester.gov.uk by 12 noon on Friday 7 July 2023 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. **LOCAL DEVELOPMENT SCHEME AND TIMETABLE FOR CHELTENHAM, GLOUCESTER AND TEWKESBURY STRATEGIC AND LOCAL PLAN (Pages 19 - 28)**

To consider the report of the Cabinet Member for Planning and Housing Strategy seeking adoption of the Gloucester City Council Local Development Scheme (LDS) 2023-2026, which outlines the timetable for preparing statutory development plan documents in the city.

10. **CONSTITUTIONAL CHANGES (Pages 29 - 74)**

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

11. **ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2022-23 (Pages 75 - 98)**

To consider the report of the Chair of the Overview and Scrutiny Committee setting out the work and achievements of the Committee during 2022-23.

12. **APPOINTMENTS**

Council is asked to note that Councillor Hyman has replaced Councillor Trimnell on the Overview and Scrutiny Committee.

13. **DESIGNATION OF CHIEF FINANCE OFFICER (S151 OFFICER) (Pages 99 - 102)**

To consider the report of the Head of Paid Service seeking the designation of a S151 Officer, in accordance with Section 151 of the Local Government Act 1972.

14. **URGENT DECISION REPORTED TO COUNCIL**

In accordance with Part 4 of the Constitution, Council is asked to note the urgent decision of the Managing Director to purchase Microsoft Licensing for all on premise servers, M365 applications, and security products. The Chair of the Overview and Scrutiny Committee's agreement was obtained to waive the call in period and the decision record has been circulated and can be viewed on the Council's website.

MOTIONS FROM MEMBERS

15. NOTICES OF MOTION

1. PROPOSED BY COUNCILLOR FIELD

“This council

Acknowledges the climate emergency our planet is experiencing

Recognises that loss of insects and pollinators will be disastrous for ecosystems

Believes that planters in built up areas can benefit pollinators, enhance neighbourhoods and be a boon for residents’ mental health.

Council therefore resolves to:

Identify locations for planters in Gloucester City

Work with partners, local businesses, and residents' groups, to pay for and maintain them once installed

Continue to identify and maintain wildflower sites

Speak to the county council and Stagecoach about installing ‘Bee Stops’ at some bus stops in the city

Encourage other ideas to support pollinator planting.”

2. PROPOSED BY COUNCILLOR HILTON

“This council notes that on the 8th of June 2023 the government withdrew its Animal Welfare (Kept Animals) Bill from the parliamentary process.

This council notes that the Conservative Party’s 2019 manifesto set out a series of commitments on animal welfare policy.

The Animal Welfare (Kept Animals) Bill aimed to address a number of these commitments in a single legislative step.

Amongst the pledges in the manifesto the Conservative government stated that:

- We will crack down on the illegal smuggling of dogs and puppies.
- We will end excessively long journeys for slaughter and fattening.
- We will ban keeping primates as pets.

This council records its regret that the Animal Welfare (Kept Animals) Bill has been withdrawn.

Council agrees to write a letter to the Secretary of State Department for Environment, Food & Rural Affairs and the two MPs representing the city of

Gloucester to express regret that the government has abandoned its manifesto pledge by withdrawing The Animal Welfare (Kept Animals) Bill."

3. PROPOSED BY COUNCILLOR O'DONNELL

"We note that safety around schools are getting ridiculous with drivers not caring where they park is increasing, often on blind bends, there has also been a child from a local high school knocked off his bike on Cotswold Road, because of the parked cars blocking view. We have cars speeding down roads near schools showing no care about people even children crossing the road. Therefore, I would like to motion that schools and community centres to be given the authority to issue fines themselves, and the money put back into said community - the problem is it requires a change in the law, which neither City nor County Council has the power to actually make happen.

Therefore, this Council agrees to write to the relevant Cabinet Member at the County Council asking them to do more to prevent illegal and unsafe parking outside schools and community centre in order to stop a lot of the anti-social drivers."

4. PROPOSED BY COUNCILLOR A. CHAMBERS

"Every elected member and employee of this Gloucester City Council – along with our partner agencies- is a corporate parent to the children in care in our City.

We are all responsible for providing the best possible care, safeguarding and outcomes for the children who are looked after in our City. Whilst obligations mainly fall under the County Council, there are many lifechanging, health and well being changes this city council can do to promote the health and wellbeing of children in care in our city.

Our young people in care or who have left care have the right to expect everything from a corporate parent that would be expected from a responsible and good parent. This includes how families continue their support, care, and ambition for their children after they leave home and gain independence

As an adult how many times in life do you stop and think, "where do I go from there." Imagine what that must like for a young person.

On their own with no one to help or advise. Just think about for it a minute.

I believe we must make important steps to support our cared for and care experienced children better and introduce these 6 key priorities as an EMERGENCY and to work with the County Council to consider enshrining these policies within Gloucester City Council Plan.

1. Make all our care leavers exempt from Council Tax up to the age of 25.
2. Continue Care Leavers Band 1 / Gold priority on our housing register enshrined/ committed in Gloucester City Council processes and procedures to

a minimum of year 2050.

3. Provide specialist support to any Care Leavers facing homelessness without the use of B&B.
4. Guarantee Care Leavers support in producing CVs and provide access to our current available apprenticeships and available jobs in the City Council.
5. Gloucester City Council commit to guaranteed interview for all Care Leavers for apprenticeships within Gloucester City Council.
6. To request all Gloucester City Council partners/sub-contractors and suppliers consider recruiting where possible care leavers into their organisation.

We are determined that every decision made in this City Council and every policy set here considers the impact on young people in care and those who have experienced the care system.

This motion proposes including “young people in care” and “care experienced people” as an additional characteristic in all of our Equality Impact Assessments. This will give them a formal recognition and make sure that all decisions that are made and policies that are set consider their specific needs and the impact on them.

This will have a real tangible impact on people who have experienced care. We want to make it easier for young people to gain employment at the Council and to develop into senior roles – with guaranteed interview schemes, mentoring and support and reasonable adjustments made to support employees with care experience.

We also want to see our procurement and commissioning of our services to consider the impact on young people with care experience, in the same way as other protected and additional characteristics are and make extra effort to ensure that they can access all of our services.

We have a commitment to our young people. To ease them into independence. To allow them to build a prosperous, healthy, and happy future.

These proposals will ensure our young people have the tools to do just that.

This Council therefore request that One Legal (who provide legal services to the Council) provide advice on the inclusion of “young people in care” / “care experienced people” as an additional characteristic in the Council's Equality Impact Assessments as well as introducing and implementing the 6 key priorities.”

5. PROPOSED BY COUNCILLOR O'DONNELL

“City Council Residents & City council councillors have noted an increase in cost of living poverty mainly in the deprived areas of Gloucester City.

Food bank usage has risen, requests for vouchers for food and electric help has risen as well as shop lifting and petty theft crime.

Daily reports from residents on health and well-being concerns are on the increase and I receive regular messages and phone calls from local residents struggling with daily life due to poverty.

Many of the councillors sat here may have never experienced this type of poverty and the effects on the health and well-being of the parents as well as that of their children.

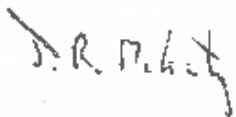
I ask that our Council pass a motion declaring a Poverty Emergency, and look into the feasibility of setting up a Poverty Truth Committee that works closely with other local councils and the partners we work with. But not forgetting working with and hearing from the residents in the community that need this support. As sadly these are often the forgotten few who are not heard and not listened to.

As well as bringing on a suicide help group to the Poverty Truth committee in order to understand and engage with those who may be at risk of hurting themselves or members of their family due to the pressures of poverty.

This will help ‘our aim of tackling the root causes of poverty and inequalities in our community’, as well as improving the health and well-being of residents and looking to help reduce the number of people who sadly take their lives from feeling that there is no help available.

This poverty truth committee will help make valuable changes and new policies which will save lives and is critical to the success of our city and Council.”

Yours sincerely



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 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.

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 : Monday, 22nd May 2023

PRESENT : Cllrs. Hyman (Mayor), J. Brown (Sheriff & Deputy Mayor), Cook, Norman, S. Chambers, Padilla, Hilton, Pullen, Gravells MBE, Tracey, Morgan, Wilson, Bhaimia, Williams, D. Brown, Taylor, Field, Patel, Toleman, Brooker, Finnegan, Bowkett, Ackroyd, Castle, A. Chambers, Chambers-Dubus, Conder, Dee, Durdey, Evans, Hudson, Kubaszczyk, O'Donnell, Radley, Sawyer, Campbell and Trimnell

Others in Attendance

Managing Director
Monitoring Officer
Director
Head of Culture
Head of Place
Financial Services Manager
Policy and Governance Manager
Democratic and Electoral Services Team Leader

APOLOGIES : Cllrs. Lewis and Zaman

1. BY-ELECTION RESULTS

1.1 Council noted the election of Councillor Rebecca Trimnell (Liberal Democrat) to the Westgate ward for the by-election that took place on 30 March 2023.

2. ELECTION OF MAYOR

2.1 Moved by Councillor Finnegan, seconded by Councillor Morgan.

2.2 **RESOLVED** – That Councillor Williams be elected Mayor of the City of Gloucester until the Annual Council Meeting in 2024.

3. ELECTION OF SHERIFF AND DEPUTY MAYOR

3.1 Moved by Councillor Norman, seconded by Councillor Brooker.

3.2 **RESOLVED** – That Councillor Hudson be elected Sherriff and Deputy Mayor of the City of Gloucester until the Annual Council Meeting in 2024.

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4. MINUTES

4.1 The minutes of the meeting held on 23 March 2023 were signed and approved as a correct record by the Mayor.

5. DECLARATIONS OF INTEREST

5.1 There were no declarations of interest.

6. ANNOUNCEMENTS

6.1 The Mayor thanked Members for their electing her Mayor. She announced that the Civic Charities for the coming year were the City Farm and the Music Works.

7. NOMINATIONS TO THE GLOUCESTER CITY HOMES BOARD

7.1 Councillor S. Chambers moved and Councillor Cook seconded that the Council surrenders its right to appoint to the Board of Gloucester City Homes (GCH). Councillor S. Chambers noted that GCH was one of a number of housing providers in the City but the only one to which the Council appointed. GCH's housing stock was not the Council's and it would be more equitable for each provider to be on a 'level playing field.' She further stated that there was nothing to preclude Members from applying to be on the Board in a personal capacity.

7.2 Councillor Wilson stated that while the Council had approved the transfer of housing stock on a cross-party basis in 2015, there had been a commitment to maintain a degree of oversight and that the Liberal Democrat Group would not be supporting the proposal.

7.3 Councillor Pullen concurred and stated that for similar reasons, the Labour Group would not support the proposal.

7.4 **RESOLVED** – That the Council surrender its right to appoint up to two Council Board Members to the Gloucester City Homes Board.

8. APPOINTMENTS TO COMMITTEES, CONSULTATIVE FORUMS AND WORKING GROUP AND NOMINATIONS FOR CHAIRS OF COMMITTEES AND VICE-CHAIRS FOR 2023/24

8.1 **RESOLVED** – That:

(1) The Schedule of appointments of Members to Committees, Consultative Forums and Working Groups for 2023/24 be approved.

(2) In respect of the above, the Council in accordance with Council Procedure Rules appoint all Members as named deputies for all those meetings (with the exception of Cabinet, Planning Committee and

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Licensing and Enforcement Committee) to which the Member has not been appointed.

- (3) That the nominations for Chair and Vice Chair of Committees, as set out in the schedule, be noted and that each Committee at its first meeting in the new municipal year 2023-24 confirms and appoints its Chair and Vice Chair.

9. APPOINTMENTS TO OUTSIDE BODIES FOR 2023/24

- 9.1 Councillor Hilton moved an amendment that Councillor Hyman be appointed to the vacant position as board member of Gloucester City Homes. The amendment was not accepted.
- 9.2 **RESOLVED that:-** That the Schedule of Appointments to Outside Bodies for the municipal year 2023-24 be approved.

10. NOTICES OF MOTION

- 10.1 Councillor A. Chambers proposed and Councillor O'Donnell seconded the following motion:

This Council notes:

1. In the year ending March 2020, there were around 46,000 (selected) offences involving a knife or sharp instrument in England and Wales.
2. 293 knife or sharp instrument offences recorded by police in Gloucestershire between 2021 and 2022
3. The ONS reported that more than 46,000 offences involving knives or sharp instruments were recorded by police in the year ending March 2020.
4. Gloucester city has a growing young population and has witnessed an increase of violent crime in recent years involving knives and sharp objects.
5. One of the most recent incidents at the time of submitting this motion involved a teenager who suffered a significant knife wound after being stabbed in at a Gym at our Gloucester Docks.
6. Tackling knife crime and violence is a key priority for the Council which requires a whole system approach. This is addressed not just by Gloucester City Council, but in partnership with other key agencies such as the Gloucestershire Police, Police Crime Commissioner, public health and wider partners in the County Council.
7. Gloucester City Council Community well being team is committed to investigate the effectiveness of bleed control kits in saving lives and to assess the first aid training available in schools and will make a

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recommendation to the Community Safety Partnership on the intervention for consideration of inclusion in its Action Plan.

This Council believes:

1. That every measure needs to be taken to save the lives of victims of violent knife crime and congratulates The Ramarni Trust for its work in promoting the use and installation of Bleed Control Kits around the City.
2. The Ramarni Trust was established by his family after Ramarni was stabbed to death in December 2021.
3. A Bleed Control Kit is a small critical injury pack which contains specialised dressings, a tourniquet, instructions and other specialised medical supplies designed to stop or control the severe bleeding that often follows when someone is stabbed.
4. The public access kits are designed to be used by non-emergency personnel in much the same way that heart defibrillators ('shock machines') specifically designed for use by those with no First Aid training are becoming a common sight in Gloucester and the UK.
5. While we still need an effective Public Health approach to reduce the catastrophe that is knife crime, Bleed Control Kits can be another way to treat victims.

This Council resolves:

1. To direct support the Community Wellbeing team to work with The Ramarni Trust, the NHS, Gloucestershire Police Service and the South Western Ambulance Service NHS Foundation Trust to develop the best strategy for the deployment of Bleed Control Kits across the City of Gloucester.
2. To seek sponsorship of Bleed Control Kits from commercial partners to reduce costs of purchase and installation go Bleed Control Cabinets.
3. To work with introduce First Aid training into every Gloucester City secondary schools and colleges classroom in the City of Gloucester to assess the first aid training that is available and to increase the potential benefits of any Bleed Control Kits that have to be used.
4. To publicly thank Ramarnis Family for their tireless efforts in memory of Ramarni to establish The Ramarni Trust and hope that their good work saves many lives.
5. For City Council licencing team to investigate making Bleed control cabinets a licence condition at Gloucester City licenced premises

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6. For City Council licencing team to investigate making a trained Bleed control responder a licence condition at Gloucester City licenced premises who has been trained how to specifically apply a tourniquet.

10.2 Councillor Norman moved and Councillor Padilla seconded the following amendment:

“This Council notes:

1. In the year ending March 2020, there were around 46,000 (selected) offences involving a knife or sharp instrument in England and Wales.
2. 293 knife or sharp instrument offences recorded by police in Gloucestershire between 2021 and 2022.
3. ~~The ONS reported that more than 46,000 offences involving knives or sharp instruments were recorded by police in the year ending March 2020.~~
4. Gloucester city has a growing young population and ~~has witnessed an increase of violent crime in recent years involving knives and sharp objects~~ **who we must educate in relation to the dangers of knife crime.**
5. One of the most recent incidents at the time of submitting this motion involved a teenager who suffered a significant knife wound after being stabbed in at a Gym at our Gloucester Docks.
6. Tackling knife crime and violence is a key priority for the Council which requires a whole system approach. This is addressed not just by Gloucester City Council, but in partnership with other key agencies such as the Gloucestershire Police, Police Crime Commissioner **Commissioner**, public health and wider partners in the County Council.
7. ~~Gloucester City Council Community well being team is committed to investigate the effectiveness of bleed control kits in saving lives and to assess the first aid training available in schools and will make a recommendation to the Community Safety Partnership on the intervention for consideration of inclusion in its Action Plan.~~

This Council believes:

1. That every measure needs to be taken to save the lives of victims of violent knife crime. and ~~congratulates The Ramarni Trust for its work in promoting the use and~~ **This Council thanks all groups who work tirelessly in our city to support this goal and the** installation of Bleed Control Kits around the ~~City~~.
2. ~~The Ramarni Trust was established by his family after Ramarni was stabbed to death in December 2021.~~

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3. A Bleed Control Kit is a small critical injury pack which contains specialised dressings, a tourniquet, instructions and other specialised medical supplies designed to stop or control the severe bleeding that often follows when someone is stabbed.
4. The public access kits are designed to be used by non- emergency personnel in much the same way that heart defibrillators ('shock machines') specifically designed for use by those with no First Aid training are becoming a common sight in Gloucester and the UK.
5. ~~While we still need an effective~~ **That provision of the kits alone will not provide real change. Stakeholders should work on a** Public Health approach to reduce the catastrophe that is knife crime, ~~Bleed Control Kits can be another way to treat victims.~~

This Council resolves:

1. To direct ~~support~~ the Community Wellbeing team to work with ~~The Ramarni Trust~~ **all community groups who are trying to combat knife crime**, the NHS, Gloucestershire Police Service and the South Western Ambulance Service NHS Foundation Trust to develop the best strategy for the deployment of Bleed Control Kits across the City of Gloucester.
 2. To seek sponsorship of Bleed Control Kits from commercial partners to reduce costs of purchase and installation go Bleed Control Cabinets.
 3. To ~~work with~~ **support lobbying Gloucestershire County Council and NHS Foundation Trust to** introduce First Aid training into every Gloucester City secondary schools and colleges classroom ~~in the City of Gloucester to assess the first aid training that is available and to increase~~ **which would include** the potential benefits of any **using** Bleed Control Kits ~~that have to be used.~~
 4. To publicly thank ~~Ramarnis Family~~ **all community groups** for their tireless efforts in memory of Ramarni ~~to establish The Ramarni Trust and hope that their good work saves many lives~~ **tackling knife crime in the city of Gloucester.**
 5. For City Council licencing team to investigate making Bleed control cabinets a ~~licence condition at Gloucester City~~ **recommendation to licensees as part of the local Gloucester licensing policy for licenced premises in the city.**
 6. For City Council licencing team to investigate making a trained Bleed control responder **(trained in how to apply a tourniquet)** a ~~licence condition at Gloucester City licenced premises who has been trained how to specifically apply a tourniquet~~ **recommendation to licensees as part of the local Gloucester licensing policy for licenced premises."**
- 10.3 The mover of the original motion accepted the amendment which therefore became the substantive motion. The motion as amended was carried.

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10.4 RESOLVED that:-

This Council notes:

1. In the year ending March 2020, there were around 46,000 (selected) offences involving a knife or sharp instrument in England and Wales.
2. 293 knife or sharp instrument offences recorded by police in Gloucestershire between 2021 and 2022.
3. Gloucester city has a growing young population who we must educate in relation to the dangers of knife crime.
4. One of the most recent incidents at the time of submitting this motion involved a teenager who suffered a significant knife wound after being stabbed in at a Gym at our Gloucester Docks.
5. Tackling knife crime and violence is a key priority for the Council which requires a whole system approach. This is addressed not just by Gloucester City Council, but in partnership with other key agencies such as the Gloucestershire Police, Police Crime Commissioner, public health and wider partners in the County Council.

This Council believes:

1. That every measure needs to be taken to save the lives of victims of violent knife crime. This Council thanks all groups who work tirelessly in our city to support this goal and the installation of Bleed Control Kits around the city.
2. A Bleed Control Kit is a small critical injury pack which contains specialised dressings, a tourniquet, instructions and other specialised medical supplies designed to stop or control the severe bleeding that often follows when someone is stabbed.
3. The public access kits are designed to be used by non- emergency personnel in much the same way that heart defibrillators ('shock machines') specifically designed for use by those with no First Aid training are becoming a common sight in Gloucester and the UK.
4. That provision of the kits alone will not provide real change. Stakeholders should work on a Public Health approach to reduce the catastrophe that is knife crime.

This Council resolves:

1. To direct the Community Wellbeing team to work with all community groups who are trying to combat knife crime, the NHS, Gloucestershire Police Service and the South Western Ambulance Service NHS

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Foundation Trust to develop the best strategy for the deployment of Bleed Control Kits across the City of Gloucester.

2. To seek sponsorship of Bleed Control Kits from commercial partners to reduce costs of purchase and installation go Bleed Control Cabinets.
3. To support lobbying Gloucestershire County Council and NHS Foundation Trust to introduce First Aid training into every Gloucester City secondary schools and colleges classroom which would include the potential benefits of using Bleed Control Kits.
4. To publicly thank all community groups for their tireless efforts in tackling knife crime in the city of Gloucester.
5. For City Council licencing team to investigate making Bleed control cabinets a recommendation to licensees as part of the local Gloucester licencing policy for licenced premises in the city.
6. For City Council licencing team to investigate making a trained Bleed control responder (trained in how to apply a tourniquet) a recommendation to licensees as part of the local Gloucester licencing policy for licenced premises.

Time of commencement: 3.00 pm hours

Time of conclusion: 5.45 pm hours

Chair



Meeting:	Cabinet Council	Date:	12 July 2023 13 July 2023
Subject:	Local Development Scheme and Timetable for Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan		
Report Of:	Cabinet Member for Planning and Housing Strategy		
Wards Affected:	All		
Key Decision:	Yes	Budget/Policy Framework:	Yes
Contact Officer:	Adam Gooch		
	Email: adam.gooch@gloucester.gov.uk	Tel:	39-6836
Appendices:	1. Local Development Scheme 2023-2026		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 To seek adoption of the Gloucester City Council Local Development Scheme (LDS) 2023-2026, which outlines the timetable for preparing statutory development plan documents in the city. It is a statutory requirement under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended). The published version of Gloucester’s LDS (2022) requires revision as the timetable has been refreshed and the plan making approach changed. As such, an up-to-date LDS is required.

2.0 Recommendations

2.1 Cabinet is asked to **RECOMMEND** to Council that:

- (1) the updated Local Development Scheme (Appendix 1) be adopted and takes effect immediately
- (2) Council delegate authority to the Head of Place, in consultation with the Cabinet Member for Planning and Housing Strategy, to prepare the Local Development Scheme for publication correcting any minor errors such as spelling, grammar, typographical and formatting changes that do not affect the substantive content of the Local Development Scheme.

2.2 Council is asked to **RESOLVE** that:

- (1) the updated Local Development Scheme (Appendix 1) be adopted with immediate effect.
- (2) authority be delegated to the Head of Place, in consultation with the Cabinet Member for Planning and Housing Strategy, to prepare the Local Development Scheme for publication correcting any minor errors such as spelling, grammar,

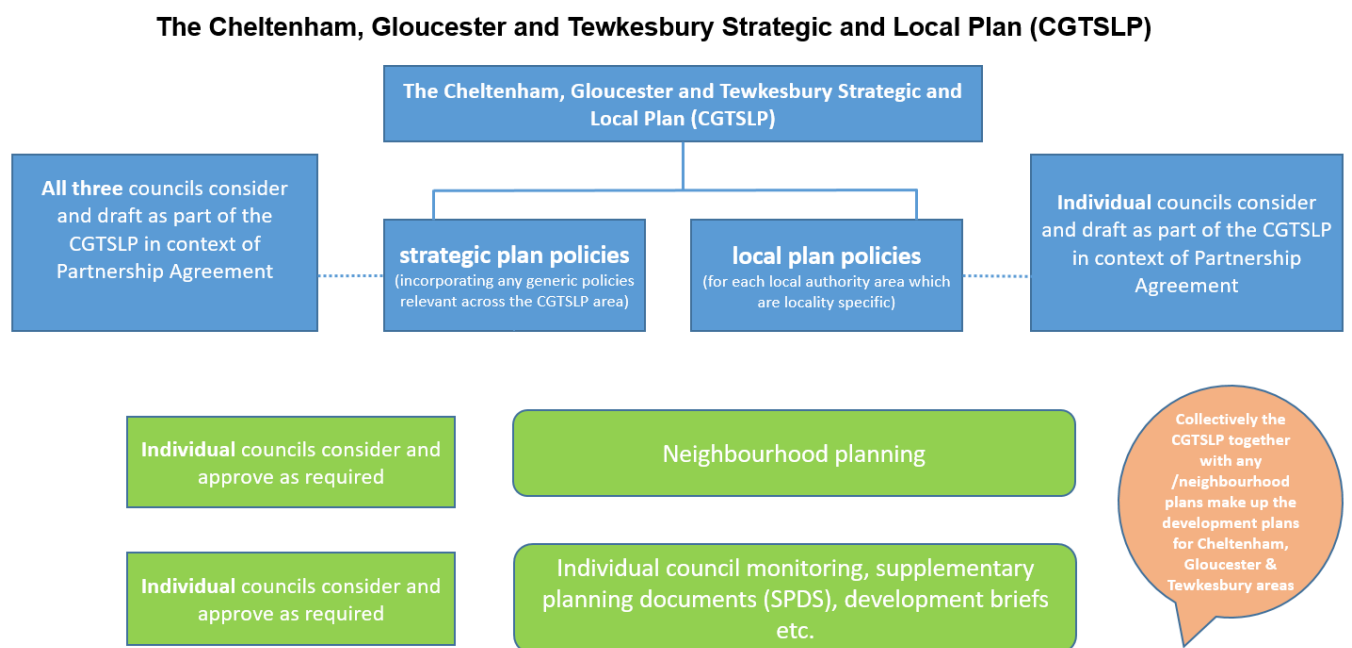
typographical and formatting changes that do not affect the substantive content of the Local Development Scheme.

3.0 Background and Key Issues

- 3.1 Local Planning Authorities are required by law to prepare, publish, and maintain a Local Development Scheme (LDS) setting out the timetable for preparing statutory Development Plan Documents (DPD), which form the Local Plan.
- 3.2 The Council's current LDS was adopted in 2022 and needs updating. There are a number of reasons for this including:
 - Extensive evidence base development
 - Uncertainties arising from government changes
 - Need to make efficient use of resources
- 3.3 Part of Gloucester's development plan, the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011 – 2031 (JCS) is now beyond 5 years post adoption and in line with government guidance needs to be updated.
- 3.4 The partner authorities have discussed and agreed in principle their commitment to the benefits of continued joint working and the LDS sets out the programme. The continued reasons for this include:
 - The three authorities share functional economic and housing market areas.
 - Administrative boundaries are tightly drawn around the large built-up areas, and therefore the duty to co-operate across boundaries remains key.
 - Infrastructure demands go beyond administrative boundaries, and
 - Strategic and local highway and public transport networks operate across the area, if we are going to drive modal shift, managing investment and interventions across boundaries will be key.
- 3.5 The LDS presents a commitment to work on a combined development plan that covers all strategic and local policies for the three authorities. This will see the creation of a new '*Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan*' (CGTSLP) which will replace the JCS and the local district plans in each area in time. For Gloucester the local district plan is the Gloucester City Plan 2011-2031 (adopted January 2023).
- 3.6 Like the previous JCS, the CGTSLP will set out the strategic development strategy; development requirements (jobs, houses and retail); joint strategic and generic policies as well as locally specific policies. The CGTSLP will replace the JCS in its entirety. Taking climate change as the golden thread, this will be a key steer to establishing the spatial distribution of development. The CGTSLP will also contain locality based policies that address any area/community specific issues agreed by individual councils and supporting the joint general and strategic policies of the CGTSLP.
- 3.7 There are a number of potential benefits to a single plan approach including:
 - a) Demonstrating a clear "Duty to Co-operate" for cross boundary issues.

- b) Co-ordination with Gloucestershire County Council as strategic planning, highway and education, etc. authority would be embedded through the combined DPD.
- c) Single point of engagement with national bodies such as the Environment Agency, Homes England and National Highways.
- d) Local plans are required to be justified with robust evidence base around areas such as housing and employment needs, land availability, transport impacts, flood risk, Green Infrastructure, Biodiversity Net Gain, renewable energy and Green Belt. A combined DPD means co-ordination of the evidence base and ensure it is consistent across the area, as well as potential cost savings.
- e) A combined DPD would require just one Public Examination, rather than four for the combined area, if a one strategic and three separate district plans were prepared.
- f) Cost savings in terms of producing a combined evidence base, and holding one Public Examination, as well as a focus of time and resources.

3.8 The diagram below sets out the approach.



3.9 An updated Partnership Agreement will provide the safeguards that sets out the terms and conditions for the operation of the partnership. This would include a clear protocol that individual districts would not seek to fetter the discretion of the other district authorities in the drafting of the local plan policies.

3.10 Government guidance on plan making articulates the role of the development plan, which is to “set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. It is essential that plans are in place and kept up to date.”

3.11 Planning is at the heart of place making, strengthening the connection between people and the places they share. The new CGTSLP will aim to sustainably deliver new homes, jobs, and connected and active communities. The development plan is at the heart of the planning system and will be a fundamental tool in helping to support the council's priorities to build a greener, healthier, and sustainable city, as set out in the Council Plan 2022 - 2024.

4.0 Social Value Considerations

4.1 No impact.

5.0 Environmental Implications

5.1 The government requires the plan making process to address the impacts of climate change and plan for sustainable development.

6.0 Alternative Options Considered

6.1 An alternative option would be to progress a single strategic and local plan just for Gloucester. However, the geography of the three councils is such that there are very strong inter-relationships and dependencies in housing, employment, infrastructure and transport patterns. The combined approach would simplify the duties around cross-boundary co-ordination and evidence collation.

6.2 Another alternative would be to work in partnership with Cheltenham and Tewkesbury councils to prepare a 'strategic plan' for the whole area and then to prepare a more detailed plan for Gloucester. This would mirror the approach taken since 2017. In doing so the benefits outlined of 3.7 of this report would not be realised, and as such this is not a recommended approach.

7.0 Reasons for Recommendations

7.1 The purpose of the LDS is to set out the Local Development Documents that are to be Development Plan Documents (DPDs) and which will be prepared by the Authority. The LDS also needs to give details as to what they will contain and timescales for their production. It is important that plans for the future of the city are produced in a timely and efficient manner. If they are not, development which is necessary for the city's continued growth and prosperity may be delayed or abandoned, the coordination of housing development and infrastructure provision may be difficult to achieve and there is the potential for development to be approved on appeal in locations that the Authority does not consider suitable.

8.0 Future Work and Conclusions

8.1 It is intended that on the approval of the LDS, a dedicated team will be created on behalf of the three authorities to take forward the process of making the CGTSLP.

9.0 Financial Implications

9.1 The financial costs to update and publish the LDS are included within the funds set aside for the Joint Strategic Plan. Any future updates to the LDS would need to be costed on an individual basis.

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

10.0 Legal Implications

- 10.1 The preparation and maintaining of a Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area (development plan documents), the subject matter and geographical area to which each document is to relate, which if any are to be prepared jointly with one or more other local planning authorities and the timetable for the preparation and revision of those documents. The Local Plan, together with Neighbourhood Plans as well as any Mineral and Waste Local Plans, make the Development Plan for the Council.

Section 28 of the Planning and Compulsory Purchase Act 2004 provides that where a development plan document is prepared jointly by two or more local planning authorities any step which may be or is required to be taken in relation to the document (including adoption) must be done by each of the authorities.

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

11.0 Risk & Opportunity Management Implications

- 11.1 If the council does not have an up-to-date LDS then it will not be performing part of its statutory duty.

12.0 People Impact Assessment (PIA) and Safeguarding:

- 12.1 A PIA is not applicable for the LDS which is a timetable. A PIA screening will be required for future decisions relating to the creation and adoption of any plan.

13.0 Community Safety Implications

- 13.1 None

14.0 Staffing & Trade Union Implications

- 14.1 None

Background Documents: None

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Local Development Scheme 2023-2026

Adopted XXXXXX

**Gloucester
City Council**

1. Introduction

- 1.1 Gloucester City Council has a statutory duty to maintain an up-to-date LDS¹. This LDS sets out the Development Plan Documents (DPDs)² that will be prepared and the programme for their preparation. This LDS supersedes any previously published LDS.

Proposed Development Plan Document (DPD)

- 1.2 Gloucester City Council, in conjunction with Cheltenham Borough Council and Tewkesbury Borough Council, are intending to produce one DPD as can be seen in Figure 1.

Figure 1: Proposed Development Plan Document

The Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan (CGTSLP) (produced by Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council)	
Role and subject / geographical coverage	<p>This will set out the development strategy; development requirements; policies (strategic and non-strategic) and site allocations for Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council.</p> <p>Strategic plan policies – drafted jointly by Gloucester City Council, Cheltenham Borough Council and Tewkesbury Borough Council with the support of Gloucestershire County Council</p> <p>Gloucester local plan policies – drafted by Gloucester City Council</p>
When adopted, will supersede	<ul style="list-style-type: none"> i. Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2011-2031 (adopted December 2017); ii. Gloucester City Plan 2011-2031 (adopted Jan 2023); and iii. Remaining, yet to be replaced ‘saved’ policies of the City of Gloucester Local Plan (1983)
Timetable – Key Stage³	

¹ Section 15 of the [Planning and Compulsory Purchase Act 2004 \(as amended\)](#)

² A document setting out the Council’s planning policies and proposals. They are subject to community involvement, consultation and independent examination by an independent Planning Inspector

³ Regulation references taken from [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012\) as amended](#)

Consultation on Spatial Options and Key Policy Areas (Regulation 18)	Commencing October 2023
Consultation on Preferred Options (Regulation 18)	Commencing March 2025
Consultation of Pre-submission (Regulation 19)	Commencing January 2026
Submission to Secretary of State (Regulation 22)	April 2026
Stages below subject to Planning Inspector Programme	
Hearings (sometimes referred to as Examination in Public ⁴) (Regulation 24) and Major Modifications Consultations (the latter if needed)	TBC
Inspector's final report sent to LPA (Regulation 25)	TBC
Adoption (Regulation 26)	TBC

Policies Map

- 3.1 The Policies Map spatially illustrates policies contained in DPDs on an Ordnance Survey base map. The Policies Map will be updated as the CGTSLP is progressed. The Policies Map will show matters including:
- i. designations, e.g. settlement boundaries; and
 - ii. site allocations, e.g. sites may be allocated for a variety of uses including housing.

4 Neighbourhood Plans

- 4.1 Neighbourhood Plans are prepared to timescales that are set by the qualifying body, such as Quedgeley Town Council or a designated Neighbourhood Forum, and not by Gloucester City Council. Therefore, the timetable for their preparation is not contained within this LDS. Following successful examination and referendum, Neighbourhood Plans become part of the statutory Development Plan.
- 4.2 For communities that may wish to develop their own Neighbourhood Plan, information can be found via [Neighbourhood Plans](#).

⁴ The examination begins when the Plan is submitted to the Planning Inspectorate and is completed when the final report is sent to the Local Planning Authorities.

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Gloucester City Council

Meeting:	General Purposes Committee Council	Date:	19 June 2023 13 July 2023
Subject:	Constitutional Changes		
Report Of:	Head of Paid Service		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Alice McAlpine, Monitoring Officer Email: alice.mcalpine@gloucester.gov.uk		
Appendices:	<ol style="list-style-type: none"> 1. Unified Gloucestershire Councils Member Code of Conduct 2. Revised Arrangements for dealing with Standards Allegations under the Localism Act 2011 <ol style="list-style-type: none"> 2A. Comparison of revised Arrangements for dealing with Standards Allegations under the Localism Act 2011 against current Arrangements for dealing with Standards Allegations under the Localism Act 2011 3. New Officer/Member Protocol 		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To propose changes to the Code of Conduct, Arrangements for dealing with Standards Allegations under the Localism Act 2011 and the Member/Employee Code of Conduct within the Council's constitution. The report also seeks authority to update the Part 3 of the Constitution (Scheme of Delegation) and the Overview and Scrutiny Procedure Rules in relation to the Call-In procedure.

2.0 Recommendations

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

- (1) The Unified Gloucestershire Code of Conduct as set out in Appendix 1 to the report is adopted.
- (2) The amended Arrangements for dealing with Standards Allegations under the Localism Act 2011 as set out in Appendix 2 is adopted.
- (3) The new Member/Officer Protocol as set out in Appendix 3 is adopted.
- (4) The Scheme of Delegation in Part 3 of the Constitution is amended in accordance with paragraph 3.8 of this report.

- (5) Rule 14 of the Overview and Scrutiny Procedure Rules is amended in accordance with paragraph 3.9 of this report.
- (6) Authority is delegated to the Monitoring Officer and Managing Director to correct references to the Council Solicitor throughout the Constitution to either the Director, One Legal or Monitoring Officer as appropriate and to make any other minor and consequential amendments arising from this decision.

2.2 Council is asked to **RESOLVE** that:

- (1) It adopts the Unified Gloucestershire Code of Conduct as set out in Appendix 1.
- (2) It adopts the amended Arrangements for dealing with Standards Allegations under the Localism Act 2011 as set out in Appendix 2.
- (3) It adopts the new Member/Officer Protocol as set out in Appendix 3.
- (4) The Scheme of Delegation in Part 3 of the Constitution is amended in accordance with paragraph 3.8 of this report.
- (5) Rule 14 of the Overview and Scrutiny Procedure Rules is amended in accordance with paragraph 3.9 of this report.
- (6) It delegates authority to the Monitoring Officer and Managing Director to make amendments arising from the senior staff restructure adopted on 15 May 2023 and to make any other minor and consequential amendments arising from this decision.

3.0 Background and Key Issues

Unified Gloucestershire Code of Conduct

- 3.1 The Monitoring Officers for the seven principal Gloucestershire Councils have worked together to draft a Gloucestershire wide Member Code of Conduct which has regard to the Local Government Association's model code of conduct but also takes into account the collective experience of the Monitoring Officers of the Gloucestershire councils both in operating their own codes of conduct and in having Members who are elected to more than one council.
- 3.2 There is considered to be a number of benefits to the council adopting the Unified Gloucestershire Code of Conduct and these include:
 - 3.2.1 for those elected to more than one council there will be a single code of conduct that applies across the councils;
 - 3.2.2 providing greater clarity and consistency for Members and the general public about the standards of behaviour that are expected of elected representatives when in their official capacity;
 - 3.2.3 where complaints are made against a Member the same considerations will apply irrespective of the council to which the complaint is made. This will reduce duplication and allow a single investigation of the complaint to be undertaken.
 - 3.2.4 enabling the sharing of experience and training resources across and between Gloucestershire councils.

- 3.3 As at the date of this report the Unified Gloucestershire Code of Conduct has been adopted by Cheltenham Borough Council; Cotswold District Council; Forest of Dean District Council; Gloucestershire County Council and Stroud District Council.
- 3.4 The key differences between the currently adopted code of conduct and the proposed Unified Gloucestershire Code of Conduct are:
- 3.4.1 it provides more detail on what the expected principles of behaviour mean and how these should be demonstrated.
- 3.4.2 it introduces new obligations in relation to compliance with the Council's ICT policy and following the Local Authority Code of Publicity.
- 3.4.3 the amended drafting in the Unified Gloucestershire Code of Conduct that relates to Members Registers of Interest adds clarity and the new wording should aid understanding of Members' responsibilities in relation to declaring interests.

Arrangements for dealing with Standards Allegations under the Localism Act 2011

- 3.5 Minor Amendments are proposed to the Arrangements for dealing with Standards Allegations under the Localism Act 2011. The amendments bring the arrangements into alignment with other council's arrangements and will demonstrate the importance of the code of conduct to Members and provide transparency to the process for those who make a complaint against a member which is upheld either following Local Resolution or a Local Hearing.
- 3.6 The differences between the current arrangements and the amended arrangements are shown as track changes at Appendix 2 A.

Member/Officer Protocol

- 3.7 Given the work undertaken in relation to the Unified Gloucestershire Code of Conduct, the review of the Arrangements for dealing with Standards Allegations under the Localism Act 2011 and following the LGA Corporate Peer Challenge and the approval of the Action Plan by Cabinet on 3 May 2023 it is proposed that a new Officer/Member Protocol is adopted. The new protocol has been drafted to clarify the mutual roles and responsibilities of Officers and Members to foster good working practices in relation to such matters as decision making, access to information and advice. The drafting is based on good practice and other councils commended on how the Members and Officers work together. It is to be noted that whereas the previous protocol referred to Employees and Members if is advised that the reference should be to Officers as this is considered to be more appropriate in the context of the Constitution.

Amendments to Part 3D: Officer Non-Executive Functions and Part 3E: Executive Arrangements

- 3.8 It is proposed that changes are made to Part 3D and Part 3E of the Constitution to ensure that any delegations of Officers set out in with non-Executive or Executive decisions revert to the Managing Director in the event that the specified Officer was absent or the Officer role was vacant.

- 3.8.1 Changes proposed to Line 2 of Table 3 of Part 3D under the heading of “Managing Director”.
Discharge any non-Executive Function which is delegated to an officer ~~under Part 3D.~~
- 3.8.2 Changes proposed to Line 1 of Table 5 of Part 3E under the heading of “Managing Director”.
Discharge any Executive Function which is delegated to an officer ~~under Part 3E.~~
- 3.8.3 These amendments are required for the efficient running of the Council and allow decisions to be taken in a timely way. The amendments are also considered to add clarity to these delegations.
- 3.9 It is proposed that the following clarifying amendment is made to Rule 14 of the Overview and Scrutiny Procedure Rules:
- 3.9.1 An additional sub paragraph be added as 14 (e) “Call in does not apply to decisions made by the Cabinet, an individual Cabinet Member or a Committee of the Cabinet, or an Executive decision made by an officer with delegated authority from the Cabinet, or an Area Committee or under joint arrangements that make recommendations to Council because those decisions are in fact recommendations and will not be implemented in any event until the matter has been considered and decided by Council”.

4.0 Social Value Considerations

- 4.1 Not applicable.

5.0 Environmental Implications

- 5.1 Not applicable.

6.0 Alternative Options Considered

- 6.1 Council could decide not to adopt the updated documents as part of the Constitution. This is not recommended as it is considered that the new code of conduct, the revised Arrangements for dealing with Standards Allegations under the Localism Act 2011 and the new Member/Officer Protocol provide additional clarity to the role of Members, transparency for Members of the public and addresses the recommendation of the LGA Corporate Peer Review to review of role of Members, specifically member/officer relations, member conduct, and clarity on roles and responsibilities.
- 6.2 Council could decide not to agree the proposed amendments to Part 3 of the Constitution and the Overview and Scrutiny Procedure Rules. This is not recommended as the proposed amendments support effective and timely decision making by the council.

7.0 Reasons for Recommendations

- 7.1 The adoption of the Unified Gloucestershire Code of Conduct, the amendments to the Arrangement for dealing with Standards Complaints under the Localism Act 2011 and the adoption of the new Member/Officer Protocol is considered to be good

practice as they take into consideration experience and guidance published since these parts of the constitution were last reviewed and revised.

- 7.2 The proposed amendments to Part 3 of the Constitution and to the Overview and Scrutiny Procedure Rules are considered to support efficient decision making.

8.0 Future Work and Conclusions

- 8.1 It is proposed that if the revised documents are adopted, they shall take effect at the close of the Council meeting. The changes will be made to the Constitution, which will be republished on the Council's website as soon as reasonably practicable.
- 8.2 Further reviews and proposed revisions will be made before the end of this municipal year specifically in relation to amendments to the Officer Code of Conduct and the adoption of a Social Media Protocol to reflect the changes in the new code of conduct and the new Officer/Member Protocol. The Constitution is an evolving document and there is a rolling programme of review and updating.
- 8.3 Training on the amended Code of Conduct and associated Protocols will be incorporated into the induction programme following the Council elections in May 2024. It is recommended that all Councillors, not only new Councillors, attend this training.

9.0 Financial Implications

- 9.1 There are no direct financial implications arising from the recommendations.

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

10.0 Legal Implications

- 10.1 The Council must have a constitution and the requirements of the constitution are set by statute. It is considered good practice to keep the Constitution under review and update is as appropriate to reflect changing legislation, practice and to ensure that it supports the efficient functioning of the Council.
- 10.2 The principal statutory provisions relating to standards of conduct for Members are set out in the Localism Act 2011 (the "2011 Act"). Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members. Section 27 and 28 of the 2011 require the Council to adopt a Code of Conduct and have arrangements in place to investigate any complaints made against Members and make decisions on any complaints.
- 10.3 There are no legal implications arising from the proposed amendments to Part 3 of the Constitution and the Overview and Scrutiny Procedure Rules.

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

13.0 Community Safety Implications

13.1 Not applicable

14.0 Staffing & Trade Union Implications

14.1 Not applicable

Background Documents: None

Draft APRIL 2023

Gloucester City Council

CODE OF MEMBERS' CONDUCT

**Adopted on [] taking effect on
[]**

Contents

- I Introduction
 - II Scope of the Code of Conduct
 - III General Principles of Councillors' Conduct
 - IV Rules of Conduct
 - V Registration of Interests
 - VI Declaration of Interests and Restrictions on Participation
 - VII Duties in respect of the Arrangements for Dealing with Standards Complaints under the Localism Act 2011
 - VIII Dispensations
 - IX Definitions
- Appendix A – Disclosable Pecuniary Interests
- Appendix B – Other Registrable Interests

I. Introduction

1. This Code of Conduct (Code) is adopted pursuant to the Council's duty to promote and maintain high standards of conduct by Members of the Council.

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

II. Scope of the Code of Conduct

2. The Code applies to Members whenever acting in their official capacity as a Member of Gloucester City Council, including;
 - (a) when engaged in the business of Gloucester City Council including Ward business or representing the Council externally;
 - (b) when behaving so as to give a reasonable person the impression of acting as a representative of Gloucester City Council.

This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Council and any Protocols and Policies which may be adopted from time to time by the Council.
4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.¹

¹ Section 34 Localism Act 2011

III. General Principles of Members' Conduct

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of a breach of the provisions of the Code.

- *Selflessness*
- *Integrity*
- *Objectivity*
- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

7. Members shall observe the following rules:-

General Requirements

- (1) **Do** treat everyone with respect.
- (2) **Do not** bully any person.
- (3) **Do not** harass any person
- (3) **Do** promote equalities and **do not** discriminate unlawfully against any person.

- (4) **Do not** use your position improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code.
- (5) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- (6) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless–
- (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is –
 - (a) reasonable and in the public interest; and
 - (b) made in good faith and in compliance with the reasonable requirements of the Council.
- Before making any disclosure under (iv) above, the written advice of the Monitoring Officer must be sought and considered.
- (7) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (8) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.
- (9) **Do** not behave in a manner which brings your role or the Council into disrepute.
- (11) **Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When using the resources of the Council, or authorising the use of those resources by others:

- (12) **Do** act in accordance with the Council's requirements including the requirements of the Council's ICT Policy.
- (13) **Do** ensure that such resources are not used for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or to the office to which you have been elected or appointed.
- (14) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

When making decisions on behalf of, or as part of, the Council:

- (15) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- (16) **Do** have regard to advice provided to you by the Council's Officers, particularly that provided by the Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
- (17) **Do** be as open as possible about your own decisions and actions and those of the Council and be prepared to give reasons for those decisions and actions.
- (18) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

V. Registration of Interests

- 8. Members shall observe the following rules when registering their interests.

- (1) **Do**, within 28 days of taking office as a Member (or Co-opted Member), notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other registrable interest as defined in Appendix B.
- (2) **Do**, within 28 days of the date of a disclosure referred to in Paragraph 9(2) of this Code, notify the Monitoring Officer of the interest.
- (3) **Do** notify the Monitoring Officer of any new interest (disclosable pecuniary or other registrable interest) or change to any registered interest within 28 days of the date of that change.
- (4) **Do** approach the Monitoring Officer if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

VI. Declaration of Interests and Restrictions on Participation

Members must observe the following rules:-

9. Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (1) **Do** disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- (2) **Do** ensure that, if your interest is not entered in the Council's Register, you disclose the interest to the meeting as required in 9(1) above and that you notify the Monitoring Officer of the interest within 28 days in accordance with Paragraph 8(3) of this Code.
- (3) **Do** withdraw from the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting unless a dispensation has been granted.
- (4) **Do not**, as a member of the Council's executive, exercise any executive functions in respect of any matter in which you have a disclosable pecuniary interest (Appendix A). You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

10. Other Interests (Other Registrable Interests Appendix B and Non - registrable Interests)

Where a matter, in which

either you have an interest as specified in Appendix B (other registrable interests),

or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than it would affect the majority of other Council taxpayers, ratepayers or inhabitants of the Ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship

(including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- (3) **Do** ensure that you disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.

- (4) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,
 - (a) it affects the financial position of an interest specified in Appendix B (other registrable interests)

 - (b) it affects your financial position or well-being or that of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associateor
 - (c) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in (a) and (b) aboveand a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in Paragraph 10(4) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

- (5) **Do not**, as a member of the Council's executive, exercise any executive functions in respect of any matter in which you have an interest as described in 10(4) above. You should notify the Monitoring Officer of the interest and take no steps or further steps in the matter.

VII. Duties in respect of the Arrangements for dealing with Standards Complaints under the Localism Act 2011

11. Members shall observe the following:-

- (1) **Do** undertake training on the Code of Conduct as required by the Council.
- (2) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the Council.
- (3) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with his or her Authority's Code of Conduct.

- (4) **Do** comply with any sanction imposed on you following a finding that you have failed to comply with the Code of Conduct.

VIII. Dispensations

12. Where a Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code, the Member may apply to the Monitoring Officer for a dispensation.
13. The Council may grant a Member a dispensation to participate in a discussion and vote on a matter at a meeting even if the Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an other registrable interest (Appendix B) or non-registrable interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code.

IX. Gifts and Hospitality

14. When offered gifts or hospitality in your capacity as a Member of the Council, the following rules must be observed.
 - (1) **Do not** accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
 - (2) **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £100 within 28 days of its receipt. (Appendix B).

- (3) **Do** register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

IX. Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.
2. "Close associate" means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage ("close association" shall be construed accordingly).
3. Harassment is conduct, on at least two occasions, that causes alarm or distress or puts people in fear of violence
4. "Meeting" is a meeting of the Council, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Council.
5. "Member" is an elected Member or a Co-opted Member of the Authority.
"Co-opted Member" is a person who is not a Member of the Council but who is either a Member of any Committee or Sub-Committee of the Council, or a Member of, and represents the Council on, any Joint Committee or Joint Sub-Committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.
6. "Member of your family" means:

- Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);
 - A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; or the partners of any of these persons;
 - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; or the partners of any of these persons.
7. "Monitoring Officer" is the Monitoring Officer to Gloucester City Council.
 8. "Pending notification" is an interest which has been notified to the Monitoring Officer but which has not been entered in the Council's Register in consequence of that notification.
 9. Respect means politeness and courtesy in behaviour, speech, and in the written word.
 10. "The Act" is the Localism Act 2011.
 11. "The Council" is Gloucester City Council.
 12. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
 13. "Well-being" means general sense of contentment and quality of life.
 14. Excepted functions are functions of the Council in respect of

- (i) housing, where the Member is a tenant of the Council provided that those functions do not relate particularly to the Member's tenancy or lease;
- (ii) an allowance, payment or indemnity given to Members;
- (iii) any ceremonial honour given to Members; and
- (iv) setting Council tax or a precept under the Local Government Finance Act 1992.

Disclosable Pecuniary Interests

The interests set out below are “Disclosable Pecuniary Interests” in accordance with the Localism Act 2011 and Members must notify the Monitoring Officer in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member (M) or of any of the following**:

- the Member’s spouse or civil partner;
- a person with whom the Member is living as husband and wife; or
- a person with whom the Member is living as if they were civil partners;

and the Member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
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 relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (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 area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where – (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; 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 the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- (a) "the Act" means the Localism Act 2011;
- (b) "body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) "director" includes a member of the committee of management of an industrial and provident society;
- (d) "land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (e) "M" means a member of a relevant authority;
- (f) "member" includes a co-opted member;
- (g) "relevant authority" means the authority of which M is a member;

- (h) "relevant period" means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) "relevant person" means M or any other person referred to in section 30(3)(b) of the Act;
- (j) "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(b) and other securities of any description, other than money deposited with a building society.

Other Registrable Interests

The interests set out below are “other registrable interests” which must be notified to the Monitoring Officer in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Monitoring Officer of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management (including where you have been appointed or nominated by the Council.)
Public/Charitable and Other External Bodies	Any body – (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union). of which the Member of the Council is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £100 or more.

ARRANGEMENTS FOR DEALING WITH STANDARDS

ALLEGATIONS UNDER THE LOCALISM ACT 2011

1 Context

1.01 These “Arrangements” set out how you may make a complaint that an elected or co-opted Member of this Council or of Quedgeley Town Council has failed to comply with the relevant Council’s adopted Code of Conduct and sets out how the Council will deal with allegations of a failure to comply with the Council’s adopted Code of Conduct.

1.02 Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the Council or of Quedgeley Town Council, or of a Committee or Sub-Committee of the Council, has failed to comply with the relevant authority’s adopted Code of Conduct can be investigated and decisions made on such allegations.

1.03 Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before making a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member or a Member or co-opted Member of Quedgeley Town Council against whom an allegation has been made.

2 The Code of Conduct

2.01 The Council has adopted a Code of Conduct for Members, which is set out in Part 5 of this Constitution and is available for inspection on the Council’s website and on request by contacting democratic.services@gloucester.gov.uk or 01452 396203.

2.02 Quedgeley Town Council is also required to adopt a Code of Conduct. If you wish to inspect Quedgeley Town Council’s Code of Conduct, you should refer to the Town Council’s website or request the town clerk to allow you to inspect the Town Council’s Code of Conduct.

3 Making a complaint

3.01 If you wish to make a please complete the Complaint form that is available on the Council’s website or can be requested from Democratic Services (democratic.services@gloucester.gov.uk or 01452 396203).

3.02 The Complaint form should then be sent either in hard copy or by email to –

The Monitoring Officer

Gloucester City Council

PO Box 2017

Pershore

WR10 9BJ

Or –

democratic.services@gloucester.gov.uk

3.03 The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of Members' interests and is responsible for administering the system in respect of complaints in respect of Member misconduct.

3.04 The complaint form will require you to provide the Council with your name and a contact postal address or email address, so that the Council is able to acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case the Council will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. PLEASE NOTE that the Council does not normally investigate anonymous complaints unless there is a clear public interest in doing so.

3.05 The Monitoring Officer will acknowledge receipt of the complaint to you within 5 working days of receiving it and will keep you informed of the progress of your complaint as appropriate.

4. Will the complaint be investigated?

4.01 The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within ten (10) working days of the date of acknowledgement of the complaint. When the Monitoring Officer has taken a decision, they will inform you of their decision and the reasons for that decision.

4.02 Where the Monitoring Officer requires additional information in order to come to a decision, they may come back to you for such information, and may request information from the Member against whom your complaint is directed. Where your complaint relates to a Quedgeley Town Councillor, the Monitoring Officer may also inform the Clerk to the Town Council of your complaint and seek the views of the Clerk to the Parish Council before deciding whether the complaint merits formal investigation.

4.03 Where appropriate the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that their conduct was not in accordance with the Council's adopted code of conduct and offering an apology, or other remedial action taken by the Council. Where the Member or the Council make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.04 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies. In some cases, at their discretion, the Monitoring Officer may refer the complaint to the Audit and Governance Committee to decide whether or not it should be investigated or other action taken.

5 How is the investigation conducted?

5.01 The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix One to these arrangements.

5.02 If the Monitoring Officer decides that a complaint merits formal investigation, they will appoint an Investigating Officer, who may be another senior officer of the Council, an officer of another council or an external investigator who in the opinion of the Monitoring Officer is of suitable experience and standing. The Investigating Officer will decide whether they need to meet or speak

to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer may wish to interview.

The Investigating Officer would normally write to the Member against whom you have made a complaint and provide them with a copy of the complaint. The Investigating Officer will also ask the Member to provide their explanation of events and identify what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.

5.03 In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can remove your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed to a stage where notifying the Member of your name and address is appropriate.

5.04 At the end of their investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any factual matter in that draft report with which you disagree or which either you or the Member considers requires more consideration.

5.05 Having received and taken account of any comments which are made on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the adopted Code of Conduct?

6.01 The Monitoring Officer will review the Investigating Officer's report and, if they are satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the Member concerned and, if relevant, to the Clerk of Quedgeley Town Council, where the complaint relates to a Quedgeley Town Councillor, notifying you that they are satisfied that no further action is required, and providing a copy of the Investigating Officer's final report to both you and the Member. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.01 The Monitoring Officer will review the Investigating Officer's report and will then **either** send the matter for Hearing before the Hearings Panel or, after consulting the Independent Person, seek Local Resolution.

(a) Local Resolution

(a)(i) The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, they will consult with the Independent Person and with you (as complainant) and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that their conduct breached the Council's adopted code of conduct and offering an apology, and/or other remedial action by the Council.

(a)(ii) The Monitoring Officer's decision shall be set out in a formal decision notice. A copy of the formal decision shall be sent to the complainant, to the Member and, if appropriate, to the Town

Council. The formal decision notice will be made available for public inspection on the Council's website.

(a) (iii) If the Member complies with the suggested resolution as set out in the formal decision notice no further action will be taken.

(b) Hearing

(b)(i) If the Monitoring Officer considers that Local Resolution is not appropriate, or you are not satisfied by the proposed resolution, or the Member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a Hearing before deciding whether the Member has failed to comply with the adopted Code of Conduct and, if so, whether to take any action in respect of the Member.

(b)(ii) The Council has agreed a procedure for Hearings, which is attached as Appendix Two to these arrangements.

(b)(iii) Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give their response to the Investigating Officer's report, in order to identify what in the Investigating Officer's report is likely to be agreed and what is likely to be in contention at the Hearing, and the Chair of the Hearings Panel, who will be a member of the Audit and Governance Committee may determine the process to be followed by the sub-committee at the Hearing and how it will be conducted. At the Hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the adopted Code of Conduct. For this purpose, the Investigating Officer may ask you, as the complainant, to attend and give evidence to the Hearing. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearing as to why they consider that they did not fail to comply with the adopted Code of Conduct.

(b)(iv) The Hearing sub-committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearing sub-committee concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the Hearing sub-committee will then consider what action, if any, the Hearing sub-committee should take as a result of the Member's failure to comply with the adopted Code of Conduct. In doing this, the Hearing sub-committee will give the Member an opportunity to make representations to the Hearing sub-committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 What action can the Hearing sub-committee take where a Member has failed to comply with the adopted Code of Conduct?

8.01 The Council has delegated to the Hearing sub-committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain the high standards of conduct expected of Members. Accordingly the Hearing sub-committee may –

(a) Censure or reprimand the Member;

(b) Publish its findings in respect of the Member's conduct;

- (c) Report its findings to Council or to the Town Council for information;
- (d) Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that they are removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Recommend to Council that the Member be replaced as Executive Leader;
- (g) Instruct the Monitoring Officer to or recommend that the Town Council arrange training for the Member;
- (h) Remove, or recommend to the Town Council that the Member be removed, from all outside appointments to which he/she has been appointed or nominated by the Council or by the Town Council;
- (a) Withdraw, or recommend to the Town Council that it withdraws, facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- (j) Exclude, or recommend that the Town Council exclude, the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.02 The Hearings sub-committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9 What happens at the end of the Hearing?

9.01 At the end of the hearing, the Chair will state the decision of the Hearing sub-committee as to whether the Member failed to comply with the Council's adopted Code of Conduct and as to any actions which the Hearings Panel resolves to take.

9.02 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to the complainant, to the Member and, if appropriate, to the Town Council. The formal decision notice will be made available for public inspection and the Monitoring Officer will report the decision to the next convenient meeting of the Council.

10 Who are the Hearing sub-committee?

10.01 The Hearing sub-committee is a sub-committee of the Council's Audit and Governance Committee whose membership will be determined on a case-by-case basis. The Audit and Governance Committee has decided that a Hearing sub-committee will comprise at three members of the Audit and Governance Committee.

10.02 The Independent Person will be invited to attend all meetings of the Hearing sub-committees and their views will be sought and taken into consideration before the Hearing sub-committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Council's adopted Code of Conduct and as to any action to be taken following a finding of failure to comply with the adopted Code of Conduct.

11 Who is the Independent Person?

11.01 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post and is appointed by a positive vote from a majority of all the Members of Council.

12 Revision of these arrangements

12.01 The Council may by resolution agree to amend these arrangements and has delegated to the Chair of the Hearing sub-committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 Appeals

13.01 There is no right of appeal for the complainant or for the Member against a decision of the Monitoring Officer or of the Hearing sub-committee.

13.02 If you, as a complainant, feel that the Council has failed to deal with your complaint properly, you may make a complaint to the Local Government and Social Care Ombudsman.

ARRANGEMENTS FOR DEALING WITH STANDARDS

ALLEGATIONS UNDER THE LOCALISM ACT 2011

1 — Context

1.01— These “Arrangements” set out how you may make a complaint that an elected or co-opted Member of this Council or of Quedgeley Town Council has failed to comply with the relevant Council’s adopted Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Council’s adopted Code of Conduct.

1.02— Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member or co-opted Member of the Council or of Quedgeley Town Council, or of a Committee or Sub-Committee of the Council, has failed to comply with the relevant authority’s adopted Code of Conduct can be investigated and decisions made on such allegations.

1.03— Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the Council before it takes making a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the Council at any other stage, or by a Member or a Member or co-opted Member of Quedgeley Town Council against whom an allegation as has been made.

2 — The Code of Conduct

2.01— The Council has adopted a Code of Conduct for Members, which is set out in Part 5 of this Constitution and is available for inspection on the Council’s website and on request by contacting democratic.services@gloucester.gov.uk or 01452 396203.

2.02— Quedgeley Town Council is also required to adopt a Code of Conduct. If you wish to inspect Quedgeley Town Council’s Code of Conduct, you should inspect refer to the Town Council’s website or request the town clerk to allow you to inspect the Town Council’s Code of Conduct.

3 — Making a complaint

3.01— If you wish to make a complaint, please write complete the Complaint form that is available on the Council’s website or can be requested from Democratic Services (democratic.services@gloucester.gov.uk or 01452 396203).

3.02 The Complaint form should then be sent either in hard copy or by email to –

The Monitoring Officer

Gloucester City Council

PO Box 2017

Pershore

WR10 9BJ

Or –

democratic.services@gloucester.gov.uk

~~A copy of the Complaint form is available on the Council's website and on request by contacting democratic.services@gloucester.gov.uk or 01452 396203.~~

~~3.02—03~~ The Monitoring Officer is a senior officer of the Council who has statutory responsibility for maintaining the register of Members' interests and ~~who~~ is responsible for administering the system in respect of complaints in respect of Member misconduct.

~~In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model ~~3.04~~ The complaint form, which can be downloaded from the Council's website, next to the Code of Conduct, and is available on request by contacting democratic.services@gloucester.gov.uk or 01452 396203.~~

~~3.03—~~ Please ~~will require you to~~ provide ~~us~~ the Council with your name and a contact postal address or email address, so that ~~we can~~ the Council is able to acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case ~~we~~ the Council will not disclose your name and address to the Member against whom you make the complaint, without your prior consent. ~~The~~ PLEASE NOTE that the Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

~~3.04—05~~ The Monitoring Officer will acknowledge receipt of ~~your~~ the complaint to you within 5 working days of receiving it, and will keep you informed of the progress of your complaint as appropriate.

~~4—~~ Will your ~~the~~ complaint be investigated?

~~4.01—~~ The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within ~~14~~ ten (10) working days of ~~receipt~~ the date of ~~your~~ acknowledgement of the complaint. ~~Where~~ When the Monitoring Officer has taken a decision, ~~he/she~~ they will inform you of ~~his/her~~ their decision and the reasons for that decision.

~~4.02—~~ Where ~~he/she~~ the Monitoring Officer requires additional information in order to come to a decision, ~~he/she~~ they may come back to you for such information, and may request information from the Member against whom your complaint is directed. Where your complaint relates to a Quedgeley Parish ~~Town~~ Councillor, the Monitoring Officer may also inform the Parish ~~Clerk to the~~

Town Council of your complaint and seek the views of the Clerk to the Parish Council before deciding whether the complaint merits formal investigation.

4.03—~~In~~ Where appropriate ~~cases,~~ the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the Member accepting that his/her/their conduct was ~~unacceptable~~ not in accordance with the Council's adopted code of conduct and offering an apology, or other remedial action taken by the ~~authority~~ Council. Where the Member or the Council make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

4.04—If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies. ~~In some cases,~~ at ~~his or her~~ their discretion, the Monitoring Officer may refer the complaint to the Audit and Governance Committee to decide whether or not it should be investigated or other action taken.

5 **5 How is the investigation conducted?**

5.01—The Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix One to these arrangements.

5.02—If the Monitoring Officer decides that a complaint merits formal investigation, ~~he/she/they~~ will appoint an Investigating Officer, who may be another senior officer of the ~~authority~~ Council, an officer of another ~~authority~~ council or an external investigator: who in the opinion of the Monitoring Officer is of suitable experience and standing. The Investigating Officer will decide whether ~~he/she needs~~ they need to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer ~~needs~~ may wish to interview.

5.03—The Investigating Officer would normally write to the Member against whom you have ~~complained~~ made a complaint and provide ~~him/her/them~~ with a copy of ~~your~~ the complaint. The Investigating Officer ~~would~~ will also ask the Member to provide ~~his/her/their~~ explanation of events, and identify what documents ~~he/she~~ the Investigating Officer needs to see and who ~~he/she~~ the Investigating Officer needs to interview.

5.03 In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the Member might prejudice the investigation, the Monitoring Officer can ~~delete~~ remove your name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed to a stage where notifying the Member of your name and address is appropriate.

5.04—At the end of ~~his/her/their~~ investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the Member concerned, to give you both an opportunity to identify any factual matter in that draft report with which you disagree or which ~~you consider~~ either you or the Member considers requires more consideration.

5.05—_Having received and taken account of any comments which ~~you may make~~are made on the draft report, the Investigating Officer will send ~~his/her~~their final report to the Monitoring Officer.

6 ———What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the adopted Code of Conduct?

6.01—_The Monitoring Officer will review the Investigating Officer’s report and, if ~~he/she is~~they are satisfied that the Investigating Officer’s report is sufficient, the Monitoring Officer will write to you and to the Member concerned and, ~~if relevant,~~ to the Clerk of Quedgeley ParishTown Council, where ~~your~~the complaint relates to a Quedgeley ParishTown Councillor, notifying you that ~~he/she is~~they are satisfied that no further action is required, and ~~give you both~~providing a copy of the Investigating Officer’s final report ~~to both you and the Member~~. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, ~~he/she~~they may ask the Investigating Officer to reconsider ~~his/her~~their report.

7 ———What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.01—_The Monitoring Officer will review the Investigating Officer’s report and will then either send the matter for ~~local hearing~~Hearing before the Hearings Panel or, after consulting the Independent Person, seek ~~local resolution~~Local Resolution.

(a) ——— Local Resolution

(a)(i) —_The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, ~~he/she~~they will consult with the Independent Person and with you (as complainant) and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the Member accepting that ~~his/her~~their conduct ~~was unacceptable~~breached the Council’s adopted code of conduct and offering an apology, and/or other remedial action by the authority. ~~If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Audit and Governance Committee and the Parish Council for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer may (but does not have to) refer the matter for a local hearing.~~

(a)(ii) The Monitoring Officer’s decision shall be set out in a formal decision notice. A copy of the formal decision shall be sent to the complainant, to the Member and, if appropriate, to the Town Council. The formal decision notice will be made available for public inspection on the Council’s website.

(a) (iii) If the Member complies with the suggested resolution as set out in the formal decision notice no further action will be taken.

(b) — ~~Local~~ Hearing

(b)(i) — ~~I~~ If the Monitoring Officer considers that ~~local resolution~~ Local Resolution is not appropriate, or you are not satisfied by the proposed resolution, or the Member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a ~~local hearing~~ Hearing before deciding whether the Member has failed to comply with the adopted Code of Conduct and, if so, whether to take any action in respect of the Member.

(b)(ii) — ~~The Council has agreed a procedure for local hearings~~ Hearings, which is attached as Appendix Two to these arrangements.

(b)(iii) — ~~Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the Member to give his/her/their response to the Investigating Officer's report, in order to identify what in the Investigating Officer's report is likely to be agreed and what is likely to be in contention at the hearing~~ Hearing, and the Chair of the Hearings Panel, who will be a member of the Audit and Governance Committee may ~~issue directions as to~~ determine the process to be followed by the manner in which ~~sub-committee at the hearing~~ Hearing and how it will be conducted. At the hearing Hearing, the Investigating Officer will present his/her/their report, call such witnesses as ~~he/she considers~~ they consider necessary and make representations to substantiate his/her/their conclusion that the Member has failed to comply with the adopted Code of Conduct. For this purpose, the Investigating Officer may ask you, as the complainant, to attend and give evidence to the ~~Hearings Panel~~ Hearing. The Member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the ~~Hearings Panel~~ Hearing as to why ~~he/she considers~~ they consider that ~~he/she/they~~ did not fail to comply with the adopted Code of Conduct.

(b)(iv) — ~~The Hearings Panel~~ Hearing sub-committee, with the benefit of any advice from the Independent Person, may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the ~~Hearings Panel~~ Hearing sub-committee concludes that the Member did fail to comply with the Code of Conduct, the Chair will inform the Member of this finding and the ~~Hearings Panel~~ Hearing sub-committee will then consider what action, if any, the ~~Hearings Panel~~ Hearing sub-committee should take as a result of the Member's failure to comply with the adopted Code of Conduct. In doing this, the ~~Hearings Panel~~ Hearing sub-committee will give the Member an opportunity to make representations to the ~~Panel~~ Hearing sub-committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 — ~~What action can the Hearings Panel~~ Hearing sub-committee take where a Member has failed to comply with the adopted Code of Conduct?

8.01 — ~~The Council has delegated to the Hearings Panel~~ Hearing sub-committee such of its powers to take action in respect of individual Members as may be necessary to promote and maintain the

high standards of conduct: ~~expected of Members~~. Accordingly the ~~Hearings Panel~~Hearing sub-committee may –

- (a) ~~(a)~~ (a) Censure or reprimand the Member;
- (b) ~~(b)~~ (b) Publish its findings in respect of the Member's conduct;
- (c) ~~(c)~~ (c) Report its findings to Council or to the ~~ParishTown~~ Council for information;
- (d) ~~(d)~~ (d) Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that ~~he/she be~~they are removed from any or all Committees or Sub-Committees of the Council;
- (e) ~~(e)~~ (e) Recommend to the Leader of the ~~City~~ Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) ~~(f)~~ (f) Recommend to ~~City~~ Council that the Member be replaced as Executive Leader;
- (g) ~~(g)~~ (g) Instruct the Monitoring Officer to or recommend that the ~~ParishTown~~ Council arrange training for the Member;
- (h) ~~(h)~~ (h) Remove, or recommend to the ~~ParishTown~~ Council that the Member be removed, from all outside appointments to which he/she has been appointed or nominated by the ~~City~~ Council or by the ~~ParishTown~~ Council;
- (i) ~~(i)~~ (a) Withdraw, or recommend to the ~~ParishTown~~ Council that it withdraws, facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- (j) ~~(j)~~ (i) Exclude, or recommend that the ~~ParishTown~~ Council exclude, the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

8.02— ~~The Hearings Panel~~sub-committee has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances.

9 ——— What happens at the end of the ~~hearing~~Hearing?

9.01— At the end of the hearing, the Chair will state the decision of the ~~Hearings Panel~~Hearing sub-committee as to whether the Member failed to comply with the ~~Council's adopted~~ Code of Conduct and as to any actions which the Hearings Panel resolves to take.

9.02— As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to ~~you~~the complainant, to the Member and, ~~if appropriate~~, to the ~~ParishTown~~ Council, ~~make that~~. ~~The formal decision notice will be made~~ available for public inspection and ~~the Monitoring Officer will~~ report the decision to the next convenient meeting of the Council.

10 ——— Who are the ~~Hearings Panel~~Hearing sub-committee?

10.01—_The ~~Hearings Panel~~Hearing sub-committee is a ~~Sub-Committee~~sub-committee of the Council's Audit and Governance Committee- whose membership will be determined on a case-by-case basis. The Audit and Governance Committee has decided that its Hearing sub-committee will comprise ~~a maximum of~~at three members of the Audit and Governance Committee.

10.02—_The Independent Person ~~is~~will be invited to attend all meetings of the ~~Hearings Panel~~Hearing sub-committees and ~~his/her~~their views ~~are~~will be sought and taken into consideration before the ~~Hearings Panel~~Hearing sub-committee takes any decision on whether the Member's conduct constitutes a failure to ~~comply with~~comply with the Council's adopted Code of ~~conduct~~Conduct and as to any action to be taken following a finding of failure to comply with the adopted Code of Conduct.

11 — Who is the Independent Person?

11.01—_The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, ~~and is~~ appointed by a positive vote from a majority of all the Members of Council.

12 — Revision of these arrangements

12.01—_The Council may by resolution agree to amend these arrangements, ~~and has~~ delegated to the Chair of the ~~Hearings Panel~~Hearing sub-committee the right to depart from these arrangements where ~~he/she considers~~they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13 — Appeals

13.01—_There is no right of appeal for ~~you as~~the complainant or for the Member against a decision of the Monitoring Officer or of the ~~Hearings Panel~~Hearing sub-committee.

13.02—_If you, as a complainant, feel that the ~~authority~~Council has failed to deal with your complaint properly, you may make a complaint to the Local Government and Social Care Ombudsman.

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MEMBER/OFFICER PROTOCOL

This Protocol provides a guide to good working relationships between Officers and Members.

- (a) This Protocol sets down a framework for the interaction between Members and Officers. Its objective is to ensure that Members and Officers work together effectively and efficiently to conduct the business of the Council.
- (b) The conduct of Members is governed by the Council's adopted Code of Conduct and Arrangements for dealing with Standards Complaints under the Localism Act 2011. The conduct of Officers is governed by the Council's Officer Code of Conduct.
- (c) This Protocol does not replace or affect those Codes; it contains a framework relating only to the areas of interaction between Members and Officers. However, a breach of the provisions of this Protocol could constitute a breach of the relevant formal Code which in turn could lead to appropriate formal action being taken.

1. The Respective Roles of Members and Officers

- (1) Members are elected and represent their constituents. Under the Council's Executive Arrangements, Members will perform roles on the Cabinet and Committees in addition to sitting as members of Full Council. Some Members represent the Council upon outside bodies.
- (2) Members are responsible for:
 - (a) political leadership;
 - (b) initiating and determining the policy of the Council, determining the core values of the Council and approving the Council's policy framework, strategic plans and budget;
 - (c) advocating for their constituents;
 - (d) accounting for the delivery of Council services;
 - (e) scrutinising Council services;
 - (f) promoting partnership working;
 - (g) representing the Council on local, regional and national bodies
 - (h) respecting the impartiality of the Council's Officers.
- (3) Reciprocal expectations
 - (a) Councillors should expect the following from Officers:
 - (i) a commitment to the Council as a whole and not to any political group
 - (ii) honesty, openness, trust and respect
 - (iii) performance of their duties effectively and efficiently
 - (iv) a working partnership which understands the respective roles
 - (v) timely responses to enquiries and complaints
 - (vi) regular and up to date information on matters which are appropriate and relevant to their needs as a Councillor
 - (vii) awareness of and sensitivity to the political environment and its pressures
 - (viii) training and development in order to carry out their role effectively
 - (ix) relationships with Councillors that will not be used by Officers to advance their personal interests or influence decisions improperly
 - (x) compliance with the Officer Code of Conduct and this Protocol
 - (xi) support for the role of Councillors as the local representatives of the authority, within any scheme for Councillor support approved by the Council
 - (b) 3.2 Officers should expect the following from Councillors:

- (i) a working partnership which understands the respective roles
 - (ii) honesty, openness, trust and respect
 - (iii) courtesy and appropriate confidentiality
 - (iv) no bullying
 - (v) relationships with Officer that will not be used by Councillors to advance their personal or political interests or to influence decisions improperly
 - (vi) compliance with the Councillor Code of Conduct and this Protocol
 - (vii) to inform the Monitoring Officer of any relationships which might be seen as unduly influencing their work and role.
- (4) Officers are employed by and serve the whole Council. They provide the same level of support to the various functions of the Council, i.e. the Cabinet, Overview and Scrutiny and Regulatory and other Committees. Officers advise the Council, the Cabinet and Committees to make decisions under the powers delegated to them.

Officers are responsible for:

- a) providing professional advice and information to Members in developing and implementing policy and in decision-making;
- b) implementing the decisions of Members;
- c) managing the day-to-day administration of the Council;
- d) taking managerial and operational decisions within the Council's Scheme of Delegation;
- e) providing information to and consulting with local people about Council services
- f) remaining impartial at all times.
- (viii) This Protocol also applies to Officers appointed as directors of the Council's commercial companies as a consequence of the employment by the Council and remain subject to this Protocol even whilst acting in their directorship capacity.
- (ix) Officers are responsible to their line manager and, ultimately, their Heads of Service. The Heads of Service are accountable to the Managing Director. The Managing Director is accountable to the whole Council. Some senior Officers have specific statutory responsibilities including the Managing Director as Head of Paid Service (Section 4, Local Government and Housing Act 1989), the Monitoring Officer (Section 5, Local Government and Housing Act 1989) and Head of Finance and Resources as Chief Finance Officer (Section 151 Local Government Act 1972).

2. Officers' Advice and Political Neutrality

- (1) Officer advice and support will be provided to:-
- a. Council Meetings;
 - b. Meetings of the Cabinet and any Committee established by the Cabinet;
 - c. Portfolio Holders and other Cabinet Members (a greater degree of detail may be necessary for Cabinet Members who also carry portfolio responsibilities);
 - d. Meetings of Committees/Sub-Committees and Panels;
 - e. Working Parties/Forums, etc;
 - f. Chairs and Vice-Chairs of Committees and Panels
 - g. All Members of Council on Council Business

Officers will also provide advice and assistance to individual Members in respect of Council business, including issues raised by constituents.

- (2) Officers must not be requested to advise upon matters of political party business or private matters.
- (3) All Officers must treat political Groups and individual Members in a fair and even-handed manner. Officers must maintain political neutrality and Members must respect this.
- (4) Senior officers may be invited to attend political Group meetings. The Managing Director will decide whether such attendance may take place. If it is agreed that an Officer can attend a Political Group meeting, the Managing Director will inform the other Group Leaders and offer a similar facility.
- (5) Political Group meetings fall outside the Council's decision-making process. Conclusions reached at such meetings are not formal Council decisions and so should not be relied upon as such.

3. Officers' advice on Declarations of Interest

- (1) The Monitoring Officer will provide advice and information to Members on declarations of interests. However, Members will know the nature and extent of any interest they may have. It is the Member's responsibility, therefore, to decide whether any interest should be declared. Officers must, when requested to do so, respect Members' confidentiality when providing advice on declarations of interest but may otherwise draw to a Members' attention the need to declare a known interest.

4. Personal relationships

- (1) Close personal familiarity between individual Members and Officers can damage working relationships and prove embarrassing to other Members and Officers. There is a danger of favouritism being shown to a particular Member or Officer. There may be a risk that confidential information will be passed to a Member.
- (2) For these reasons, such a personal familiarity is discouraged. Nevertheless, it is recognised that there may be occasions where it is unavoidable, particularly where family relationships or common interests (e.g. a club) arise.
- (3) A Member must declare to the Managing Director and their respective Group Leader any relationship with an Officer that might be seen as influencing their work as a Member. This includes a family or close personal relationship. Similarly, the Officer must notify their line manager. In the case of the Managing Director, then all Group Leaders should be notified. Any such relationship will be included in the formal declaration of interests provided by the Member and Officer.

5. Appointment of Officers

- (1) Members must not take part in the appointment of anyone to whom they are:
 - married;
 - a partner;
 - otherwise related;
 - a friend;
 - a business associate.
- (2) Members must ensure that Officers are appointed only on merit in line with the Council's HR recruitment policies, with a view to their best serving the whole Council.

6. Undue Pressure

- (1) A Member should not apply undue pressure to an Officer to do anything which they are not empowered to do, or which is against the Officer's professional judgement, or to undertake work outside normal duties or normal hours.
- (2) Similarly, an Officer must not seek to influence an individual Member to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other Officers/employees, except in accordance with any agreed Council procedure or in accordance with law. Members who receive any such approach from an Officer should advise the Managing Director or Monitoring Officer immediately. The Council has formal procedures for consultation, grievance and discipline etc. dealing with these matters.

7. Officers' Reports and Advice

- (1) The named author(s) of a report to the Council or any part of its formal decision-making structure will always be fully responsible for the content of the report. Under the Overview and Scrutiny arrangements, an Officer can be held responsible for the contents of their reports or advice and required to answer for the advice given.
- (2) The Leader, Cabinet Member and/or Chair of the relevant Committee or body may comment upon a proposed report during the original consultation process or following receipt of a draft agenda. The Officer concerned will give due consideration to such comments, consulting their line manager and if necessary their Head of Service and other appropriate Officers as necessary. The Managing Director will be the final arbiter upon the contents of any report.
- (3) A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. Any remaining disagreement between the Cabinet Member/Chair and the author of the report should be referred to the Managing Director, or, if the author of the report is the Managing Director, to the Monitoring Officer for resolution after consultation with the Leader.
- (4) Occasionally, Officers will need to express a professional view on a matter which may not support the view of the leading Group and/or the relevant Senior Officers of the Council.
- (5) Members should not put an Officer in a position where there would be a conflict between themselves and their line manager or Senior Managers nor should the Officer receive detrimental treatment as a consequence if the Member be aggrieved.

8. Member Decisions

- (1) Members must avoid taking decision or undertaking actions that are unlawful, financially improper or likely to amount to maladministration.
- (2) Before a Member or Members collectively take a decision, they must take advice from Officers to fully understand any implications of any decision and have regard to that advice before taking such a decision.
Nothing in this Protocol requires a Member/Members to follow Officer advice but where a Member or Members collectively take a decision contrary to Officer advice it will be the Member/Members who is accountable for it.

9. Officer Decisions made under Delegated Powers

- (1) Officers may make decisions under powers delegated to them pursuant to the Schemes of Delegation or by specific authority from the Cabinet, a Cabinet Member or Committee. It must be recognised that it is the Officer, and not any Member, who takes the action and it is the Officer who is accountable for it.

10. Officers' relationship with the Leader, Cabinet Members and the Chairs of Committees.

- (1) The working relationship between Senior Officers and the Leader/Cabinet Members will be particularly close. Cabinet Members will have broad ranging responsibilities. Officers may provide briefing notes, advice and information to the Cabinet Members in respect of reports or questions at Committee and Council Meetings. This relationship, however, must not:
 - Compromise Officers' duties to all Members of the Council;
 - Be so close as to give the appearance of partiality on the part of the Officer;
 - Undermine the confidentiality of any discussions with the Senior Management Team or between Senior Officers and other Members;
 - Compromise Officers' professional responsibility to advise Members that a particular course of action should not be pursued;
 - Abrogate Officer responsibility for action taken under Delegated Powers.
- (2) There will also be a close working relationship between Senior Officers and the Chair of Overview and Scrutiny Committee within the remit of scrutiny of executive functions.

11. Maintaining High Standards

- (1) It is important that there should be mutual courtesy between Members and Officers. It is important that there are reasonable standards of courtesy and no Member or Officer should seek to take unfair advantage of their position.
- (2) Members and Officers should not criticise or undermine respect for the other at Council Meetings or at any other meeting they attend in their capacity as a Councillor or Council employee.
- (3) Members should not raise matters relating to the conduct or capability of an individual Officer or Officers collectively at meetings held in public.
- (4) Members when acting in their official capacity must comply with the Council's Social Media Policy and should not use social media to abuse, harass or undermine respect for Officers.
- (5) Officers should not use social media to criticise or undermine respect for Member(s) and must comply with the Council's Social Media Policy at all times.
- (6) If a Member believes that they have not been treated with proper courtesy or has a concern about the conduct or capability of an Officer they should raise the matter with the relevant Officer's line manager. If they are not satisfied with the action has taken in response to this, they may raise the matter with the Managing Director who will look at the matter afresh. If the Managing Director believes that there is a case to answer the Managing Director may determine the action to be taken which might include the Council's formal disciplinary procedures. If the Officer concerned is the Managing Director, then the Member should raise the matter with their Group Leader or if ungrouped with a Group Leader of their choosing who should initially discuss the issue with the Managing Director.
- (7) If the Officer feels that they have not been treated with respect or is concerned about any action or statement in relation to them or a colleague by a Member, or conduct of a Member, the Officer should raise the matter with their Line Manager. If the Officer is not satisfied with any action that has been taken as a result, the Officer should raise the matter with a member of the Senior Management Team. If there is a serious case to answer the relevant member of the Senior Management Team, with the agreement of the Managing Director, may request that the matter be investigated through the Council's Arrangements for dealing with Standards Allegations under the Localism Act 2011.
- (8) Where an Officer or Member is concerned about potential unlawful conduct of an Officer or Member, the Council's Whistleblowing Policy may be relevant. Nevertheless, the procedure outlined in this Protocol should be first referenced where appropriate and possible.

12. Members' access to information and to Council documents

- (1) Each Member has the right to inspect and have copies of the reports, minutes and background papers relating to the public part of any Council, Cabinet or Committee agenda. However, Members do not have an automatic right of access to all documents relating to confidential or "exempt" items on the agenda. These might include, for instance, information relating to employees, occupiers or Council property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations. These provisions are detailed in the Access to Information Rules.
- (2) In respect of such confidential information, Members will normally receive, or have access to all papers unless they are of particular sensitivity. A Member may have access to such sensitive documentation insofar as it is reasonably necessary to enable them to properly perform their duties as a Member of the Council. The relevant question to be asked is whether they need to know the information to perform such duties.
- (3) A member of the Cabinet or a Committee will have a need to know of the documentation relating to that body. In other circumstances, a Member will normally be expected to justify the request in specific terms and the motive for requesting the information to be relevant. The question as to access to the documentation will be determined by the Monitoring Officer.
- (4) Members of the Overview and Scrutiny Committee have the additional right to access set out in the Access to Information Procedure Rules.
- (5) Where a Member has a Disclosable Pecuniary Interest in a matter, the Member will only be entitled to the same rights of access to documentation as would apply for the general public generally, although the Member would continue to receive the same documentation as is sent to other members of the Council.
- (6) Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council. Confidential Information should not be disclosed, discussed with or released to any other persons. Such disclosures would be a betrayal of trust. In particular, Members should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.
- (7) Any confidential information provided to Members should be clearly marked as such prior to its provision.
- (8) Further advice regarding to Members' rights to inspect Council documents may be obtained from the Monitoring Officer.

13. Public Relations and Press Releases

- (1) By law the Council is prohibited from publishing material which appears to be designed to affect public support for a political party. Press releases are written by Officers, but they may contain quotations from a Member. Such press releases are issued on behalf of the Council and it would not, therefore be appropriate when repeating quotations from Members to indicate their political affiliation. The aim will be for press releases to be objective, factual and informative.
- (2) The Council will abide by the National Code of Recommended Practice on Local Authority Publicity.

14. Council Publications

- (1) The Council's range of newsletters, in both electronic and hard copy format, shall remain politically neutral. They may contain quotes from Cabinet Members in line with Council policy. Reports of decisions made shall be those of the Council represented as a body corporate.
- (2) Publications issued by Council service groups may contain quotations from Cabinet Members in line with Council policy on the matter. Where policy has yet to be determined, a Cabinet Member should not indicate their preference. If the Council has no policy on a particular matter and a Cabinet Member wishes to comment, the same opportunity must be made available to designated spokesperson in Opposition Groups.

15. Member Support Services

- (1) The Council provides a range of support services, including a laptop and email addresses to enable Members to carry out their duties. These may only be used on Council business, such as correspondence between Members or Members and Officers; or in response to queries raised by local people. They must not be used for any party political, or election purposes whatsoever. Members must not ask Officers to type, photocopy or otherwise process any party political or election material.

16. Correspondence

- (1) Unless a Member or Officer requests confidentiality, it is to be assumed that correspondence between a Member and an Officer is not confidential and may be shown to others. If, in an Officer's view, correspondence between an individual Member and an Officer is of interest to other Members, to keep them fully informed, it should be made clear to the original Member that copies could be sent to other Members.
- (2) Where issues are raised by, or with, individual Members relating to a matter of general interest in a ward, as it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their ward copies of all correspondence will be sent to all other ward members unless there are fair and reasonable grounds for not doing so.
- (3) However generally both Members and Officers should consider and limit the number of people (both internal and external) copied into correspondence (including emails). Inappropriately broad circulation of correspondence can lead to a wasteful duplication of effort and increases the risk of a breach of data security or confidentiality.
- (4) Officer letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of the Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm.

17. Involvement of Ward Members and MPs

- (1) Information regarding activities in particular Ward should, where appropriate, be copied to the Ward Members and the Gloucestershire County Council divisional Member for information. Ward Members should be invited to take part in or attend any public meeting, consultative exercise or launch event organised by the Council concerning a local ward issue.
- (2) If an Officer calls a meeting upon a local issue with or including Ward Members, the Officer will invite all members for the Ward(s) in question.
- (3) If any of the Members of Parliament (MP) that represent the City are involved in a local issue, the Officer at their discretion may invite the relevant MPs to the meeting in addition to the Ward Members. If the Officer considers this to be inappropriate for any reason, they may meet the MP separately.

- (4) If a Ward Member calls or requests a meeting upon a local issue at which an Officer or Officers is/are requested to be in attendance, the Officer(s) will be required to attend only if all the Members for the Ward have been invited to attend, or are agreeable to the meeting taking place, and if the subject matter of the meeting is not politically controversial.
- (5) If a MP calls or requests a meeting upon a local issue at which an Officer or Officers is are requested to be in attendance, the same criteria govern the Officer's attendance as in paragraph (4).
- (6) Meetings with Ward Members and/or MPs and/or others are generally private. Officers may confirm the events which occurred at the meeting and the outcome of it with the Members who attended but will not reveal those matters to other Members or to other political groups except with the specific authority of the Member(s) who attended or called the meeting.

18. Procedure for dealing with allegations of breaches of this Protocol.

- (1) Any allegations that a Member has not complied with this Protocol may be referred to the Audit and Governance Committee who will determine the issue. The Council's Independent Person appointed under the Localism Act 2011 will be invited to attend and advise the Audit and Governance Committee (but not vote).
- (2) Any allegation that an Officer has not complied with this Protocol will be dealt with in accordance with the Council's disciplinary procedures in accordance with the relevant policies.
- (3) Breaches of this Protocol can raised in accordance with the Council's Whistleblowing Policy.



Meeting:	Council	Date:	13 July 2023
Subject:	Annual Report of the Overview and Scrutiny Committee 2022-23		
Report Of:	Chair of the Overview and Scrutiny Committee		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Lauren Richards – Democratic and Electoral Services Officer		
	Email:	lauren.richards@gloucester.gov.uk	Tel: 39-6735
Appendices:	1. Overview & Scrutiny Committee Annual Report 2022-23		

FOR GENERAL RELEASE

1.0 Purpose of Report

1.1 This report introduces the Annual Report of the Overview and Scrutiny Committee for 2022-23 which sets out the work and achievements of the Committee during the year.

2.0 Recommendations

2.1 Council is asked to **RESOLVE** that the Annual Report of the Overview and Scrutiny Committee for 2022-23 be noted.

3.0 Background and Key Issues

3.1 Part 3C of the Council’s Constitution (Committee Functions) requires that the Overview and Scrutiny Committee shall ‘provide and co-ordinate the input into an annual report to Full Council on such issues and topics as the Committee sees fit.

3.2 The Annual Report sets out the areas focused on by the Committee in 2022-23 and the recommendations made to Cabinet.

4.0 Social Value Considerations

4.1 There are no social value considerations in respect of the recommendations in this report.

5.0 Environmental Implications

5.1 There are no environmental implications in respect of the recommendations in this report.

6.0 Alternative Options Considered

6.1 There are no alternative options.

7.0 Reasons for Recommendations

7.1 The Council operates the Leader and Cabinet model for its executive arrangements under the Local Government Act 2000. These arrangements must provide for the appointment of one or more Overview and Scrutiny Committees and the Council Constitution provides that an annual report on the Committee's activities be presented to Council.

8.0 Future Work and Conclusions

8.1 The Annual Report highlights the rolling Work Programme for the Committee in 2022-23 as well as the special meetings called. The Lead Members on the Overview and Scrutiny Committee will determine additional items for the Work Programme while taking suggestions from any Member on possible future work.

9.0 Financial Implications

9.1 There are no financial implications resulting from the recommendations in this report.

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

10.0 Legal Implications

10.1 Under Section 21 of the Local Government Act 2000 the executive arrangements by the Council must include provision for the appointment of one or more overview and scrutiny committees. This duty is reflected in Part 3C of the Council's Constitution (Committee Functions) which requires the Overview and Scrutiny Committee to provide and co-ordinate an annual report to the Council on such issues of topics as the committee sees fit.

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

11.0 Risk & Opportunity Management Implications

11.1 There are no risk and opportunity management implications.

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; therefore a full PIA was not required.

13.0 Community Safety Implications

13.1 There are no community implications resulting from the recommendations in the report.

14.0 Staffing & Trade Union Implications

14.1 There are no staffing and trade union implications resulting from the recommendations in the report.

Background Documents: None

*Annual Report of the Overview
and Scrutiny Committee 2022-23*

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Section 1 - Foreword from the Chair



It has been another busy and interesting year for Overview and Scrutiny, the Committee it is my great pleasure and privilege to chair.

A look through this report will show you the range and depth of what we have looked at, with everything from Homes for Ukraine, Purple Flag status, heritage and monuments, healthcare, fly-tipping and fines, and Gloucestershire Airport on the agenda, to name just a few.

We have sought, as ever, to be a critical friend to the administration, challenging and probing reports and questioning the Cabinet Members presenting them. That we have done so in a respectful and collegiate manner is a source of great pride to me, and I believe it is no coincidence that our recommendations to Cabinet are nearly always accepted.

The meetings continue to run well, with the update items on actions from previous meetings and updates on prior notices of motion still proving useful. We are seeking to tweak the agenda order for future meetings in order to make planning the work programme more effective. Suggestions from Members have led to productive discussions and reports being added to the agenda, including meetings on the council's Here to Help reporting facility, regeneration, housing and transport issues.

Also, following the recommendation of the Corporate Peer Challenge Panel for the Overview and Scrutiny Committee to have an annual work programme session, we will be looking to implement this in the forthcoming year, allowing the Committee to be more proactive with our work programme and move more into policy development.

As ever, budgetary scrutiny is a large part of our work, whether at the dedicated annual Budget Scrutiny meeting or in the regular monitoring reports we receive. Challenges to the council's financial and operational situations have continued to arise from the national pandemic recovery and economic downturn, as well as the ramifications of the cyber incident of December 2021. With recent revelations on this front, no doubt the Committee will continue to play an important role in this process in the year ahead. I have no doubt that as well as continuing to provide a constructive challenge to the executive, we will also keep helping the council save money and streamline services.

The Committee have utilised a wide range of tools this year and held every type of meeting: eleven ordinary meetings, two special meetings and the Budget session. We also ran two important Task and Finish groups, one on engagement with young people and the other on damp and mould in Gloucester's rented accommodation. These brought out some serious

and useful recommendations to Cabinet and will help to improve people's lives in the city, which is what we're here to do.

I would like to thank all members of the Committee for their hard work this year. I could not have done it without the support and wise council of Vice-Chair, Councillor Terry Pullen, and Spokesperson, Councillor Andrew Durdey. Lauren Richards is a superb support to the Committee and, as ever, has helped me a great deal. Thank you too to the officers, Cabinet Members and others who have attended Scrutiny to give evidence or take questions.

Please enjoy this report of our activity for the year and don't hesitate to ask me any questions you may have.

Sebastian Field.

Section 2 - Overview and Scrutiny Committee Members 2022-23



Councillor Sebastian Field
Chair



Councillor Terry Pullen
Vice-Chair



Councillor Andrew Durdey
Spokesperson



Councillor Lyn Ackroyd



Councillor Lorraine Campbell



Councillor Linda Castle



Councillor Paula Dee



Councillor Sylvia Evans



Councillor Andrew Gravells



Councillor Jeremy Hilton



Councillor Justin Hudson



Councillor Jaro Kubaszczyk



Councillor Sarah Sawyer



Councillor Declan Wilson



Councillor Rebecca Trimnell



Councillor Shamsuz Zaman

Section 3 - The Year in Scrutiny

- 3.1 During the civic year of 2022-23, the Overview and Scrutiny Committee held 11 ordinary meetings, a designated annual Budget meeting and 2 Special Meetings. The Budget meeting was held on 5th December 2022, and a special 'Transport Scrutiny' session was held on Monday 13th March 2023 with Senior Directors and Officers from the Transport and Local Major Projects Teams at Gloucestershire County Council. The Committee also considered a Call-In request from the Liberal Democrat Group on 9th May 2023
- 3.2 The range of items and issues considered by the Overview and Scrutiny Committee are set out in the table below:

Meeting	Recommendations and Actions
Monday 6 th June 2022	
Performance Monitoring Year End Report 2021-22	RESOLVED – That the Overview and Scrutiny Committee NOTE the report
Adoption of a Local List of Heritage Assets for Gloucester	<p>RESOLVED – That the Overview and Scrutiny Committee RECOMMENDS that:</p> <p>1) An updated Local List of heritage assets be circulated to all Councillors ahead of the final report reaching Cabinet, to provide Members with an opportunity to submit their views and identify any minor errors before approval.</p> <p>OUTCOME:</p> <p>*This recommendation was accepted by Cabinet on 15th June 2022. All Councillors were given the opportunity to submit comments ahead of the revised report being considered by Cabinet on 13th July 2022.</p>
Monday 4 th July 2022	
Homes for Ukraine – Gloucester Housing Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.

ICT Recovery Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the update.
Monday 5 th September 2022	
Performance Monitoring Quarter 1 Report 2022/23	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Community Safety Partnership and Activity Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Report of the Historic Places Panel Following its Visit to Gloucester	<p>RESOLVED – That the Overview and Scrutiny Committee RECOMMENDS that:</p> <ol style="list-style-type: none"> 1) Cabinet accepts the recommendation of the Historic Places Panel to consider employing an in-house urban designer to augment the council’s capacity in offering development advice. 2) Cabinet revisits the proposal for design coding to be progressed on a site-by-site basis, and accepts the recommendation of the Historic Places Panel to produce design codes at a more strategic level. <p>OUTCOME:</p> <p>*This recommendation was accepted by Cabinet on 14th September 2022 and Officers were asked to give consideration to these proposals.</p>
Monday 3 rd October 2022	
Environmental Crime Enforcement Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Monday 31 st October 2022	
2021-22 Financial Outturn Report	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Green Travel Plan Progress Report 2021-22 and Update	<p>RESOLVED – That the Overview and Scrutiny Committee NOTE the report</p> <p>ACTION:</p>

	<p>*This agenda item led to the Overview and Scrutiny Committee approaching colleagues in Gloucestershire County Council, and a 'Transport Scrutiny Session' was held with senior County Council Officers in March 2023.</p>
<p>Task and Finish Group Report – Engagement with Young People</p>	<p>RESOLVED – That the Overview and Scrutiny Committee APPROVE the recommendations of the Task and Finish Group on Engagement with Young People for consideration by Cabinet, subject to the following amendments:</p> <ol style="list-style-type: none"> 1) Amending the wording of the recommendation to develop a 'child-friendly' guide on the roles and responsibilities of Gloucester City Council to 'guide suitable for young people' 2) Amending the wording of the recommendation of the Task and Finish Group to reconvene in 12 months' time to 6 months' time. 3) Adding the following additional recommendation: <p style="margin-left: 40px;">'It is recommended that all City Council reports pertaining to the Planning and Climate Change service areas include an additional section outlining how the council has engaged with young people in respect of the proposed decision'</p> <p>OUTCOME:</p> <p>*Cabinet accepted 10 out of the 12 recommendations in full, and partially accepted the remaining 2 recommendations on 11th January 2023.</p>
<p>Monday 28th November 2022</p>	
<p>Performance Monitoring Quarter 2 Report 2022/23</p>	<p>RESOLVED – That the Overview and Scrutiny Committee NOTE the report</p>

Affordable Homes Delivery – Update on Performance	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Leisure and Cultural Options Appraisal Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the update.
Transfer of Sites in Podsmead to Enable the Regeneration of the Estate	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Monday 5th December 2022 (Budget)	
Draft Money Plan 2023-28 & Budget Proposals for 2023/24	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Monday 9th January 2023	
Car Parking – Tariff Increase Report	<p>RESOLVED – That the Overview and Scrutiny Committee RECOMMENDED that:</p> <p>1) Additional narrative be added to future quarterly Financial Monitoring Reports on car parking usage and income performance following the proposed car park tariff increase.</p> <p>OUTCOME:</p> <p>*This recommendation was accepted by Cabinet on 11th January 2023.</p>
Annual Report for Energy Costs and Energy Reduction Projects	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Gloucester City Plan 2022-24 Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Gloucestershire Airport Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the presentation as per the exempt minutes.
Task and Finish Group Discussion	<p>RESOLVED –</p> <p>1) That the Overview and Scrutiny Committee establish a Task and Finish Group to investigate mould and damp issues in Gloucester’s Social Housing.</p>

	<p>2) That the proposed membership of the Task and Finish Group be approved.</p> <p>OUTCOME:</p> <p>*At the time of writing, the Task and Finish Group had concluded their enquiry and the Overview and Scrutiny Committee approved the recommendations of the Task and Finish Group for consideration by Cabinet. The Task and Finish Group also amended the title of the project by extending the scope to consider private rented accommodation as well as social housing.</p>
Monday 30th January 2023	
Endorsement of a Five-Year Vision for Gloucester City Centre	RESOLVED – That the Overview & Scrutiny Committee NOTE the report.
Gloucester City Commission to Review Race Relations – Year One Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the update.
Purple Flag Briefing	RESOLVED – That the Overview and Scrutiny Committee NOTE the update.
Monday 27th February 2023	
Performance Monitoring Quarter 3 Report 2022/23	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Gloucester Covid-19 Memorial Progress Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the update.
Gloucester Monuments Review Implementation Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the update.
Cultural Strategy Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Monday 13th March 2023 (Special Meeting)	
Transport in Gloucestershire – Transport Scrutiny Session	RESOLVED – That the Overview and Scrutiny Committee NOTE the presentation.
Monday 27th March 2023	

Integrated Care System Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the presentation.
Annual Equality Diversity and Inclusion Report	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Overview of Here to Help Facility	RESOLVED – That the Overview and Scrutiny Committee NOTE the update.
Monday 24 th April 2023	
Meeting Webcasting Update	RESOLVED – That the Overview and Scrutiny Committee NOTE the update.
Response to Corporate Peer Challenge	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Sports and Physical Activity Strategy	RESOLVED – That the Overview and Scrutiny Committee NOTE the report.
Task and Finish Group Discussion (Revised Membership)	RESOLVED – That the Overview and Scrutiny Committee APPROVE the revised membership of the Task and Finish Group.
Tuesday 9 th May 2023 (Special Meeting for Call-In)	
Call-In of Cabinet Decision Regarding Nominations to the Gloucester City Homes Board	The Overview and Scrutiny Committee considered the request for a Call-In of the Cabinet decision. A motion to refer the decision for further consideration was put to a vote and lost, and the Call-In was ended.

Section 4 - Budget Scrutiny 2022-23

- 4.1 The Overview and Scrutiny Committee's Work Programme includes a designated Budget meeting where Members receive presentations from the Leader of the Council and Cabinet Members on each of their individual portfolios, highlighting anticipated budget pressures, savings, and future priorities.
- 4.2 The cyber incident suffered by the Council in December 2021 continued to have an impact on the ability to routinely produce quarterly Financial Monitoring Reports throughout 2022-23. Therefore, the Budget meeting on 5th December 2022 was particularly important for Members to understand the impact that the cyber incident, rising cost of living and the Covid-19 pandemic were having on the council's finances. All were significant themes in the council's Draft Money Plan and Budget Proposals for 2023-24, and high inflation in particular was a challenge across all portfolio areas.

4.3 **Key Observations:**

- The financial outlook for Local Government continued to be challenging and uncertain, with high inflation and the cost-of-living crisis placing pressure on the council's revenue budgets. At the time of the Budget meeting, no new funding for Local Government in the Local Government Finance Settlement was expected. The Draft Money Plan had been produced on this basis and it was confirmed during the full Council budget meeting on 23rd February 2023 that the settlement was in line with expectations. In relation to interest rate pressures, Members were advised that forecasts from the Treasury anticipated that borrowing costs would return to a more sustainable level in 2024.
- Financial pressures of note in the Performance and Resources portfolio included IT Hosting Costs of £120k to cover additional costs of updating and moving IT infrastructure to cloud hosted versions of some of the council's software packages. Members were also informed that the council was experiencing further cost pressures of £300k as a result of an increase in utilities prices across the council's operations. Cost savings in this portfolio area of £240k and £135k were identified through the insourcing of the Revenues and Benefits and ICT Services respectively.
- Overview and Scrutiny Committee Members were also advised that 2022 had also been a challenging year for the Cultural and Leisure portfolio, with the lengthy Covid-19 pandemic restrictions, inflation and cost-of-living pressures impacting on the spending patterns of the public. Members were assured that the Culture team would continue to monitor and apply for various Arts Sector funding sources, and would continue to implement ways of increasing the profitability of the Council's commercial activity in this area.

4.4 Outcome:

- The Overview and Scrutiny Committee decided that going forward, future Budget meetings will take place in January rather than December. It was felt that this would give Members the opportunity to scrutinise the Draft Money Plan and Budget Proposals with any amendments following the Local Government Finance Settlement published annually in mid-December. The Overview and Scrutiny Committee believe that this amendment will make Budget scrutiny more effective.

Section 5 - Scrutiny Highlights

- 5.1 Over the course of the year, the Overview and Scrutiny Committee closely monitored the Council Forward Plan and considered a range of items across all Cabinet Portfolio areas. As well as scrutinising upcoming Cabinet reports and decisions, the Overview and Scrutiny Committee requested updates and briefings on issues of interest to Members from Cabinet Members, City Council Officers and external partner organisations. The cyber incident of December 2021 continued to have an impact on council services over 2022-23 and the Overview and Scrutiny Committee retained a keen interest in how the recovery progressed.
- 5.2 The action point agenda item, which provides the Committee with written updates and answers to points of clarification during Overview and Scrutiny Committee meetings, continued to be a useful way of monitoring follow-up queries. Some of the updates provided in the action point item also inspired more formal Overview and Scrutiny Committee work, such as a briefing on the development of a Covid-19 Memorial from the Leader of the Council, and a meeting webcasting update from the Cabinet Member for Performance and Resources and the council's Program Manager.
- 5.3 The Overview and Scrutiny Committee also received an update on the implementation of the Homes for Ukraine Scheme back in July 2022 from the Cabinet Member for Planning and Housing Strategy. Key issues of interest for Members included council resources in delivering the scheme, challenges with re-matching families and safety requirements for lone female guests.
- 5.4 A summary of some of the key highlights and achievements of the Overview and Scrutiny Committee is set out below.

Task and Finish Groups

- 5.5 2022-23 saw the completion of two Overview and Scrutiny Committee Task and Finish Groups. Following a notice of motion proposed at the full Council meeting in January 2022, the Committee commissioned a Task and Finish Group to consider how the council engaged with young people. Working with Lead Officers across 5 service areas which Task and Finish Group Members identified as areas which particularly affect young people, the Task and Finish Group considered how the council could improve how it involved young people in decisions about Gloucester. The Group included cross-party Members both on and outside of the Overview and Scrutiny Committee.

- 5.6 On completion of the project, the Task and Finish Group on Engagement with Young people made 12 recommendations to Cabinet, including council-wide recommendations and service-specific recommendations. On 11th January 2023, 10 of the 12 recommendations were fully accepted by Cabinet and 2 were partially accepted. The Council now has a designated Youth Engagement Lead Officer to work with voluntary and community sector partners and council services to improve their involvement and create opportunities for the voices of younger residents to be heard.
- 5.7 In January 2023, the Overview and Scrutiny Committee established a Task and Finish Group to look into the scale of damp and mould in Gloucester's rented accommodation. At the time of writing, the Task and Finish Group have completed their enquiry, and the Overview and Scrutiny Committee have approved the recommendations to go forward to Cabinet for consideration. This Task and Finish Group project consisted of evidence sessions with local Registered Social Housing Providers, voluntary advice agencies and the council's Private Sector Housing Team to help Members understand the scale of the issue, resolution and redress options for residents, and how the City Council can assist residents struggling with damp and mould growth in their homes. The recommendations of this Task and Finish Group are due to be considered by Cabinet in July 2023.

Gloucestershire Airport Update

- 5.8 The Overview and Scrutiny Committee were keen to maintain regular contact with Gloucestershire Airport and invited the Managing Director and Chairman to return and provide the Committee with an update on the main projects, low carbon and net zero strategies and the airport's finances. Committee Members were particularly interested in Gloucestershire Airport's performance, gross profit and movements and green initiatives. In respect of future work, the Committee have requested that the Managing Director and Chairman attend a special Overview and Scrutiny Committee meeting later in 2023 to provide Members with a briefing on Gloucestershire Airport's 10-year masterplan.

Gloucester City Commission to Review Race Relations and Gloucester Monuments Review – Year One Update

- 5.9 As identified as priorities for 2022-23 in the previous Annual Report of the Overview and Scrutiny Committee, the Committee received 'year one' update reports on the

implementation of the recommendations of the Gloucester Commission to Review Race Relations and the Gloucester City Monuments Review. Reports were produced in response to formal recommendations made by the Overview and Scrutiny Committee back in January 2022 that an update be provided to the Committee in 12 months' time.

- 5.10 On Monday 30th January 2023, the Committee considered an update report on the implementation of the recommendations of the Race Relations Commission. Members were particularly interested in the terms of reference of the new legacy institution - the Gloucestershire Race Equality Action Group (GREAG), staffing appointments for GREAG and funding.
- 5.11 On 27th February 2023, the Committee received a detailed update from the Leader of the Council and City Archaeologist on the progress made by the City Council in implementing the recommendations of the Gloucester City Monuments Review. The Overview and Scrutiny Committee were pleased to see that progress had been made in implementing these recommendations.

Purple Flag Briefing

- 5.12 The Overview and Scrutiny Committee requested a briefing from the Cabinet Member for Communities on the process of achieving Purple Flag status and preparations to renew Gloucester's Purple Flag status for 2023. The Committee also invited the Chair of the Purple Flag Working Group to attend the meeting on 30th January 2023. Purple Flag is an international award aimed at raising standards and broaden the appeal of town and city centres during the evening and night-time. Purple Flag status is a recognition that a town or city provide a good range of dining, entertainment, and culture, alongside promoting the safety and wellbeing of visitors and local residents.
- 5.13 Safety for women and girls continues to be an area of interest for Overview and Scrutiny Members and they were also interested in the assessment process and partnership working with stakeholders. Gloucester was subsequently awarded its sixth consecutive Purple Flag award in May 2023.

Transport in Gloucestershire

- 5.14 A Special Meeting of the Overview and Scrutiny Committee was held on 13th March 2023 with senior Officers in Gloucestershire County Council from the Transport Planning and Local Major Projects teams. The Transport Scrutiny Session with

Gloucestershire County Council colleagues stemmed from the Committee's consideration of the City Council's Green Travel Plan Progress Report 2021-22, as highways and transport infrastructure are responsibilities of the County Council.

- 5.15 The Committee questioned the Executive Director of Economy, Environment and Infrastructure and the Transport Planning Team Manager for Gloucestershire County Council about upcoming projects, policy direction, net zero targets and proposals to help Gloucestershire achieve this target. Overview and Scrutiny Committee Members were also particularly interested in ambitions to deliver an integrated Mass Rapid Transit (MRT) system.
- 5.16 Members also received a bus service update from the Transport Operations Manager, outlining the current position on bus service delivery and ongoing challenges and pressures in the driving industry. The Local Major Projects Team Leader concluded the session by delivering a presentation on the delivery of cycling infrastructure in Gloucester and the wider county.

Integrated Care System Update

- 5.17 During the meeting on 27th March 2023, the Committee received a presentation from the Integrated Care Board Chief Executive on the One Gloucestershire Integrated Care System (ICS). Members were provided with an overview of how the ICS worked on an operational level, the vision for health and care in Gloucestershire and key priorities and transformation initiatives.
- 5.18 Overview and Scrutiny Members questioned the ICS Chief Executive on executive decision making within the ICS, initiatives such as 'Heat on Prescription', local challenges around telephone appointments and IT systems and how Councillors might be able to assist with these challenges.

Overview of Here to Help Facility

- 5.19 Following a request from the Overview and Scrutiny Committee, an item was added to the agenda of the meeting on Monday 27th March on the Here to Help reporting facility, which residents and Councillors can use to report issues online. The Director of Communities and Cabinet Member for Performance and Resources delivered a presentation on the Here to Help facility, including an update on the transformation

process and the impact of the cyber incident, and an overview of the online reporting tools and how residents were using them.

Call-In Request

- 5.20 A Special Meeting of the Overview and Scrutiny Committee was called on Tuesday 9th May in response to a 'Call-In' request on a Cabinet Decision pertaining to nominations to the Gloucester City Homes Board. The Call-In meeting was attended by the Cabinet Member for Planning and Housing Strategy as well as the Chief Executive of Gloucester City Homes, who assisted with Members questions.
- 5.21 Although the Call-In was put to a vote and lost, the Cabinet Member for Planning and Housing Strategy committed to ensuring all future wording in the report summaries accurately reflected the content of the report. The report also went on to be debated at the Annual Council meeting on 22nd May 2023.

Section 6 - Priorities for 2023-24

- 6.1 Over the next year, the Overview and Scrutiny Committee plan to further increase their role in the council's policy development. On 24th April 2023, the Committee considered the report resulting from the Corporate Peer Challenge undertaken in November 2022. The report acknowledged the constructive and mutually respectful relationship between Cabinet and the Overview and Scrutiny Committee, however one of the recommendations from the Peer Team was for the Committee to consider an annual work programming session to develop a longer-term work programme. It was felt that this would offer the opportunity for more Members to undertake policy development roles and encourage a selection of topics that will add value to residents of Gloucester.
- 6.2 The Committee were very supportive of the recommendation and arrangements will be made over the coming months for an annual work programming session with Committee Members and senior City Council Officers to identify key themes and areas of interest which the Committee will monitor over the course of the year.
- 6.3 Other priorities include ongoing dialogue with Gloucestershire Airport and a follow-up Special Meeting with the Managing Director and Chairman outlining the airport's 10-Year Masterplan. The Overview and Scrutiny Committee also plan to seek a meeting with senior Directors of Gloucester City Homes to request an update on housing provision and regeneration plans in Gloucester.

Section 7 - Members' Attendance Record

<i>Nature of Meeting</i>	<i>Meeting Date</i>
Ordinary Meeting	Monday 6 th June 2022
Ordinary Meeting	Monday 4 th July 2022
Ordinary Meeting	Monday 5 th September 2022
Ordinary Meeting	Monday 3 rd October 2022
Ordinary Meeting	Monday 31 st November 2022
Ordinary Meeting	Monday 28 th November 2022
Budget	Monday 5 th December 2022
Ordinary Meeting	Monday 9 th January 2023
Ordinary Meeting	Monday 30 th January 2023
Ordinary Meeting	Monday 27 th February 2023
Special Meeting (Transport Scrutiny Session)	Monday 13 th March 2023
Ordinary Meeting	Monday 27 th March 2023
Ordinary Meeting	Monday 24 th April 2023
Special Meeting (Call-In)	Monday 9 th May 2023

Name of Councillor	Meetings Attended (Max:14)
Councillor Sebastian Field (Chair)	11
Councillor Terry Pullen (Vice-Chair)	10
Councillor Andrew Durdey (Spokesperson)	9
Councillor Lyn Ackroyd	12
Councillor Lorraine Campbell	9 (out of 9 possible meetings)
Councillor Linda Castle	9
Councillor Paula Dee	13
Councillor Sylvia Evans	14
Councillor Andrew Gravells	11
Councillor Jeremy Hilton	14
Councillor Justin Hudson	8
Councillor Jaro Kubaszczuk	10
Councillor Sarah Sawyer	12
Councillor Rebecca Trimnell	2 (out of 2 possible meetings)
Councillor Declan Wilson	14
Councillor Shamsuz Zaman	4

Gloucester City Council

Meeting:	Council	Date:	13 July 2023
Subject:	Designation of Chief Finance Officer (S151 Officer)		
Report Of:	Head of Paid Service		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
Contact Officer:	Jon McGinty, Managing Director		
	Email: jon.mcginty@gloucester.gov.uk	Tel:	39-6200
Appendices:	None		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To appoint a S151 Officer, in accordance with Section 151 of the Local Government Act 1972.

2.0 Recommendations

- 2.1 Council is asked to **RESOLVE** that Greg Maw, Head of Finance and Resources, be designated the Council's Chief Finance Officer (S151 Officer), in accordance with section 151 of the Local Government Act 1972.

3.0 Background and Key Issues

- 3.1 Section 151 of the Local Government Act 1972 requires the council to make arrangements for the "proper administration of (its) financial affairs" and to "secure that one of their officers has responsibility for the administration of those affairs" through the appointment of what is known as a Chief Finance Officer to advise the council. The Chief Finance Officer is also known as the S151 Officer and this terminology will be used throughout this report.
- 3.2 The S151 Officer is required by law to be a qualified accountant and a member of one of the professional bodies as outlined in the Local Government Finance Act 1988. The legislative framework requires that either the S151 Officer is a direct employee of the council or that the S151 Officer is an employee of another council under a formal shared service arrangement.
- 3.3 Following the retirement of the previous S151 Officer, Jon Topping, on 31 March 2023, Greg Maw, the then Financial Services Manager and Deputy S151 Officer, was appointed as the interim S151 Officer by Council on 23 March 2023. Following a senior management restructure, the S151 Officer role was attached to the newly created Head of Finance and Resources post.

3.4 Following a competitive recruitment process, Greg Maw was appointed as Head of Finance and Resources on 12 June 2023, therefore it is recommended that Council approves his permanent appointment to the statutory S151 Officer role.

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 Council has a statutory duty to make the appointment from a suitably qualified employee. No other options have been identified.

7.0 Reasons for Recommendations

7.1 To meet the statutory requirements to appoint a S151 Officer for the City Council.

8.0 Future Work and Conclusions

8.1 If approved, Greg Maw will assume the permanent designation of S151 Officer with immediate effect and Hadrian Walters, Accountancy Manager, will continue as interim Deputy S151 Officer at least until the vacant Financial Services Manager post has been filled.

9.0 Financial Implications

9.1 Funding for the post of Head of Finance and Resources, to which this role is attached, was identified as part of the senior management restructure agreed by the Head of Paid Service in his decision dated 15 May 2023.

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

10.0 Legal Implications

10.1 Under Section 151 of the Local Government Act 1972 the Council has a duty to make arrangements for the proper administration of their financial affairs and appoint a Section 151 Officer. The Section 151 Officer must lead on the Council's financial functions and ensure that they are fit for purpose. The Section 151 Officer must be professionally qualified and suitably experienced.

10.2 Under Section 113 of the Local Government Finance Act 1988 the Section 151 Officer must also be a member of a recognised accountancy body.

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

11.0 Risk & Opportunity Management Implications

11.1 If a S151 Officer is not in post, the Council would be in breach of Section 151 of the Local Government Act 1972.

12.0 People Impact Assessment (PIA) and Safeguarding:

12.1 Not applicable.

13.0 Community Safety Implications

13.1 None

14.0 Staffing & Trade Union Implications

14.1 The Local Government Act 1972 requires the person designated as S151 Officer to be employed by the Council either directly or under a formal shared services agreement with another council.

Background Documents: None

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