

GLOUCESTERSHIRE COUNTY COUNCIL

CONSTITUTION

CONTENTS AND UPDATE RECORD

Part 1 Summary and Explanation

Part Articles of the Constitution

2

Article 1	The Constitution
Article 2	Members of the County Council
Article 3	The public and the County Council
Article 4	The Full Council
Article 5	Chair of the Council
Article 6	The Cabinet
Article 7	Decision making
Article 8	Scrutiny of decisions
Article 9	Audit and Governance Committee Regulatory and other
Article 10	committees
Article 11	Area committees
Article 12	Joint arrangements
Article 13	Officers
Article 14	Finance, contracts and legal matters
Article 15	Review and revision of the Constitution
Article 16	Suspension, interpretation and publication of the Constitution

Part 3 Responsibility for Functions

Introduction

The functions of full Council

Local choice functions

Full Council functions of a regulatory nature (non-Cabinet functions)

- Appeals Committee
- Appointments Committee
- Constitution Committee
- Disciplinary appeals Committee

- Pensions Committee
- Pensions Board
- Planning Committee
- Council regulatory functions
- Safety and Licensing Committee
- Commons and Rights of Way Committee
- Traffic Regulation Committee
- Audit and Governance Committee
- Scrutiny Committees
- Health and Wellbeing Board
- Gloucestershire Police and Crime Panel
- Gloucestershire Health And Wellbeing Partnership

Responsibility for executive functions

Scheme of delegation

Joint arrangements

Policy on distribution of functions

Part Rules of Procedure

4

Part 4 Procedural Standing Orders

Annual Meeting of the County Council

Ordinary Meetings

Extraordinary Meetings

Location and times of full Council meetings

Notice and summons to meetings

Chair of meeting

Quorum

Questions from the public

Questions by members

Notices of motion

Motions without notice

Rules of debate

Previous decisions and motions

Voting

Minutes

Record of attendance

Exclusion of the public

Members conduct

Members interests in contracts and other matters

Disturbance by the public

Photography and audio recordings of meetings

Electronic communication

Suspension and amendment of Procedural Standing Orders

Authority of the Chair

Group Leaders and Lead Members

Application of Procedural Standing Orders to other Council bodies

Election of Chair and Vice-Chair of committees

Appointment of substitute members of committees

Part 4 Rules on access to information about the County Council's formal business

Introduction

The public's right to attend meetings

The public's right to obtain copies of the agenda to meetings and reports and documents that are to be discussed at meetings

Sub-committees, panels and groups

Decisions by the Leader of the Council, Cabinet Members and Officers

Minutes of meetings

Charges for the supply of agenda, reports and background papers

The special rules that apply to 'key decisions'

Exceptions to the need to publish notice of a key decision 28 days in advance

The general exception rule

The special urgency rule

Scrutiny Committees

Elected Members' additional rights of access to information

Additional rights of access to information by Scrutiny Committees

Elected Members' duty of confidence

Part 4 Policy Framework and Budget Procedure Rules

The framework for Cabinet decisions

Process for developing the framework
Full Council decision and Leader's objection
Decisions outside the Policy Framework or budget
Urgent decisions outside the Policy Framework or budget
The call-in of decisions outside the Policy Framework or budget

Part 4 Cabinet Procedure Rules

Membership of the Cabinet
The role of the Cabinet
Publication of proposed decisions and decisions taken
Conflicts of interest
Cabinet meetings
Key decisions
Cabinet agenda
How are the Cabinet meetings conducted?
Questions at Cabinet meetings
Business conducted at meetings of the Cabinet
Consultation
Cabinet liaison arrangements
Appointment of Cabinet panels
Other groups and Cabinet business

Part 4 Scrutiny Procedure Rules

Number and arrangements for Scrutiny Committee
Co-ordination
Membership
Casual vacancies
Co-optees
Education representatives
Chair and Vice-chair of Scrutiny Committees
Meetings of the Scrutiny Committees
Quorum
Work programmes
Agenda items
Councillor call for action
Policy review and development

Reports from Scrutiny Committees
Members and Officers giving account
Attendance by others
Call-in and review and scrutiny of decisions
Procedure at Scrutiny Committee meetings
Scrutiny Task Groups

Part 4 Call-in Procedure Rules

Scope
Publication of Cabinet decisions and implementation
Grounds for call-in
Call-in procedure
Call-in and deferring implementation
Consideration by the relevant Scrutiny Committee
Action by the relevant Scrutiny Committee
Action by the Cabinet, Leader of the Council or Cabinet Member
Response to the relevant Scrutiny Committee
Call-in of urgent decisions
Call-in of decisions outside the Policy Framework and budget
Call-in template

Part 4 Panel Operating Principles

Part 4 Financial Procedure Rules

General introduction
Part A: Financial management
Part B: Financial planning
Part C: Risk management and control of resources
Part D: Systems and procedures
Part E: External arrangements

Part 4 Contract Procedure Rules

Purpose
General provisions
Gateway Review
Contracts for Goods and Services
Invitation to Tender
Selective Tendering - Standing Lists

- Selective Tendering - No Standing List
- Advertising Contracts
- Contracts for Works
- Invitation to Tender
- Selective Tendering – Standing Lists
- Selective Tendering - No Standing List
- Advertising Contracts
- Submission and Opening of Tenders
- Acceptance of Tenders
- Contract Conditions
- Procurement Gateway Form
- Part 4 Officer Employment Procedure Rules**
 - Recruitment and appointment
 - Cabinet consultation - senior Officers
 - Appointment of political assistants
 - Other appointments
 - Disciplinary action - Head of Paid Service, Monitoring Officer and Chief Financial Officer
- Part 5 Codes and Protocols**
- Part 5 Protocol on Public Address at Planning Committee**
 - Notification of the wish to speak
 - Speaking limits
 - Speaking in sequence
 - Requirements for “Permitted Speakers”
- Part 5 Members’ Code of Conduct**
- Part 5 Code of Conduct for Employees**
- Part 5 Protocol on the relationship between Officers and Members**
 - Introduction
 - The role of elected Members
 - The role of Officers
 - Sources of difficulty
 - Political neutrality
 - Confidentiality
 - Dealing with the press

	Member pressure on Officers
	Blurring public and private roles
	The role of group leaders and senior Officers
Part 5	Protocol on Member and Officer attendance at meetings of other public authorities
Part 5	Members' Protocol on Gifts and Hospitality
	Introduction
	What should be registered
	Gifts
	Hospitality
	Examples
	The Register of Gifts and Hospitality
Part 5	Members' Allowances Scheme
	Basic allowance
	Special responsibility allowances
	Other allowances for approved duties
	Travelling
	Subsistence
	Carers' allowance
	How to claim
	VAT
	Income Tax
	National Insurance contributions
	Social Security benefits
	Renunciation
	Financial loss allowance and non-elected Members
	Reimbursing expenses for non-Councillors
	Contact points
	List of approved duties
Part 5	Members' Parental Leave Scheme
Part 5	Protocol on decisions to be taken by Executive Members
	Introduction
	Context

Decision making framework

Publication of information before decisions are taken by Executive Members

Publication of information after decisions are taken by Executive Members

Calling in executive decisions

Proformas

Confidential and exempt information

Review

Part 5 Management Structure

Senior Management Structure

Part 5 Petition Scheme

This page is intentionally blank

PART 1

SUMMARY AND EXPLANATION

SUMMARY AND EXPLANATION

This document has been prepared under Section 37 of the Local Government Act 2000, which requires the County Council to maintain a Constitution. This summary is intended to explain the purpose of the Constitution and to help the reader find their way around it.

The Constitution is divided into five parts. This introduction forms Part 1.

Part 2 of the Constitution - “basic principles”

Part 2 sets out the “Articles” of the Constitution. The Articles describe the individuals and groups that make up the County Council (that is, its “composition”) and the principal rules and procedures that govern the way it operates.

The composition of the County Council

The County Council exists to provide services to the people of Gloucestershire. The Council does this by carrying out duties and exercising powers that have been given to it by Parliament. Certain kinds of decisions about the exercise of these duties and powers may only be made by what is called the “full Council”.

In Gloucestershire, the full Council is made up of 53 County Councillors (who are also known as Members), who are normally elected every four years to represent the people who live in the County’s various “electoral divisions”. The Chair of the County Council presides over meetings of the full Council, assisted by the Vice Chair.

The full Council has such wide powers, it would be impractical for it to make every decision itself; it would be too unwieldy. It therefore concerns itself with setting the broad policy and budgetary framework of the Authority. More detailed decisions are made by what are known as “Council bodies” and by the Council’s “Cabinet”.

Council bodies are also known as “committees”. Each has been given a range of duties and powers by the full Council, which they exercise on its behalf. Most Council bodies are concerned with what are known as “regulatory activities”, that is the issuing of licences, permissions and various kinds of consent. Other Council bodies deal with administrative functions, such as the appointment of senior Officers and the administration of the County Council’s pension fund. The Audit and Governance Committee is also a Council body, whose remit includes ensuring that Members maintain high standards of probity in their public life.

The Council’s Cabinet (which is sometimes known as the “executive”), is made up of the Leader of the Council (who must be a County Councillor) and up to nine other County Councillors, and has particularly wide-ranging responsibilities. Unlike other Council bodies, most of a Cabinet’s duties and powers are derived from Acts of Parliament and subordinate legislation (that is, orders and regulations laid before Parliament) rather than powers that have been delegated to it

by the full Council. A Cabinet's role is principally to formulate detailed policies and proposals for delivery of services within the policy and budgetary framework that is set by the full Council.

In view of the importance of a Cabinet's role and its very extensive powers, Parliament decided that its work should be subject to careful monitoring by Scrutiny Committees. The County Council has several Scrutiny Committees, whose remit reflect this Cabinet monitoring role and also a wide ranging contribution to the Council's and other public services.

Part 3 of the Constitution - "who does what?"

Part 3 of the Constitution describes which powers and duties are exercised by the full Council, Council bodies and the Council's Cabinet and the remit of the Scrutiny Committees. Officers of the Council (that is, Council employees) may make decisions on behalf of the Council, Council bodies and the Council's Cabinet under what is called the "scheme of delegation". This is also set out in Part 3. The law allows Members of the Cabinet to make decisions on behalf of the Council.

Part 4 of the Constitution - "the rule book"

The Council is anxious to ensure that it makes decisions reasonably, effectively, efficiently and openly. It has therefore formulated a number of rules and procedures that regulate the way the full Council, Council's Cabinet, Scrutiny Committees and other Council bodies conduct their business. The Council has also drawn up rules to regulate other aspects of the way it conducts its business. For example, it has published detailed rules about access to information, financial dealings and about the way it will let contracts. All of these rules are found in Part 4 of the Constitution.

Part 5 of the Constitution - "maintaining probity"

The County Council places great importance on promoting and maintaining high standards of conduct on the part of Officers and Members. It has therefore published a number of codes and protocols to guide their behaviour, which are set out in Part 5 of the Constitution.

Part 5 of the Constitution - The Scheme of Members' Allowances

By law, Members are entitled to be reimbursed for the performance of their duties in accordance with a Scheme that is approved each year by the full Council after it has considered the report of an Independent Remuneration Panel. The Scheme is published in Part 5 of the Constitution.

Part 5 of the Constitution – The Management Structure

Part 5 of the Constitution provides a link to the Council's senior management structure so that the general public may identify who they need to speak to about a particular service or problem.

At various points in the Constitution, notes have been included in italics. These notes are only an aid to interpretation or indicate informal practices and do not form part of the Constitution.

This page is intentionally blank

PART 2

ARTICLES OF THE CONSTITUTION

ARTICLES OF THE CONSTITUTION

Article 1 - The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

The Constitution, including any schedules, appendices and annexes referred to in the Constitution, is the Constitution of Gloucestershire County Council.

1.03 The purpose of the Constitution

The purpose of the Constitution is to:

- 1.03.1 Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 1.03.2 Support the active involvement of citizens in the process of Local Authority decision-making;
- 1.03.3 Help County Councillors represent their constituents more effectively;
- 1.03.4 Enable decisions to be taken effectively and efficiently;
- 1.03.5 Create a powerful and effective means of holding decision makers to public account;
- 1.03.6 Ensure that, in a Scrutiny Committee, no one will review or scrutinise a decision in which they were directly involved;
- 1.03.7 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- 1.03.8 Provide a means of improving the delivery of services to the community.

1.04 Interpretation of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option, which it thinks is closest to the purposes stated in Article 1.03.

Article 2 - Members of the County Council

2.01 Composition and eligibility

The Council has 55 elected Members, who are known as County Councillors. County Councillors represent the people who live in particular geographical areas, which are called electoral divisions. Only registered voters of the county or those living or working in the county will be eligible to hold the office of County Councillor. Detailed eligibility qualifications are set out in Section 79 of the Local Government Act 1972.

2.02 Election and terms of County Councillors

The people of Gloucestershire have an opportunity to decide who shall be elected to represent each of the Council's electoral divisions every four years at what are known as "regular elections". The next regular election will be held in 2021. If a County Councillor resigns, dies or becomes ineligible to serve as a County Councillor between regular elections, an election will be held to fill that "casual vacancy" unless the vacancy arises within the six months before a regular election.

2.03 The roles of County Councillors

County Councillors shall carry out the following key roles:

- 2.03.1 Collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions including setting the Council's budget;
- 2.03.2 Appropriately represent their communities and bring their views into the Council's decision making process, i.e. be the advocate of and for their communities;
- 2.03.3 Deal with individual casework, act as advocate for constituents in resolving and be responsible for trying to resolve, particular concerns or grievances;
- 2.03.4 Contribute to good governance of the area and actively encourage community participation and citizen involvement in decision making;
- 2.03.5 Maintain the highest standards of conduct and ethics;
- 2.03.6 Balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
- 2.03.7 Be available to represent the Council on other bodies;
- 2.03.8 Participate in and collectively share responsibility for the good governance and management of the Council

2.04 The rights and duties of County Councillors

County Councillors shall have the following rights and duties:

- 2.04.1 A right of access to such meetings, documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- 2.04.2 A duty not to make public any information which is confidential or exempt without the express consent of the Council, Council body or Cabinet, as the case may be; and
- 2.04.3 A duty not to divulge to anyone, other than a County Councillor or an Officer entitled to know it any “confidential” or “exempt” information received from a Council source;

Note: The terms "confidential" and "exempt" are defined in the Access to Information Rules in Part 4 the Constitution and further information is included in the "Protocol on the Relationship between Officers and Members of Gloucestershire County Council" in Part 5 of the Constitution

- 2.04.4 County Councillors have a right to support from Officers to help them discharge their duties to the Council and their constituents.

2.05 Conduct

County Councillors are required to comply with the Code of Conduct for Members and the Protocol on Relationships between Officers and Members, both of which may be found in Part 5 of the Constitution.

2.06 Allowances

County Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 5 of this Constitution.

Article 3 - The public and the County Council

3.01 The rights of the public regarding the Council's business

The public have the following rights:

- 3.01.1 To attend meetings of the Council and its committees and of the Cabinet, except where confidential or exempt information is likely to be disclosed;

- 3.01.2 To find out from the Forthcoming Executive Decision List what and when key decisions will be taken by the Cabinet;
- 3.01.3 To inspect agendas, reports, background papers and minutes subject to exceptions in respect of confidential and exempt information. These rights are explained in the Rules on Access to Information about the County Council Formal Business in Part 4 of this Constitution;
- 3.01.4 At certain times of the year, the public are also entitled to inspect the Council's accounts and express their views on them to its external auditor (whose name and address may be obtained from the Executive Director of Corporate Resources).

3.02 Executive Arrangements

In addition to their right to vote in elections or referenda, people who are on the electoral register for Gloucestershire are entitled to petition for a referendum to replace the Leader and Cabinet of the County Council with an elected mayor and Cabinet. Information on this right may be obtained from the Head of Democratic Services.

People who live or work in Gloucestershire are entitled to petition the Council on various issues either through paper-based petitions or e-petitions. The petitions scheme is available on the County Council website or from Democratic Services.

3.03 Participation

The people of Gloucestershire have the right to ask questions at meetings of the full Council and its committees (except Scrutiny Committees). These rights are explained by Procedural Standing Orders 8 and 26 which may be found in Part 4 of this Constitution.

3.04 Complaints

The public may complain to:

- the Council about its services under the Council's complaints process or information compliance procedures;
- the Local Government and Social Care Ombudsman after having exhausted the Council's own complaints process;
- the Information Commissioner's Office, about the Council's information rights practices; or
- The Council's Monitoring Officer about the conduct of County Councillors and co-opted Members of the Council.

Article 4 - The Full Council

4.01 Functions of the full Council

- 4.01.1 The principal function of the full Council is to approve, adopt and change the Council's budgetary and Policy Framework. The documents that make up the Policy Framework are prescribed by law under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended, but may, in addition, include any other plans and strategies that the Council decides should be considered by the full Council. The documents currently comprising the Policy Framework are listed in the Policy Framework and Budget Procedure Rules;
- 4.01.2 The full Council is also responsible for a number of other important functions, which are described in Tables 3.1 and 3.2 in Part 3 of this Constitution.

4.02 Full Council meetings

- 4.02.1 There are three kinds of meeting of the full Council:
- The Annual Meeting;
 - Ordinary Meetings (including the Budget Meeting);
 - Extraordinary Meetings.
- 4.02.2 Each of these meetings will be conducted in accordance with the Council's Procedural Standing Orders in Part 4 of the Constitution.

4.03 Responsibility for functions

Part 3 of the Constitution describes how the functions that are not carried out by the Cabinet are distributed between other Council bodies.

Article 5 - Chair of the Council

- 5.01** The Chair and Vice-Chair will be elected by the full Council annually. The role and function of the Chair and, in their absence, the Vice-Chair, is set out below.

Note: The Chair of the Council, at the beginning of their term of office, may choose to indicate how they wish to be addressed, according to personal preference.

5.02 The Chair's civic role

The Chair of the Council is the civic leader of Gloucestershire and will act as an ambassador for the people of Gloucestershire and the county as a whole. To this end, they will undertake civic, community and ceremonial activities to help foster community identity and pride.

5.03 The formal responsibilities of the Chair

The Chair of the Council will have the following responsibilities:

- 5.03.1 To promote and uphold the purposes of the Constitution;
- 5.03.2 To preside over meetings of the full Council so that its business can be carried out efficiently and with regard to the rights of Members of the Council and the interests of the community;
- 5.03.3 At meetings of full Council, to interpret the Constitution. Where appropriate, the Chair shall first consult with the Monitoring Officer;
- 5.03.4 To ensure that the full Council meeting is a forum for the debate of matters of concern to the local community and a place at which Members of the Council can question decisions of its committees and the Cabinet and hold them to account for those decisions;
- 5.03.5 To promote public involvement in the Council's activities.

Article 6 - The Cabinet

6.01 The role of the Leader

The Leader of the Council is responsible for allocating all functions, which, by law or this Constitution, are not required to be the responsibility of the Council or any other part of the Council.

6.02 The composition of the Cabinet

- 6.02.1 The Cabinet is made up of the Leader of the Council (who must be a County Councillor) and up to nine other County Councillors. Full Council is responsible for appointing the Leader of the Council (who leads the Cabinet) at the Annual Meeting of the Council following a regular election or, if the Council fails to elect a Leader at that post election annual meeting, at a subsequent meeting of the Council. The Leader of the Council is responsible for determining the number of other Members of the Cabinet, which shall be between two and nine, also for appointing them and allocating portfolios to those appointees. If a vacancy shall occur in the membership of the Cabinet, a replacement may be appointed by the Leader;
- 6.02.2 There may be no co-optees, deputies or substitutes for Members of the Cabinet.

6.03 The Leader of the County Council

The term of office of the Leader will start on the day of their election as Leader and end on the day of the next post election annual meeting unless:

- 6.03.1 They are removed from office by a simple resolution of the full Council at an earlier date or
- 6.03.2 They resign from office; or
- 6.03.3 They cease to be a County Councillor.

If the Council passes a resolution to remove the Leader, a new Leader shall be elected at the meeting at which the Leader is removed from office or at a subsequent meeting.

6.04 Deputy Leader

- 6.04.1 The Leader shall appoint one of the Members of the Cabinet to be their deputy, to hold office until the end of the term of office of the Leader unless they resign as Deputy Leader or cease to be a Member of the Council or is removed from office by the Leader under the following provision;
- 6.04.2 The Leader may, if they think fit, remove the Deputy Leader from office and must then appoint another Member of the Cabinet in their place;
- 6.04.3 If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader must act in their place.

6.05 Other Cabinet Members

- 6.05.1 Only County Councillors may be appointed to the Cabinet but neither the Chair nor Vice Chair of the Council may be Members of the Cabinet. Cabinet Members hold office on the same terms as the Leader of the Council, which are set out in Article 6.03;
- 6.05.2 The Leader may, if they think fit, remove a Cabinet Member from office;
- 6.05.3 Members of the Cabinet may not be members of a Scrutiny Committee.

6.06 Proceedings of the Cabinet

Meetings of the Cabinet will be conducted in accordance with the Cabinet Procedure Rules that are described in Part 4 of the Constitution.

6.07 Responsibility for functions

Cabinet Members have responsibility for leading particular areas of the Cabinet's work. These responsibilities are determined by the Leader and are set out in Part 3 of the Constitution.

6.08 Delegation to individual Members of the Cabinet

The Scheme of Delegation determined by the Leader and set out in Part 3 of the Constitution, delegates certain functions to Members of the Cabinet. Cabinet functions may be exercised by the Cabinet, a Cabinet Committee, a Cabinet Member, Officers, an area committee or by joint committees with other Local Authorities.

6.09 Appointments to outside bodies

- 6.09.1 The Council is one of a number of organisations that enter into partnerships with other public sector and with private sector organisations. It is represented on such partnership bodies by County Councillors and Officers, who must be formally appointed to them. The appointments process is what is called a "local choice function", which means that it may be exercised by the Cabinet or the full Council;
- 6.09.2 In line with the Secretary of State's advice, the Cabinet will make appointments to those bodies with functions, which are its responsibility. Other appointments will be made by or on behalf of the full Council. A list of all appointments to outside bodies will be maintained by the Head of Democratic Services.

Article 7 - Decision making

7.01 Responsibility for decision making

Part 3 of the Constitution records which Council body is responsible for carrying out particular functions.

Any function that is the responsibility of the Cabinet may not be discharged by the full Council unless a proposed decision would be contrary to or not wholly in accordance with the Policy Framework or the budget. Such a proposed decision ceases to be an executive decision and is a matter for full Council to determine.

7.02 Principles of decision making

All decisions of the Council will be made in accordance with the following principles:

- 7.02.1 They must be lawful;
- 7.02.2 They must involve a proportionate exercise of power relative to the desired outcome;
- 7.02.3 They should take proper account of consultation with others;

- 7.02.4 They should have proper regard to Officers' advice;
- 7.02.5 They should respect human rights;
- 7.02.6 They should be made in public whenever this is appropriate and practicable;
- 7.02.7 Their aims and desired outcomes should be clear;
- 7.02.8 They should be properly reasoned and alternatives that are discounted should be identified and the reasons for their rejection explained adequately.

7.03 Decision making by the full Council in relation to its functions

The full Council will conduct its business in accordance with the Council's Procedural Standing Orders that are set out in Part 4 of the Constitution.

7.04 Decision making by the Cabinet in relation to its functions

The Cabinet will follow the Cabinet Procedure Rules and the Rules on Access to Information about Formal Council Business, which is set out in Part 4 of the Constitution, whenever it considers how to discharge any of its functions.

7.05 Decision making by scrutiny committees in relation to their functions

Scrutiny Committees will follow the Scrutiny Procedure Rules set out in Part 4 of the Constitution when considering any matter.

7.06 Decision making by Council bodies

The Council has decided that Council bodies need only comply with some of its Procedural Standing Orders, which are detailed in Part 4 of the Constitution.

Article 8 - Scrutiny of decisions

8.01 Scrutiny committees

8.01.1 The role of scrutiny committees is to:

1. Help to hold the executive to account for the decisions that it makes;
2. Review, constructively challenge and monitor the Cabinet's policies and programmes to ensure that community and corporate priorities are achieved within budget;

3. Review, constructively challenge and monitor other decisions made or actions taken in connection with the discharge of any of the Council's functions and consider any matter affecting the area or its inhabitants;
4. Engage in policy review and development;;
5. Focus on improvement and how it can be achieved cost effectively;
6. Engage with the community;
7. Look outwards and show community leadership by providing constructive challenge to other public bodies particularly those with whom the County Council delivers services in partnership;
8. Liaise with external organisations operating in the area, whether national, regional or local, to ensure that the interests of the people of Gloucestershire are enhanced by collaborative working;
9. Raise the profile of the County Council;
10. Consider called-in decisions;
11. Consider any matters referred by full Council or Cabinet.

8.01.2 The remit and role of each scrutiny committee is described fully in Part 3 of the Constitution.

8.02 Finance and other resources

The Corporate Overview and Scrutiny Committee will exercise overall responsibility for the finances and other resources that the Council makes available to the scrutiny function (if any).

8.03 Annual Report

An Annual Scrutiny Report will be presented each year to full Council. The report will be prepared by the Statutory Scrutiny Officer, following consultation with the Chairs and Vice-Chairs of the scrutiny committees, and may make recommendations to secure adequate resources for the discharge of the scrutiny function. Upon receiving this report, the full Council will take such action as it considers necessary to address those recommendations.

8.04 Proceedings of Scrutiny Committees

Scrutiny Committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution. The committees and their functions are set out in 3.9 of Section 3, Part 3 of the Constitution.

Article 9 - Audit and Governance Committee

The Audit and Governance Committee has responsibility for advising on the adequacy and effectiveness of the Council's corporate governance arrangements and internal control environment. The remit and role of the committee are described fully in Part 3 on the Constitution.

Article 10 - Regulatory and other Committees

The Council has created a number of regulatory and other committees (also known as 'Council bodies') to discharge those functions of the full Council that may not be delegated to the Cabinet. These Council bodies and the functions that have been allocated to each of them are described in Part 3 of the Constitution.

Article 11 - Area committees

The Council and/or the Cabinet may appoint area committees, with or without decision making powers, if it appears this will secure the delivery of best value services to the people of Gloucestershire.

Article 12 - Joint arrangements

12.01 Arrangements to promote well-being

12.01.1 The Council or the Cabinet may promote the social, economic and environmental well-being of its area by:

1. Entering into arrangements or agreements with any person or body;
2. Co-operating with, or facilitating or co-ordinating the activities of, any person or body;
3. Exercising on behalf of another person or body any functions that are the responsibility of that person or body.

12.02 Joint arrangements

12.02.1 The Council may establish joint arrangements with one or more Local Authorities to exercise non-Cabinet functions or to advise the Council. These kinds of arrangement may involve the appointment of joint committees whose members may include members of other Local Authorities.

12.02.2 Where there is, or is proposed to be a consultation on a substantial development or variation to health services that extend beyond Gloucestershire, the Health Overview and Scrutiny Committee may determine:

1. The size of any joint committee appointed for this purpose in consultation with other appropriate Authorities, which have an interest as consultees;
2. The number of the Council's seats on each such joint committee;
3. Membership of the joint committee from members of the Health Overview and Scrutiny Committee;
4. The allocation of Council seats according to political balance requirements.

12.02.3 Similarly, the Cabinet may establish joint arrangements with other Local Authorities to exercise Cabinet functions. These kinds of arrangements may involve the appointment of joint committees whose members may include elected members of other Local Authorities. Generally, the Cabinet may only appoint Cabinet Members to a joint committee. The Cabinet may, however, appoint non-Cabinet members to a joint committee in the following circumstances:

1. The joint committee has functions for only part of the area of the county and that area is smaller than two-fifths of the county by area or population. In such cases, the Cabinet may appoint to the joint committee any County Councillor who is a member for an electoral division which is wholly or partly contained within the area;
2. The joint committee is between the Council and a single District Council and relates to functions of the Cabinet or the Council. In such cases, the Cabinet or the Council may appoint to the joint committee any County Councillor who is a member for an electoral division that is wholly or partly contained within the area.

12.02.4 The committees that are described in paragraphs 12.02.3, 1 and 2, need not be politically balanced;

12.02.5 Details of any joint arrangements, including any delegations to joint committees, will be found in Part 3 of the Constitution.

12.03 Delegation to and from other Local Authorities

12.03.1 The Council may delegate or accept the delegation of non-executive functions to or from another Local Authority or, in certain circumstances, the executive of another Local Authority;

12.03.2 The Cabinet may delegate or accept the delegation of Cabinet functions to or from another Local Authority or, in certain circumstances, the executive of another Local Authority.

12.04 Contracting out

The full Council and the Cabinet may contract out some of their functions to other organisations under the Deregulation and Contracting Out Act 1994 or under an agency agreement provided there is no delegation of the County Council's discretionary decision making powers.

Article 13 - Officers

13.01 Management structure

13.01.1 General

The Council will engage Officers to enable it to carry out its functions.

13.01.2 Statutory Officer Posts

Position	Legislation	Name
Head of Paid Service	Local Government and Housing Act 1989 – Section 4	Jo Walker
Chief Finance Officer	Local Government Act 1972 – Section 151	Nina Philippidis
Monitoring Officer	Local Government and Housing Act 1989 – Section 5	Robert Ayliffe
Director of Adult Social Care	Local Authorities Social Services Act 1970 – Section 6	Sarah Scott
Director of Children's Services	Children's Act 2004 – Section 18	Ann James
Director of Public Health	National Health Service Act 2006 – Section 73A	Siobhan Farmer
Statutory Scrutiny Officer	Local Government Act 2000 – Section 9FB	Stephen Bace

Data Protection Officer	General Data Protection Regulations Articles 37 to 39. Data Protection Act 2018 Part 3, Chapter 4, sections 69-71	Nicholas Holland
-------------------------	---	------------------

13.02 The role of the Head of the Paid Service

The role of the Head of the Paid Service is to report to the Council on how the Council ought to be staffed, managed and organised so that it operates efficiently and effectively. The Head of the Paid Service may not be the Monitoring Officer but they may be the Chief Financial Officer if they are a qualified accountant.

13.03 The role of the Monitoring Officer

The role of the Monitoring Officer is to ensure that the Council operates within the law and its Constitution and deals with local people and businesses fairly and reasonably (that is, without “maladministration”). Where the Monitoring Officer discovers the Council has or proposes to break the law or that it has or proposes to act unfairly, they must make a report to the Cabinet (if the matter is an executive function) or the full Council (in any other case).

13.04 The role of the Chief Financial Officer

The role of the Chief Financial Officer is to ensure that the Council uses and manages its financial resources wisely and that decisions relating to the use of the Council's financial resources are lawful and prudent.

13.05 Conduct of Officers

Officers are required to comply with the Code of Conduct for Employees and the Protocol on Relationships between Officers and Members, which may be found in Part 5 of the Constitution.

13.06 Employment and dismissal of Officers

Officers will be recruited and dismissed in accordance with the Officer Employment Procedure Rules that are set out in Part 4 of the Constitution.

Article 14 - Finance, contracts and legal matters

This Article refers to the Council's procedure rules and Contract Procedure Rules, which are contained in Part 4 of the Constitution.

14.01 Financial management

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

14.02 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 4 of the Constitution.

14.03 Legal proceedings

The Assistant Director of Legal Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Assistant Director of Legal Services considers that such action is necessary to protect the Council's interests.

14.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Assistant Director of Legal Services or other person authorised by them, unless any enactment or the Constitution otherwise authorises or requires, or the Council has given Authority to some other person.

Note: Contract Procedure Rules 14.8, 14.9 and 14.10 impose additional authentication requirements in certain circumstances

14.05 Common Seal of the County Council

The Common Seal of the Council will be kept in a safe place to the satisfaction of the Assistant Director of Legal Services. A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which, in the opinion of the Assistant Director of Legal Services, should be sealed. The fixing of the Common Seal to a document will be attested by the Assistant Director of Legal Services or some other person authorised by them.

Article 15 - Review and revision of the Constitution

15.01 Duty to monitor and review the Constitution

The Constitution Committee will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

15.02 Changes to the Constitution

15.02.1 Changes to the Constitution will generally only be made by the full Council and Cabinet on the recommendation of the Constitution Committee. The Monitoring Officer may make changes to any part of the Constitution:

1. If they consider it necessary to comply with the law;
2. To secure the convenient, efficient and effective discharge of any function;
or
3. To give effect to any decision of the full Council or Cabinet.

15.02.2 If the Monitoring Officer takes action in accordance with 15.02.1, 1 or 2 above in respect of an executive function, it shall be reported to and ratified by the Cabinet and reported to the Constitution Committee;

15.02.3 If the Monitoring Officer takes action in accordance with 15.02.1, 1 or 2 above in respect of a non-executive function, it shall be reported to the Constitution Committee and reported to and ratified by the full Council;

15.02.4 If the Monitoring Officer takes action in accordance with 15.02.1, 3 above in respect of an executive function, it shall be reported to the Constitution Committee.

15.03 Changes to the governance arrangements

Changes to the law introduced by the Localism Act mean that there is no longer an automatic requirement for a referendum before a change to the Council's governance arrangements. Thus, the Council may change from executive arrangements to a committee system or change from a Leader and Cabinet executive to a Mayor and Cabinet executive by passing a resolution to that effect. This applies unless the Secretary of State has made an Order requiring the Council to hold a referendum on whether it should operate a Mayor and Cabinet executive. The resolution itself may provide that the proposed change be subject to approval in a referendum.

Article 16 - Suspension, interpretation and publication of the Constitution

16.01 Suspension of the Constitution

16.01.1 Limit to suspension

The Articles of this Constitution may not be suspended. The Council's Procedural Standing Orders may be suspended by the full Council to the extent permitted within those Standing Orders and the law.

16.02.2 Procedure to suspend

A motion to suspend any Standing Orders will not be moved without notice unless at least one-half of the full Council is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1 and will only be for so long as is necessary to transact the particular item of business necessitating the suspension.

16.02 Interpretation

- 16.02.1 The ruling of the Chair of the Council as to the meaning or application of this Constitution, or as to any proceedings of the full Council, shall not be challenged at any meeting of the full Council. Such ruling will have regard to the purposes of the Constitution contained in Article 1;
- 16.02.2 Subject to the preceding paragraph of this Article, Procedural Standing Order 24 and Cabinet Procedure Rule 8.4, the Monitoring Officer shall decide any questions about the meaning or application of this Constitution. Such interpretation will have regard to the purposes of the Constitution contained in Article 1.

16.03 Publication

- 16.03.1 The Monitoring Officer will make available an electronic copy of the Constitution on the Council's web site for the benefit of County Councillors, Council Officers and members of the public. The electronic copy can be accessed at county libraries.
- 16.03.2 A paper copy of the Constitution will be available for inspection at the Council's principal office and a copy can be purchased by any person who requests one on payment of a reasonable fee.
- 16.03.3 The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.
- 16.03.4 The Monitoring Officer will ensure that updates to the Constitution are similarly distributed.

PART 3

RESPONSIBILITY FOR FUNCTIONS

RESPONSIBILITY FOR FUNCTIONS

Introduction

The Local Government Act 2000 and regulations made under the Act, distribute responsibility for the Council's functions between the full Council and the Executive (which is known as the "Cabinet"). The law therefore specifies certain Council functions and by whom decisions in respect of those functions may or may not be taken. Any functions not specified by the law are the responsibility of the Cabinet. The allocation of functions within this Constitution is intended to reflect the law but in the event of any conflict, the law shall prevail.

The volume of the Council's business makes it quite impracticable for the full Council of 53 Members to make every decision that lies within its remit. The full Council has therefore delegated certain of its functions to other "Council bodies", which are known as "Committees". Under the law, the full Council and the Cabinet may also delegate power to Officers, Cabinet Members and Joint Committees to make decisions that they could make. The distribution of these powers to Officers and Cabinet Members is set out in what is known as the "Scheme of Delegation", which is set out in Sections 4, 5 and 6 of Part 3 of the Constitution.

The dispersal of responsibility for making decisions is necessary because it assists the effective and efficient administration of local government. The Council, however, recognises that those who exercise power on behalf of the Council ought to be accountable for the decisions that they make. This part of the Constitution describes the powers that may be exercised by the full Council, the Cabinet and other Council bodies, and sets out the scheme of delegation of those functions. From this, the public may discover who may make decisions about various matters.

SECTION 1 - THE FUNCTIONS OF THE FULL COUNCIL

The full Council has responsibility for making decisions in respect of each of the functions that are set out in Table 3.1.

Table 3.1: The functions of the full Council

(a)	Adopting and changing the Constitution.
(b)	Approving or adopting or making material change to the Policy Framework and the budget.
(c)	Making decisions about any matter in the discharge of a Cabinet function, which is covered by the Policy Framework or the budget where the Cabinet is minded to make it in a manner, which would be contrary to, or not wholly in accordance with, the Policy Framework or the budget.
(d)	Appointing and removing the Leader.
(e)	Appointing the Chairs and Vice-chairs of the Scrutiny Committees.
(f)	Determining and amending the terms of reference of committees established by the full Council, determining their composition and making appointments to them.
(g)	Appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the full Council to another Council body or an Officer.
(h)	Adopting a Members' Allowances Scheme under Article 2.
(i)	Changing the name of the area.
(j)	Conferring the title of Honorary Alderman.
(k)	Confirming the appointment of the Head of Paid Service.
(l)	Approving the dismissal of the Chief Executive, Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (Section 151 Officer)
(m)	Arranging for the exercise of those local choice functions set out in Section 2 of this part of the Constitution, which the full Council decides should be undertaken by itself rather than the Cabinet.
(n)	Making, amending, revoking or re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills in Parliament.
(o)	Making the decision described in Article 11.02 of this Constitution on joint arrangements.
(p)	All other matters, which by law, must be reserved to full Council.

SECTION 2 - LOCAL CHOICE FUNCTIONS

- 2.1 The law allows the full Council to decide whether some functions (known as “local choice functions”), should be exercised by the full Council, the Cabinet or another Council body. Table 3.2 therefore describes how local choice functions have been allocated.

Table 3.2: The allocation of Local Choice Functions

	Function	Who will be responsible for these functions
(a)	The exercise of functions under local Acts (at present there are none).	Constitution Committee (to advise Council on allocation of responsibilities that may arise).
(b)	The determination of appeals (where a right of appeal exists either by law or where the Council has expressly determined there shall be a right of appeal) against executive or non-executive decisions made by or on behalf of the County Council.	Appeals Committee.
(c)	The making of arrangements for the determination of the review of a decision to exclude pupils.	Appeals Committee.
(d)	The making of arrangements for the determination of school admission appeals.	Appeals Committee.
(e)	The making of arrangements for the determination of appeals by Governing Bodies against decisions made by or on behalf of the County Council to admit a child to whom Section 87(2) of the Schools Standards and Framework Act 1998 applies.	Appeals Committee.
(f)	The conduct of best value reviews.	Cabinet.
(g)	Any function related to contaminated land.	Planning Committee.
(h)	Any function relating to the control of pollution or the management of air quality.	Planning Committee.
(i)	Obtaining information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning Committee.
(j)	Obtaining particulars of persons interested in land; Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Planning Committee
(k)	The appointment (and the revocation of any such appointment) of any individual:	The full Council or, where the appointment relates to a Cabinet function, the Cabinet.

	• To any office other than an office in which they are employed by the Authority; • To any body other than: - The County Council; - A joint committee of two or more Authorities; or to any committee or sub-committee of such a body.	
--	---	--

SECTION 3 - FULL COUNCIL FUNCTIONS OF A REGULATORY NATURE (NON-CABINET FUNCTIONS)

The full Council has established the following Council bodies to exercise certain of its functions:

- 3.1 Appeals Committee
- 3.2 Appointments Committee
- 3.3 Constitution Committee
- 3.4 Pensions Committee
- 3.5 Pensions Board
- 3.6 Planning Committee
- 3.7 Safety & Licensing Committee
- 3.8 Commons & Rights of Way Committee
- 3.9 Traffic Regulation Committee
- 3.10 Audit & Governance Committee
- 3.11 Scrutiny Committees
- 3.12 Health and Wellbeing Board
- 3.13 Gloucestershire Police and Crime Panel
- 3.14 Gloucestershire Health and Wellbeing Partnership

3.1 APPEALS COMMITTEE

The role of the Appeals Committee is, in essence, to act as a forum for hearing and determining complaints by employees, pupils and other individuals and to make arrangements for the determination of certain appeals in accordance with the law and under the Council's own grievance and other procedures. The duties of the Appeals Committee are set out in Table 3.01.

Table 3.01: The duties of the Appeals Committee

1.	The making of arrangements for the determination of admission appeals in accordance with Section 94(1) and (4) of the School Standards and Framework Act 1998.
2.	The making of arrangements for the determination of appeals by Governing Bodies concerning children to whom Section 87 of the School Standards and Framework Act 1998 applies in accordance with Section 95(2) of that Act.
3.	The making of arrangements for the review of decision to exclude pupils in accordance with Section 51A of the Education Act 2002 and regulations made thereunder.
4.	Appeal against the exercise of the Council's functions as a Social Services Authority.
5.	Act as an independent appeal panel and assess appeals lodged by parents, guardians, carers and other professionals against the decision of the County Council to decline requests for home to school transport.
6.	Subject to any other requirements of the Constitution, any other appeals (where a right of appeal exists either by law or where the Council has expressly determined there shall be a right of appeal) against executive or non-executive decisions made by or on behalf of the Council.

Appeals Committee Membership:

15 County Councillors

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee

Note: For the purpose of hearing appeals relating to home to school transport there shall be a panel of three members taken from the 15 trained members of the committee.

3.2 APPOINTMENTS COMMITTEE

The purpose of the Appointments Committee is to enable Members to play a full role in deciding which persons should be employed, or not, as the Council's most senior Officers and to determine terms of employment.

Table 3.02: The duties of the Appointments Committee

To be responsible for:	
1.	Recommending to the full Council the appointment (on a permanent or temporary or acting up basis) of the Chief Executive/Head of Paid Service.
2.	Determining any disciplinary matters short of dismissal in relation to the Chief Executive, Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer).
3.	Making recommendations to full Council regarding dismissal of the Chief Executive, Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer).
4.	The appointment (on a permanent or temporary or acting up basis) of the Chief Finance Officer (Section 151 Officer), Monitoring Officer, the Chief Fire Officer, the Director of Public Health, and all Executive Directors, including the statutory posts of Director of Children's Services and Executive Director of Adult Social Care, Wellbeing and Communities.
5.	The dismissal of the Chief Fire Officer, the Director of Public Health, the Executive Director of Children's Services, the Executive Director of Adult Social Care, Wellbeing and Communities and the Executive Director of Economy, Environment and Infrastructure.
6.	Determining the terms of employment and any variation to those terms of employees of the Council including terms of employment and exercising employer discretions in relation to pensions.
7.	Subject to any other provisions of the Council's Constitution, determining any other matters affecting employees of the Council.

Appointments Committee Membership:

7 County Councillors

1. At least one of whom must be a Member of the Cabinet;
2. At least one of whom should be a Cabinet Member whose portfolio of duties includes responsibility for the service in which an appointed Officer would be employed. This requirement should be met by a County Councillor appointed to membership of the Appointments Committee being substituted by the appropriate Cabinet Member of the same political party in order to meet political balance requirements. This requirement will not apply in connection with the appointment (on a permanent or temporary or acting up basis) of the Chief Executive/Head of Paid Service (including their terms and conditions of employment and any variation to those terms and conditions). Failure to comply with this requirement will not invalidate any proceedings of the Appointments Committee.

3. For decisions relating to the conduct and capability of those officers listed under items 2 and 3 in Table 3.02 above the Appointments Committee will operate through a politically-balanced sub-committee acting as an Investigating and Disciplinary panel comprising up to 5.
4. The Chair of the Investigating and Disciplinary Panel referred to at Paragraph 3 has authority to suspend the Chief Executive, the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (the Section 151 Officer) in cases of urgency, in consultation with the Director of People and Digital Services). The Chair will review such suspension after a period of two months and shall only extend following
 - 4.1 consultation with the Independent Investigator and
 - 4.2 consideration of any objections / representations from the Chief Executive, the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (the Section 151 Officer).
5. For decisions on the appointment of those officers detailed at item 4 in Table 3.02 above the Appointments Committee will operate through a sub-committee acting as an interviewing panel comprising up to 5 (politically balanced).
6. Council has resolved that for joint appointments with the NHS in Gloucestershire, which are within the remit of the Appointments Committee, a sub-committee should be established comprising up to 5 members to be drawn from the Appointments Committee's membership and shall be politically balanced.

Note 1: Reference should be made to the consultation required under paragraph 2 of the Officer Employment Rules to be found in Part 4 of the Constitution.

Note 2: There is granted to the Chief Executive express delegated authority (in consultation with Cabinet Members, Group Leaders and relevant Scrutiny Chair) to appoint on an interim basis to the position of Director within the employment of the Council for a maximum period of up to six months.

3.3 CONSTITUTION COMMITTEE

The role of the Constitution Committee is primarily to keep the Constitution under review to ensure the structures and procedures that it contains continue to promote the effective and efficient administration of the Authority and open, accountable decision making.

Table 3.03: The duties of the Constitution Committee

1.	To oversee, review and make recommendations to full Council on changes to and the effectiveness and operation of Council bodies and the Constitution and any of its provisions.
2.	To advise the full Council on the Scheme of Members' Allowances.
3.	To advertise for, interview and appoint persons as members of an Independent Remuneration Panel.
4.	To make recommendations to the full Council on the making, amendment or revocation of byelaws.

5.	To make recommendations to the full Council on the promotion of, or opposition to, local Bills and personal Bills.
6.	To undertake and make recommendations on the Council's functions in relation to elections.
7.	To make recommendations to the full Council on the name and status of the Council's area.

Constitution Committee Membership:

7 County Councillors

3.4 DISCIPLINARY APPEALS COMMITTEE

The role of the Disciplinary Appeals Committee is, to act as a forum for hearing individual appeals brought by the Chief Executive, Head of Paid Service, the Chief Finance Officer (Section 151 Officer), Monitoring Officer or any other Chief Officer relating to employment related procedures and to make arrangements for the determination of such appeals in accordance with the law and under the Council's own grievance and other procedures. The duties of the Disciplinary Appeals Committee is set out in Table 3.04

Table 3.04: The duties of the Disciplinary Appeals Committee

1.	Individual appeals brought by the Chief Executive, Head of Paid Service, the Chief Finance Officer (Section 151 Officer), Monitoring Officer or any other Chief Officer to whom the council's employment related procedures grant an express right of appeal to elected members.
----	--

Disciplinary Appeals Committee Membership

5 County Councillors

1. At least one of whom must be a Member of the Cabinet
2. Will operate through a politically balanced Committee none of whom must be a member of the Investigating and Disciplinary Panel

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee.

3.5 PENSIONS COMMITTEE

The purpose of the Pensions Committee is to carry out the function of Gloucestershire County Council as the Scheme Manager and Administering Authority for the Gloucestershire Pension Fund.

In its role as the Administering Authority, Gloucestershire County Council owes fiduciary duties to the employers and members of the Gloucestershire Pension Fund and must not compromise this with its own particular interests. Consequently, members of the Pensions Committee are under a duty to act solely in the interests of the employers and members of the Gloucestershire Pension Fund.

Table 3.05: The duties of the Pensions Committee

1.	To ensure the Fund is managed, and that pension payments are made, in compliance with the Local Government Pension Scheme Regulations.
2.	To approve and keep under review the Investment Strategy Statement of the Fund, drawing upon appropriate professional advice.
3.	To approve and keep under review the Funding Strategy Statement of the Fund, drawing upon appropriate professional advice.
4.	To ensure robust risk management arrangements are in place.
5.	To ensure the Council operates with due regard and in the spirit of all relevant statutory and non-statutory best practice guidance in relation to its management of the Fund.
6.	To agree the Administering Authority responses to consultations by Central Government, professional and other bodies.
7.	To appoint and review the performance of all Fund Managers.
8.	To appoint and terminate the appointment of the Fund's advisers, including actuaries, investment advisers, governance advisers and specialist lawyers (where required) and periodically to review those arrangements.
9.	To consider any other matter relevant to the proper operation and management of the Fund.
10.	To approve the Fund's annual business plan and budget and monitoring progress against it.
11.	To approve the Fund's Governance Policy Statement and Governance Compliance Statement within the framework as determined by the Council and making recommendations to the Council about any changes to that framework.
12.	To approve the Fund's Administration Strategy determining how the Council will administer the Fund including collecting payments due, calculating, and paying benefits, gathering information from, and providing information to scheme members and employers.

13. To approve the Fund's Communications Policy Statement, determining the methods of communications with the various stakeholders including scheme members and employers.
14. To approve the Fund's Conflicts of Interest policy covering the management of actual and perceived conflicts of interest for the Pensions Committee, the Local Pension Board, and officers.
15. To agree the Fund's Training Strategy for all Pension Committee and Board members and for all officers of the Fund, including determining the Fund's knowledge and skills framework, identifying training requirements, developing training plans and monitoring compliance with the policy.
16. To report annually to the full Council.
17. To review the County Council's performance as Administering Authority.
18. To decide upon arrangements for managing the Administering Authority's relationship with employers in the fund, e.g., agreeing contribution rates, establishing dispute resolution procedures and ensuring employers have established policies as required by Regulations.
19. Determining, reviewing, and monitoring the Fund's policy in regard to employer admission and cessation arrangements.
20. To decide upon key pension policy and discretions that is the responsibility of the Administering Authority.
21. To consider advice and recommendations from the Pension Board on areas that may improve the governance of the Pension Fund (the remit of the Pension Board is detailed in its Terms of Reference).
22. To consider the Pension Board's proposed business plan for the forthcoming financial year and annual budget request.
23. To appoint and review the performance of the Fund's LGPS investment pool in accordance with statutory pooling requirements
24. To undertake all necessary actions in relation to investment pooling, including authorising documentation, contracts, governance arrangements, financial commitments, and investments required for participation in LGPS Central or any successor pool.
25. To approve and oversee the process for ceasing participation in the Brunel Pension Partnership or any successor pool, ensuring compliance with all legal, regulatory, and contractual

obligations, and to authorise any documentation, financial settlements, or transitional arrangements required to effect the exit and secure the Fund's interests.

Pensions Committee Membership:

7 County Councillors

One employer representative without voting rights to be co-opted by the Pensions Committee following nomination by the Gloucestershire branch of the Local Government Association to represent the interests of District Councils.

One employer representative without voting rights who can demonstrate their capacity to represent other scheme employers, and their knowledge and understanding of the Local Government Pension Scheme, with applications invited from all employers (excluding GCC and the district councils). An interview process that would include the Chair and Vice-Chair of the Pensions Committee and the Head of Pensions would be used to fill the position.

One employee representative without voting rights to be co-opted by the Pensions Committee following nomination by the unions.

Employer and Employee representatives shall serve for a 4 year term from their appointment date and can be removed on grounds of non-attendance, breach of code of conduct and non-participation in training. An employer or employee representative may only be removed from office during a term of appointment by the unanimous agreement of all voting members in attendance at the Pensions Committee meeting where this is being considered.

Note: *Because of the specialist nature of this work, no substitution is permitted.*

3.6 PENSIONS BOARD

1. Role of the Pension Board

1.1 The role of the local Pension Board as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013, is to –

- Assist Gloucestershire County Council as Scheme Manager; –
 - to secure compliance with the Local Government Pension Scheme (LGPS) Regulations and any other legislation relating to the governance and administration of the LGPS

- to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator
 - in such other matters as the LGPS regulations may specify
 - Provide the Scheme Manager with such information as it requires to ensure that any member of the Pension Board or person to be appointed to the Pension Board does not have a conflict of interest.
- 1.2 In addition the LGPS (Amendment) (Governance) Regulations 2015 expect the Pension Board to assist the Scheme Manager to secure the effective and efficient governance and administration of the LGPS for the Gloucestershire Pension Fund.
- 1.3 The Board shall provide an annual report to the Pension Committee and then to a full meeting of Gloucestershire County Council. The report will include information on the business conducted by the Pension Board with any risks or concerns identified and mitigation steps proposed. The report will also be published on the Pension Fund's website. Any concerns requiring reporting outside the annual process should be raised with the Pensions Committee.
- 1.4 The Pension Board will ensure it effectively and efficiently complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
- 1.5 The Pension Board will also help ensure that the Gloucestershire Pension Fund is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
- 1.6 The cost of running the Pension Board will be met from the Pension Fund.

2. Appointment of members of the Pension Board

- 2.1 The Pension Board shall consist of seven members and be constituted as follows:

a) The Chair

The Chair of the Pension Board, who can demonstrate their knowledge and understanding of the Local Government Pension Scheme will be appointed by the Scheme Manager taking due regard of the Appointment of Other Members guidance, as set out in the LGPS Guidance on the creation and operation of Local Pension Boards in England and Wales. The Chair of the Pension Board cannot be a Gloucestershire County Councillor.

b) Three employer representatives who can demonstrate their capacity to represent other scheme employers, and their knowledge and understanding of the Local Government Pension Scheme. To be appointed by the Scheme Manager taking due regard of the process for appointing Employer and Member Representatives guidance, as set out in the LGPS Guidance on the creation and operation of Local Pension Boards in England and Wales.

c) Three scheme member representatives who can demonstrate, their capacity to represent other scheme members, and their knowledge and understanding of the Local Government Pension Scheme. To be appointed by the Scheme Manager taking due regard of the process for appointing Employer and Member Representatives guidance, as set out in the LGPS Guidance on the creation and operation of Local Pension Boards in England and Wales.

One of the employer or member representatives should be a County Councillor appointed annually at a meeting of Full Council.

In order to ensure that effective Board Members are appointed who can demonstrate their capacity to represent other scheme employers or members (as appropriate), a direct appointment process will be followed wherever possible, with member representative being selected through nominations made by recognised trade unions, and employer representatives being selected through nominations made from established employers within the Fund.

3. Length of term and removal:

- 3.1 The Chair, each employer representative, and scheme member representative so appointed shall serve initially for a 4 year term, which may be extended for further 4 year terms subject to taking due regard of the process for appointing Employer and Member Representatives guidance, and other Members, as set out in the LGPS Guidance on the creation and operation of Local Pension Boards in England and Wales
- 3.2 Board members can be removed on grounds of non-attendance, breach of code of conduct and non-participation in training.
- 3.3 Each Board member should endeavour to attend all Board meetings during the year and is required to attend at least one of the scheduled meetings each financial year. In the event of a Board member failing to do this, or other persistent non-attendance then the tenure of that member should be reviewed by the other Board members.
- 3.4 Other than by ceasing to be eligible, a Board member may only be removed from office during a term of appointment by the unanimous agreement of all of the other members in attendance at the Board Meeting where this is being considered. The removal of the Chair also requires the consent of the Scheme Manager.

4. Quorum

The Board shall have a formal quorum of 3 to include one employer representative and one member representative.

Because of the specialist nature of their work, no substitution is permitted.

Meetings of the Local Pension Board will always be chaired by the appointed Chair of the Board when in attendance. Where the Chair is not in attendance at a meeting, those members present will elect a temporary chairperson for that meeting.

5. Code of Conduct and Conflicts of Interest

The principles included in the County Council's Member Code of Conduct applies to all members of the Local Pension Board. Likewise, all other relevant County Council policies shall apply to members of the Pension Board.

6. Knowledge and Skills

A member of the Pension Board will be conversant with –

- The legislation and associated guidance of the Local Government Pension Scheme (LGPS).
- Any document recording policy about the administration of the LGPS which is for the time being adopted by the Gloucestershire Pension Fund.

A member of the Pension Board must have knowledge and understanding of –

- The law relating to pensions, and
- Any other matters which are prescribed in regulations.

7. Board Meetings and Publication of Board Information

7.1 The Board shall meet no less than twice per annum. If there is a need for an additional meetings these will be determined by the Chair of the Board.

7.2 The agenda and supporting papers shall be distributed to members of the board 5 clear working days prior to each meeting

7.3 Pension Board papers, agendas and minutes of meetings will be published on the Gloucestershire Pension Fund website subject to the Rules on Access to Information and the Data Protection Act 1998.

7.4 The reimbursement of reasonable expenses for attendance at Board meetings and approved training events will be made to Board Members.

8. Remit of the Board

The Board shall:

- i. Ensure the Pension Fund's strategy and policy documents are in place and have been maintained in accordance with the LGPS Regulations. These documents are the: communications policy statement; funding strategy statement; governance compliance statement; pensions administration strategy; Pension Fund annual report and accounts; statement of investment principles.
- ii. Ensure the Pension Fund's internal Risk Register is in place and reviewed at least annually.
- iii. Review the Pension Fund's performance in complying with the requirements of the LGPS Regulations and any other legislation relating to the governance and administration of the LGPS.
- iv. Review the Pension Fund's performance in complying with the requirements of the Pension Regulator.
- v. Provide advice and make recommendations when required, to the Pensions Committee, on areas that may improve the governance of the Pension Fund.
- vi. Formulate and agree an annual work plan for the Board.
- vii. To carry out any other activities relating to the efficient governance and administration of the Pension Fund, which the Pensions Committee may request the Pension Board to undertake.

9. Voting Rights and Decision making

9.1 Only members of the Pension Board who are employer or member representatives will have an individual voting right but it is expected the Pension Board will as far as possible reach a consensus.

- 9.2 A majority of Board members, with a voting right and present at a meeting, will be required to agree any decision of the Board, including any referrals back to the Pensions Committee.

10. Accountability

The Pension Board will be collectively and individually accountable to the Scheme Manager.

Definitions

The undernoted terms shall have the following meaning when used in this document:

“Pension Board” or “Board”	Means the local Pension Board for Gloucestershire County Council as administering authority for the Gloucestershire Pension Fund as required under the Public Service Pensions Act 2013
“Scheme Manager”	Means Gloucestershire County Council as administering authority of the Gloucestershire Pension Fund
“LGPS”	The Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009
“Scheme”	Means the Local Government Pension Scheme as defined under “LGPS”

3.7 PLANNING COMMITTEE

Parliament has decided that the Cabinet should not be responsible for determining applications for permissions, approvals, licenses, consents and certificates under the Town and Country Planning Act 1990 and other related statutes. The Council has therefore established the Planning Committee to carry out these functions.

Table 3.06: The duties of the Planning Committee

	(1) Function	(2) Provision of Act or Statutory Instrument
1.	Power to determine application for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).
2.	Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3.	Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4.	Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990
5.	Duties relating to the making of determinations of planning applications.	Sections 69 and 92 of the Town and Country Planning Act 1990 and Articles 8 to 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I.2015/595) and directions made thereunder.
6.	Power to determine applications for planning permission made by a Local Authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I.1992/1492).
7.	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I.2015/596) or any regulations amending or replacing the same.
8.	Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9.	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10A.	Power to serve a commencement notice	Section 93G of the Town and Country Planning Act 1990

10B.	Power to serve a completion notice.	Section 93(2) of the Town and Country Planning Act 1990.
11.	Power to authorise entry onto land.	Section 196A, 196B and 324 of the Town and Country Planning Act 1990.
12.	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
13.	Power to authorise the issue and service by the Assistant Director of Legal Services of a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 183(1) and 187A of the Town and Country Planning Act 1990.
13A	Power to authorise the issue and service by the Assistant Director of Legal Services of a temporary stop notice.	Sections 171E of the Town and Country Planning Act 1990.
14.	Power to authorise the issue and service by the Assistant Director of Legal Services of an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
15.	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990
16.	Power to determine applications for hazardous substances consent and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10).
17.	Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 of the Environment Act 1995 and paragraph 6(5) of Schedule 14 to that Act.
18.	Power to require proper maintenance of land.	Section 215(1) Town and Country Planning Act 1990.
19.	The obtaining of information on interests in land.	Section 330 of the Town and Country Planning Act 1990.
20.	The obtaining of particulars of persons interested in land.	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
21.	Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I.1999/1892).

22.	Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I.1997/1160).
23.	Power to consider applications to assess environmental effects in relation to applications to develop land.	Section 71A of the Town and Country Planning Act 1990 and Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/571) or any regulations amending or replacing the same.
24.	Powers relating to the requirement for and determination of Biodiversity Gain Plans.	Schedule 7A of the Town and Country Planning Act 1990, the Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 (S.I. 2024/49), the Biodiversity Gain Requirements (Exemptions) Regulations 2024 (S.I. 2024/47), and the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 (S.I. 2024/50).
25.	Any other function relating to town and country planning that is the responsibility of the County Council as Local Planning Authority arising under any Act of Parliament now or in the future and any statutory instrument or order made thereunder and which is not reserved by the law or the Constitution to the full Council, the Cabinet or another Council body.	

Planning Committee Membership:

11 County Councillors

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee.

Council Regulatory Functions

Parliament has decided that a wide range of powers connected with the granting, revocation and variation of permissions, licenses, consents and certificates should not be exercised by the Cabinet. The Council has therefore delegated these functions to the Safety and Licensing Committee, Commons and Rights of Way Committee and Traffic Regulation Committee.

3.8 SAFETY AND LICENSING COMMITTEE

The duties of the Safety and Licensing Committee are set out in Table 3.07.

Table 3.07: The duties of the Safety and Licensing Committee

1.	Functions in relation to sports grounds, including the power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c.52) (as amended by the Fire Safety and Safety of Places of Sport Act 1987).
2.	All functions for regulated stands at sports grounds, including power to issue cancel amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.
3.	Power to license the employment of children.	Part II of the Children and Young Persons Act 1933, byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).
4.	Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995 (S.I.1995/510).
5.	Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22).
6.	Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the Authority’s capacity as an employer.	Part I of the Health and Safety at Work etc Act 1974 (c.37).

Safety and Licensing Committee Membership:

7 County Councillors

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee

3.9 COMMONS AND RIGHTS OF WAY COMMITTEE

The duties of the Commons and Rights of Way Committee are set out in Table 3.08.

Table 3.08: The duties of the Commons and Rights of Way Committee

1.	Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I.1969/1843).
2.	Power to register variation of rights of common and to make amendments to the register of common land and town and village greens of any identified anomalies.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I.1966/1471)(a)). Section 19(2)(a) and Paragraphs 6-9 of Schedule 2 of the Commons Act 2006 implemented by the Commons Registration (England) Regulations 2014 (S.I. 2014/3038)
3.	Duty to keep a definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c.69).
4.	Power to include modifications in other orders	Section 53A of the Wildlife and Countryside Act 1981
5.	Duty to keep register of prescribed information with respect to applications under section 53(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981
6.	Power to prepare map and statement by way of consolidation of definitive map and statement	Section 57A of the Wildlife and Countryside Act 1981
7.	Power to designate footpaths as cycle tracks	Section 3 of the Cycle Tracks Act 1984
8.	Power to create footpath, bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980
9.	Power to create footpaths, bridleways and restricted byways.	Section 26 of the Highways Act 1980
10.	Duty to keep a register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980
11.	Power to apply to stop up highway	Section 116 of the Highways Act 1980
12.	Power to stop up footpaths, bridleways and restricted byways.	Section 118 of the Highways Act 1980
13.	Power to determine application for public path extinguishment order.	Sections 118ZA and 118C(2) of the Highways Act 1980.
14.	Power to make a rail crossing extinguishment order.	Section 118A of the Highways Act 1980.
15.	Power to make a special extinguishment order.	Section 118B of the Highways Act 1980
16.	Power to divert footpaths, bridleways and restricted byways.	Section 119 of the Highways Act 1980
17.	Power to make a public path diversion order.	Sections 119ZA and 119C(4) of the Highways Act 1980.

18.	Power to make a rail crossing diversion order.	Section 119A of the Highways Act 1980.
19.	Power to make a special diversion order.	Section 119B of the Highways Act 1980.
20.	Power to require applicant for order to enter into agreement.	Section 119C(3) of the Highways Act 1980.
21.	Power to make an SSSI diversion order	Section 119 of the Highways Act 1980
22.	Duty to keep register with respect to applications under sections 118Z, 118C, 119ZA and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980
23.	Power to decline to determine certain applications	Section 121C of the Highways Act 1980
24.	Duty to serve notice of proposed action in relation to obstruction	Section 130A of the Highways Act 1980
25.	Power to enter into agreements with respect of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c.37).
26.	Power to provide access in absence of agreement	Section 37 of the Countryside and Rights of Way Act 2000.
27.	Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981
28.	Duty to publish notice in respect of proposal to grant permission under section 115E of the Highways Act 1980	Section 115G of the Highways Act 1980
29.	Power to apply for stopping up or diversion of highways	Section 247 of the Town and Country Planning Act 1990
30.	Any other function relating to the County Council's responsibilities for highways, commons, town and village greens under any Act of Parliament enacted now or in the future and any statutory instrument or order made thereunder, which is not reserved by law or under this Constitution to the full Council, the Cabinet or another Council body.	

Commons and Rights of Way Committee Membership:

7 County Councillors

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee

3.10 TRAFFIC REGULATION COMMITTEE

The duties of the Traffic Regulation Committee are set out in Table 3.08.

Table 3.09: The duties of the Traffic Regulation Committee

1.	Power to permit deposit of a builders' skip on the highway.	Section 139 of the Highways Act 1980 (c.66).
2.	Power to license planting, retention and maintenance of trees, etc, in part on highway.	Section 142 of the Highways Act 1980.
3.	Power to authorise erection of stiles, etc, on footpaths or bridleways.	Section 147 of the Highways Act 1980.
4.	Power to license works in relation to buildings, etc, which obstruct the highway.	Section 169 of the Highways Act 1980.
5.	Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
6.	Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways Act 1980.
7.	Power to restrict the placing of rails, beams, etc, over highways.	Section 178 of the Highways Act 1980.
8.	Power to consent to construction of cellars, etc, under street.	Section 179 of the Highways Act 1980.
9.	Power to consent to the making of openings into cellars, etc, under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
10.	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
11.	Power to apply for variation of order under Section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
12.	Power to authorise temporary disturbance of surface of footpath bridleway or restricted byway.	Section 135 of the Highways Act 1980
13.	Power to temporarily divert footpaths, bridleways or restricted byways.	Section 135A of the Highways Act 1980
14.	Functions relation to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980

15.	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980
16.	To respond to consultation upon executive proposals for traffic regulation orders to which valid objections have been received and not been resolved or withdrawn.	

Traffic Regulation Committee Membership:

9 County Councillors

County Councillors shall have completed training approved by the Monitoring Officer before taking part in decisions by this Committee

3.11 AUDIT AND GOVERNANCE COMMITTEE

The duties of the Audit and Governance Committee are set out in Table 3.10.

Table 3.10: The duties of the Audit and Governance Committee

Audit and Governance Committee 11 County Councillors The Chair of the Audit and Governance Committee to be drawn from outside the group or groups forming the administration. To include an Independent Member who is not a councillor or an officer of the Council. The Independent Member is a non-voting	1) Statement of Purpose - The Audit and Governance Committee is a key component in the Council's corporate governance structure ensuring compliance and maintenance of high ethical standards. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. - The purpose of the committee is to provide independent assurance to Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place. 2) Governance, Risk and Control - To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local Code of Corporate Governance.
---	---

member of the committee.	• To review and approve the Annual Governance Statement (AGS) and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control. • To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements. • To consider the adequacy of Council's framework of assurance i.e. the Three Lines of Defence model. • Undertaking regular monitoring of the Council's treasury management policies and practices. • To monitor the effective development and operation of risk management in the Council and to monitor progress in addressing risk-related issues reported to the committee. • To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions. • To review the governance and assurance arrangements for significant partnerships or collaborations. • To review the assessment of fraud risks and potential harm to the Council from fraud and corruption. • To monitor the counter-fraud strategy, actions and resources. • Formulating and keeping under review the Council's 'whistle-blowing' policy; • Formulating and keeping under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman; and • To monitor the effectiveness of GCC's Health & Safety policy 3) Internal Audit • To approve the Internal Audit Charter and Code of Ethics. • To review proposals made in relation to the appointment of external providers of internal audit services. • To review and approve the risk-based internal audit plan. • To approve significant interim changes to the risk-based internal audit plan and resource requirements, including significant consulting services not already included in the audit plan, prior to acceptance of the engagement, if this materially impacts on core assurance activity. • To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations. • To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.
--------------------------	--

	• To contribute to the Quality Assurance and Improvement Programme (QAIP) and in particular, to the external quality assessment of internal audit that takes place at least once every five years. • To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. • To consider the Head of Internal Audit's annual report and the opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion, this will support the AGS. • To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions. • To provide free and unfettered access to the audit committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee. 4) External Audit • To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Ltd (PSAA) or the authority's auditor panel as appropriate. • To consider the external auditor's annual letter, relevant reports and the report to those charged with governance. • To monitor management's response to the External Auditor's findings and the implementation of External Audit recommendations. • To commission work from internal and external audit and to advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies. 5) Financial Reporting • To review and approve the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council. • To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts. 6) Accountability Arrangements • To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions. • To publish an annual report on the work of the committee.
--	--

	• To report to full council on an annual basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose. Note: the Committee has the right to require the attendance of any council officers or members in order to respond directly to any issue under consideration. The Committee also has clear rights of access to other committees/functions, for example, scrutiny committees and other strategic groups. 7) Ethical Conduct - To promote, maintain and assist the achievement of high standards of conduct by County Councillors and co-opted members in accordance with the Council's Code of Conduct for Members. • To monitor the operation of the Code of Conduct for Members; • To advise the Council on any amendment or revision of the Code; • To secure adequate and appropriate training of County Councillors and co-opted Members on the Code of Conduct for Members; • To give general guidance and advice to County Councillors on Members' interests and keep under review the Register of Members' Interests maintained by the Monitoring Officer; and • To give general guidance and advice to County Councillors and employees on gifts and hospitality. - To grant dispensations to County Councillors and co-opted Members related to interests specified in the Code of Conduct for Members following written requests to the proper officer (Chief Executive) by a Member or Co-opted Member under section 33 of the Localism Act 2011, when the Council: • Considers that without the dispensation, the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; • Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be upset as to alter the likely outcome of any vote relating to the business; • Considers that granting the dispensation is in the interests of persons living in the authority's area; • Considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or • Considers that it is otherwise appropriate to grant a dispensation.
--	--

	iii. To establish a Sub-Committee known as the Hearings Panel to hear allegations that Members have failed to comply with the Authority's Code of Conduct. • To assess and review allegations of Member misconduct; and • To determine allegations of Member misconduct. Note: Members of the Audit and Governance Committee will be expected to attend training that will be provided at least annually.
--	--

Hearings Panel Sub-Committee 5 County Councillors proportional to the political composition of the Council. Quorum of 3 members present for its duration	(1) To receive reports referred from the Monitoring Officer following investigations into complaints and other steps associated with that function. (2) To conduct standards hearings and all other steps associated with that function, including taking into account the advice of the Independent Person. (3) If the panel determines that a breach of the Authority's Code of Conduct has occurred, the panel can impose one or more of the following if appropriate: a) Censure; b) Report to Council; c) Recommend actions to the Leader of the Council; d) Recommend actions to Group Leader; e) Removal from Outside Bodies; f) Withdrawal of facilities, such as Council email/website/internet access; g) Exclusion from the Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Committees or Sub-Committees and/or nominating a single point of contact; and/or h) Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology. (4) To set-up when necessary an interview panel comprising of the lead members of each party to shortlist and interview candidates for the role of Independent Person. • To recommend successful candidates to the County Council to be chosen by a majority of Councillors.
--	--

--	--

3.12 SCRUTINY COMMITTEES

Introduction

3.12.1 The roles of scrutiny committees are set out in Article 8 of the Constitution.

3.12.2 The Council will appoint the scrutiny committees set out in the left hand column of the table below to discharge the scrutiny functions on behalf of the Council (as conferred by Section 21 of the Local Government Act 2000, Sections 7-10 of the Health and Social Care Act 2001 and Section 19 Police and Justice Act 2006) as set out in the right hand column of the same table.

Scrutiny committee	Terms of reference
Corporate Overview and Scrutiny Committee 9 County Councillors	To carry out the scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all matters relating to: • Overall strategic direction, performance and risk management • People & culture • Regional and national relationships • Communications • Democratic services • Equality, Diversity and Inclusion • Medium Term Financial Strategy, budget planning and budget monitoring • Strategic property and asset management (including rural estates) • Support services • Procurement and contract management • Corporate health and safety • Emergency planning and civil contingencies • Information governance • Transformation • ICT, digital and data strategy • Archives

Children and Families Scrutiny Committee 9 County Councillors 3 parent governor representatives 1 Church of England Diocese representative 1 Roman Catholic Diocese representative	1. Carry out the scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all matters relating to: • children's safeguarding • looked after children and care leavers • early help • early years including children's centres • special educational needs and disability • adoption and fostering • children with disabilities • school improvement, access and place planning • school funding • unaccompanied refugee and asylum-seeking children
Health Overview and Scrutiny Committee 9 County Councillors 6 Co-opted District Councillors	1. Carry out the scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution focussing on health issues from the public's perspective including the use of task groups to carry out its scrutiny functions. To act as a lever to improve the health and those services that impact on the health of local people, working in partnership with other agencies. To address issues of health inequalities between different groups in the community. To determine those matters referred to in Article 12.02.2 of the Constitution (joint committees concerning health service changes). 2. Under the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, to exercise the Council's role in reviewing and scrutinising matters relating to the planning, provision and operation of health services in the area.
Adult Social Care and Communities Scrutiny Committee 9 County Councillors	1. Carry out the scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of all matters relating to: • Adult Social Care Transformation • services for vulnerable people including adult safeguarding • public health • community development (recognising that other committees cover aspects of this area)

	• residential and nursing care • libraries and registration service • Refugees and Asylum Seekers 2. Scrutinise the actions and decisions of the responsible authorities under Section 5 of the Crime and Disorder Act 1998 in relation to their crime and disorder functions.
Highways and Transport Overview & Scrutiny Committee 9 County Councillors	To carry out the scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of matters relating to • Highways maintenance and asset management • Highways development management • Streetworks • Street lighting • Commons and Rights of Way • Parking • Sustainable transport including Electric Vehicles infrastructure • Walking and cycling infrastructure • Road Safety • Speed limits • Traffic Regulation Orders • Public and community transport
Gloucestershire Economy, Climate Change and Waste Overview & Scrutiny Committee 9 County Councillors 6 Co-opted District Councillors	1. To carry out the scrutiny functions of the County Council delivering the roles set out in Article 8 of the Constitution in the context of matters relating to • Economic Development & regeneration • Spatial planning and major infrastructure • Climate change adaptation and resilience • Climate change mitigation • Air quality, ecology, biodiversity and nature recovery • Flood resilience and prevention • Mineral and waste planning • Waste reduction and disposal 2. To review the decisions, plans, and policies of the Gloucestershire City Region Board; • To scrutinise the impact and delivery outcomes of successful Strategic Economic Development Fund (SEDF) bids;

	• To identify future areas of economic growth for inclusion in the Gloucestershire Economic Strategy*; • To provide a scrutiny function for any potential devolution deal in so far as it relates to the Gloucestershire City Region Board or the Gloucestershire Economic Strategy*. *Note: The Gloucestershire's Economic Strategy (2024-2034) outlines the county's existing strengths, opportunities and challenges and provides a clear statement of intent for Gloucestershire – to achieve greener and inclusive economic growth that delivers a stronger, more sustainable, economy; and sets us on the journey to achieving a new Gloucestershire 2050 Vision
Fire & Rescue Scrutiny Committee 7 County Councillors	To carry out the scrutiny functions of the County Council as set out in Article 8 of the Constitution in the context of matters relating to Gloucestershire Fire & Rescue Service, including: • Response to fire and other emergencies • Fire regulation, prevention and promoting fire safety • Performance against Key and Local Performance Indicators • Progress against recommendations from inspections and delivery of the Improvement Plan • Co-operation and partnership working with other local responders to enhance coordination and efficiency and increase community resilience • Cross-boundary co-operation with other Fire and Rescue Authorities • Civil contingency planning • Leadership, culture and workforce development across the service. • Trading standards • Coroners

Meetings and proceedings of the Scrutiny Committees

3.12.3 Meetings of the Scrutiny Committees shall take place in accordance with Scrutiny Procedure Rules 9 and 10.

3.12.4 Scrutiny Task Groups

1. This section 3.12.4 shall apply to all Scrutiny Task Groups.
2. All Scrutiny Task Groups will undertake work in relation to key targets for service areas, the Council's key priorities and issues of public interest or concern.
3. Where the commissioning of a Scrutiny Task Group is urgently required, the lead members of the relevant Scrutiny Committee may agree to do so in advance of the next committee meeting.
4. Before each Scrutiny Task Group begins its work, the terms of reference will be agreed by the relevant Scrutiny Committee or its lead members.
5. The final report of each Scrutiny Task Group will be presented to the relevant Scrutiny Committee, which may as a result, make recommendations to any Council body or any other public body or third party or, exceptionally, the full County Council.
6. Unless there are exceptional circumstances, there will be no more than six Scrutiny Task Groups in existence at any one time, in general limited to two Scrutiny Task Groups per Committee.
7. Each Scrutiny Task Group may adopt whatever means of operation it deems most effective, bearing in mind the resources available to it.

3.12.5 Proceedings of the Scrutiny Committees

Scrutiny committees will conduct their proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution.

3.13 HEALTH AND WELLBEING BOARD

GLOUCESTERSHIRE HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

Role and statutory duties of the Health and Wellbeing Board

Health and Wellbeing Boards were formally established on 1st April 2012 as part of the Health and Social Care Act (2012) ("the Act") and became statutory bodies from 1st April 2013.

In accordance with the requirements of the Health & Social Care Act 2012 the Council has established the Health and Wellbeing Board (the 'Board') as a committee of the Council. Gloucestershire Health and Wellbeing Board provides a forum where senior leaders and representatives from across the health and care system at both the

statutory and community level, can come together to improve the health and wellbeing of the local population and reduce health inequalities. The Board's vision is for Gloucestershire to be a place where everyone can live well, be healthy and thrive.

Its duties as defined in legislation are as follows. The Health and Wellbeing Board:

- must for the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.
- must provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- may encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health and Wellbeing Board.
- may encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.
- must prepare and publish a joint strategic needs assessment for the county, pursuant to section 116 of the Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Social Care Act 2012).¹
- must publish a joint local health and wellbeing strategy (JLHWS), which sets out the priorities for improving the health and wellbeing of its local population and how the identified needs will be addressed, pursuant to section 116 of the Local Government and Public Involvement in Health Act 2007 (as amended by the Health and Social Care Act 2012).²
- discharge its separate statutory duty³ to develop a pharmaceutical needs assessment (PNA) for their area.

Under the Better Care Fund policy framework⁴, Health and Wellbeing Boards must also sign off the Better Care Fund plan for the local area and provide governance for the pooled fund that must be set up in every area.

Additional functions of the Health and Wellbeing Board

Department of Health and Care guidance on Health and Wellbeing Board (published 2022)⁵ states that:

¹ [Statutory guidance on joint strategic needs assessments and joint health and wellbeing strategies](#)

² [Statutory guidance on joint strategic needs assessments and joint health and wellbeing strategies](#)

³ Section 128A of the [NHS Act 2006](#), as amended by Section 206 of the Health and Care Act 2012. See also Regulations 3 - 9 and Schedule 1 to the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (S.I. 2013/349). [↗](#)

⁴ [Better Care Fund policy framework 2023 to 2025 - GOV.UK](#)

⁵ [Health and wellbeing boards – guidance - GOV.UK](#)

- Integrated Care Boards (ICBs) must involve the Health and Wellbeing Board in preparing or revising their Joint Forward Plans; and the ICB must consult with the Board on whether the Joint Forward Plan takes proper account of the Joint Local Health and Wellbeing Strategy.
- ICBs must consult the Health and Wellbeing Board in preparing their annual review and the annual review should review any steps the ICB has taken to implement the Joint Local Health and Wellbeing Strategy.
- NHS England must consult the Health and Wellbeing Board for their views on the ICB's contribution to the delivery of the Joint Local Health and Wellbeing Strategy as part of NHS England's performance assessment of the ICB.
- ICBs and their partner NHS trusts, and NHS foundation trusts are required to share their joint capital resource use plan and any revisions with the Health and Wellbeing Board.
- Health and Wellbeing Board are expected to be involved in the preparation of the local Integrated Care Strategy.

Relationship with the Integrated Care Partnership

Department of Health and Care guidance (2022)⁶ on the relationship between Health and Wellbeing Boards and local Integrated Care Partnerships (known locally as the Gloucestershire Health and Wellbeing Partnership) outlines the expectation that the two committees will work collaboratively and align activities where appropriate while continuing to fulfil their own statutory functions.

As minimum, partners are expected to adopt the following set of principles in developing relationships:

- building from the bottom up
- following the principles of subsidiarity
- having clear governance, with clarity at all times on which statutory duties are being discharged
- ensuring that leadership is collaborative
- avoiding duplication of existing governance mechanisms
- being led by a focus on population health and health inequalities.

⁶ [Health and wellbeing boards – guidance - GOV.UK](https://www.gov.uk/government/guidance/health-and-wellbeing-boards-guidance)

In line with the expectations set out in national guidance, the Gloucestershire Health and Wellbeing Board will align with the Gloucestershire Health and Wellbeing Partnership where appropriate, while having regard to its separate statutory functions.

The Health and Wellbeing Board membership and the Health and Wellbeing Partnership membership are predominantly the same. The only addition on the Health and Wellbeing Board is specific elected member representation as included below.

The Health and Wellbeing Board will meet in public a minimum of three times a year with meetings aligned with the Health and Wellbeing Partnership. The Chair can stand up the Board for an exceptional meeting if there is business requiring the committee's attention.

Membership of the Health and Wellbeing Board comprises:

Note: members required by statute are denoted by an asterix.

- Chair (will be the same as the Chair for the Gloucestershire Health and Wellbeing Partnership); to be appointed by the Leader of the County Council from among the members of the Board
- Vice Chair; to be appointed by the Chair from among the members of the Board. The Chair will invite Expressions of Interest from members of the committee for the position of Vice Chair, and if necessary, seek the views of committee members on the nominations.
- Chief Executive Officer, NHS Gloucestershire Integrated Care Board (ICB)^{*7}
- Chair of the Gloucestershire Integrated Care Board
- One member drawn from the Gloucestershire ICB Executive Team
- Gloucestershire ICB Chief Medical Officer or Chief Nursing Officer
- Gloucestershire County Council Executive Director of Adult Social Care*
- Gloucestershire County Council Director of Public Health*
- Gloucestershire County Council Executive Director of Children's Services*
- Gloucestershire County Council Executive Director of Economy, Environment and Infrastructure.
- Six officer members drawn from the District Councils (one from each)
- NHS England
- One member drawn from Healthwatch Gloucestershire*
- One member drawn from Gloucestershire Hospitals NHS Foundation Trust
- One member drawn from Gloucestershire Health and Care NHS Foundation Trust
- One member drawn from a Primary Care Network (PCN)
- One member drawn from the Local Medical Committee (LMC)
- Six members drawn from the Integrated Locality Partnerships (ILPs) (one member from each ILP)
- One member drawn from Clinical Programme Groups (CPGs)

⁷ By statute, the Health and Wellbeing Board must include at least one representative of the Integrated Care Board. The legislation does not specify which role/post-holder this should be.

- One member drawn from Enabling Active Communities and Individuals (EAC-I) representatives
- One member drawn from the Voluntary, Community and Social Enterprise (VCSE) Strategic partnership
- One member drawn from the VCS Alliance
- One member drawn from the Independent Social Care Sector
- Chief Constable of Gloucestershire
- Chief Fire Officer for Gloucestershire

Elected member representatives:

- Four County Councillors, as appointed by the Leader of the County Council*⁸
- Six District Council elected representatives (one from each district)
- Police and Crime Commissioner or a nominated deputy from their Office (OPCC)
- Lead Governor for Gloucestershire Hospitals NHS Foundation Trust
- Lead Governor for Gloucestershire Health and Care NHS Foundation Trust

Note 1: Political proportionality will not be applied

Note 2: Where possible, the Board will seek to reach agreement by consensus. If a vote is required, the following individuals and organisations will have a vote. There will be no absentee voting. In the event of no overall majority decision, the Chair will have the casting vote.

The Chair will seek views from all members (voting and non-voting) prior to calling a vote to ensure that all members can make representations.

Statutory members- one vote per member or organisation

- Gloucestershire County Council Executive Director of Adult Social Care
- Gloucestershire County Council Director of Public Health
- Gloucestershire County Council Executive Director of Children's Services
- Gloucestershire County Councillors as appointed by the Leader of the Council (one vote per Councillor)
- Gloucestershire ICB Chair (or their nominated representative)
- Gloucestershire ICB Chief Executive (or their nominated representative)
- Healthwatch Gloucestershire

Individual organisations- one vote per organisation

- Gloucestershire Health and Care NHS Trust

⁸ By statute, the Health and Wellbeing Board must include at least one Councillor of the Local Authority.

- Gloucestershire Hospitals Trust NHS Trust
- Cheltenham Borough Council
- Cotswold District Council
- Forest of Dean District Council
- Gloucester City Council
- Stroud District Council
- Tewkesbury Borough Council
- NHS England
- Office of Police and Crime Commissioner
- Gloucestershire Constabulary.

Sector or multi-agency partnership representatives- one vote per sector or partnership grouping

- VCSE sector (Voluntary, Community and Social Enterprise Strategic Partnership and VCS Alliance)
- Primary care sector (Primary Care Network representative and LMC representative)
- Adult social care providers (independent adult social care provider sector representative)
- Clinical Programme Groups (CPGs) (one vote on behalf of the CPGs)
- Enabling Active Communities and Individuals (EAC-I) (one vote on behalf of EAC-I)
- Integrated Locality Partnerships (one vote on behalf of the six ILPs).

Note 3: For the purpose of enabling it to carry out its functions the Health and Wellbeing Board may request the Council, the Local Healthwatch, NHS Gloucestershire or other member of the Board to supply it with information specified in the request.

Note 4: Terms of Office – where individuals are part of the membership due to their executive or non-executive role, they will stay on the committee for the duration of their time in that post. Other partner organisations or bodies represented on the Health and Wellbeing Board membership will be asked to confirm their nominated representative every two years. Where circumstances change, partner organisations or bodies can submit a request to the Chair to propose a change in their nominated representative. Nominations for membership will be approved by the Chair.

Note 5: Substitutions: If an organisation is unable to send its representative, a named substitute may be nominated for that meeting only. Notice of this shall be given by the absent Board member to the committee administrator in advance of the meeting. Ideally a week's notice shall be given to allow all Board members to be advised of the substitution. Procedural Standing Order 28 shall not apply.

Note 6: Quorum: The quorum for meetings of the Health and Wellbeing Board is that one quarter (10 people) of the membership be present at the meeting, including at least two statutory members.

The Terms of Reference will be reviewed on an annual basis, or whenever significant changes are required.

The Terms of Reference were last reviewed in March 2023 and approved by full Council in May 2023.

3.13 GLOUCESTERSHIRE POLICE AND CRIME PANEL

TERMS OF REFERENCE

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

- 1) To review the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner. The panel must make a report or recommendations to the commissioner.
- 2) To review the annual report and make a report or recommendations to the commissioner. The panel is to ask the commissioner questions, as appropriate, on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation of proposed senior appointments made by the Police and Crime Commissioner, this includes:
 - a) The commissioner's chief executive
 - b) The commissioner's chief finance officer
 - c) A deputy police and crime commissioner

The panel has the power to veto the appointment of the Chief Constable.

- 4) To review and make a report and recommendation (as necessary) on the proposed precept. The panel has the power to veto the proposed precept.
- 5) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 6) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
- 7) To appoint an Acting Police and Crime Commissioner if necessary.

GLOUCESTERSHIRE POLICE AND CRIME PANEL PANEL ARRANGEMENTS

1. OPERATING ARRANGEMENTS

- 1.1 Gloucestershire County Council shall act as the host authority in establishing the Police and Crime Panel and provide the necessary officer support.

- 1.2 The panel shall be made up of a minimum of 10 councillors and two independent members.
- 1.3 The elected membership shall be made up of a minimum of six district councillors and a minimum of four county councillors. Each council will appoint deputies equivalent to the number of members it has appointed to the panel.
- 1.4 Gloucestershire County Council as host authority shall promote the role of the police and crime panel through meetings held in public.
- 1.5 Any funding provided by the Home Office to meet the costs of establishing, supporting and running the panel will be managed by Gloucestershire County Council as host authority.

2 ELECTED MEMBERSHIP

- 2.1 All county councillors and district councillors in the county of Gloucestershire are eligible to be members of the panel.
- 2.2 Included in the panel's membership will be one councillor from each district council.
- 2.3 The 10 elected members of the panel will be appointed at the annual meeting of each council. Named deputies will be appointed for each member.
- 2.4 Future appointments will be made at each annual meeting, or at the annual meeting following an election. Terms of office may not be for more than four years, but members may subsequently be appointed for more than one term.
- 2.5 The panel membership shall, as far as is reasonably practicable, meet the balanced appointment objective as set out in the Police Reform and Social Responsibility Act 2011.
- 2.6 The panel may resolve to co-opt additional elected members if, for example, the appointments made by each council do not meet the balanced appointment objective across the whole panel. The co-opted elected members may be drawn from the county council or the district councils and will be recommended to the panel by the Leader of Gloucestershire County Council following consultation with Leadership Gloucestershire. The appointment of co-opted elected members will be reviewed annually.
- 2.7 In accordance with the Police Reform and Social Responsibility Act 2011, any increase in the size of the panel as a result of the co-option of elected members will be subject to the approval of the Home Secretary. The maximum number of members of the panel including co-opted members shall not exceed 20.
- 2.8 All elected members, including co-optees, of the panel may vote in proceedings of the panel.

3 CASUAL VACANCIES

- 3.1 A vacancy on the panel arises when a county councillor, a district councillor or an independent member resigns from the membership of the panel.
- 3.2 Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for co-opted elected members and independent members will be filled in accordance with the selection processes outlined in sections 2.6 and 4.

4 INDEPENDENT MEMBERS

- 4.1 The panel shall co-opt two independent non-elected members onto the panel for a term of four years, starting in July 2012.
- 4.2 The selection process for co-opting independent members should include a reasonable period of advertising for the positions. A closing date for the receipt of applications should be given of at least two weeks from the date the advert is first placed.
- 4.3 Information packs should be prepared and sent to those requesting application forms.
- 4.4 The applications will be considered against agreed eligibility criteria and then the chair and vice-chair of the panel will be invited to meet to consider applications and interview candidates. At all times consideration should be given to the balanced appointment objective.
- 4.5 The 'balanced appointment objective' referred to is the objective that local authority members of a police and crime panel (when taken together):
 - a) represent the political make-up of the relevant local authorities;
 - b) represent all parts of the relevant police area;
 - c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.
- 4.6 Following the interviews, the chair and vice-chair will make recommendations to the panel about membership for the panel to confirm.
- 4.7 Independent members may vote in all proceedings of the panel.

5 REMOVAL OF MEMBERS

- 5.1 An Authority may decide in accordance with their procedures to remove their appointed member from the panel at any point and on doing so shall give notice to the Chief Executive of Gloucestershire County Council as host authority.
- 5.2 An appointed member may resign from the panel by giving written notice to the Chief Executive of Gloucestershire County Council as host authority and the Authority they represent on the panel.
- 5.3 In the event that any appointed member resigns from the panel, or is removed from the panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative member to the panel. The validity of the proceedings of the panel is not affected by a vacancy in the membership.

6 ALLOWANCES

Allowances will be assessed by the Independent Remuneration Panel at Gloucestershire County Council.

3.14 Gloucestershire Health and Wellbeing Partnership

1. Introduction

- 1.1. The Gloucestershire Health and Wellbeing Partnership is a statutory Committee of the One Gloucestershire Integrated Care System (ICS), established jointly between the NHS Gloucestershire Integrated Care Board (ICB) and Gloucestershire County Council as equal partners and statutory members. This is the Gloucestershire Integrated Care Partnership as required by section 26 of the Health and Care Act 2022.
- 1.2. The founding members of the Partnership, the Integrated Care Board and Gloucestershire County Council share a statutory duty to meet the health and care needs of the population.
- 1.3. These Terms of Reference (ToR) set out the membership, remit, responsibilities, and reporting arrangements of the Committee and may only be changed with the joint approval of the ICB and Gloucestershire County Council the Terms of Reference will be subject to an annual review.
- 1.4. The Committee and its development will be informed by The Health and Care Act 2022 and associated national guidance and will bring partners together to address the wider health, social care and public health needs of the population and the wider determinants of population health and wellbeing.

2. Purpose and principles

- 2.1. The Gloucestershire Health and Wellbeing Partnership is a key component of the governance architecture for the One Gloucestershire ICS. Alongside the ICB, its purpose is to deliver the four fundamental purposes of the ICS:
 - improve outcomes in population health and healthcare
 - tackle inequalities in outcomes, experience, and access
 - enhance productivity and value for money
 - help the NHS support broader social and economic development
- 2.2. The Partnership has a statutory duty to prepare an Integrated Care Strategy that sets out how the assessed population needs of Gloucestershire and strategic priorities for health and wellbeing will be met by the Integrated Care Board, NHS England, or the responsible local authorities whose areas coincide with or fall wholly or partly within its area.
- 2.3. The design of the Health and Wellbeing Partnership is shaped by a set of principles agreed by partners across the ICS.
- 2.4. The Health and Wellbeing Partnership will operate at a strategic level with a supporting infrastructure to enable delivery of key work programmes.
- 2.5. Members will share a common commitment to pursue better health and wellbeing for all as a core purpose of the Partnership.

- 2.6. The Health and Wellbeing Partnership will promote a culture of partnership and co-production and this will be reflected in its approach to developing and implementing the integrated care strategy.
- 2.7. The Health and Wellbeing Partnership will be both comprised of and draw on the leadership, expertise, and membership necessary to deliver its purpose in relation to taking a whole population approach to improving health outcomes and tackling health inequalities.
- 2.8. The Health and Wellbeing Partnership will embody the importance of the VCSE sector as a strategic partner and will adopt the agreed Memorandum of Understanding that enables the strength and diversity of the sector to contribute to the success of the ICS.
- 2.9. The Partnership's governance and decision-making models will be based on the principle of subsidiarity with decisions taken as close to the communities and people they affect as possible.
- 2.10. Distributed leadership and a collective model of decision-making and accountability will strengthen mutual accountability for achieving the shared vision and objectives for Gloucestershire. This will include accountability to local residents.
- 2.11. Senior Local Authority officers/councillors will be members of both the Health and Wellbeing Partnership and the Integrated Care Board.
- 2.12. The voice of local people and communities will be an essential input to the Health and Wellbeing Partnership, and this will be achieved through a comprehensive community engagement model and not solely through membership.
- 2.13. There will be an explicit commitment to diversity that underpins the process for appointments to the Partnership as well as being reflected in how it operates.
- 2.14. The Health and Wellbeing Partnership will employ transparent mechanisms for managing conflicts of interest, informed by existing examples of good practice within One Gloucestershire.
- 2.15. The ICS will commit to agile working through both the ICB and the Health and Wellbeing Partnership. All committees and any task and finish groups together with the ICB Executive Team and function will be designed to assist both the ICB Board and HWBP in targeting the right business and decisions. Supporting structures will facilitate this and will be predicated on the principle of subsidiarity outlined above.
- 2.16. Integral to being a learning system, there will be a comprehensive review process for Health and Wellbeing Partnership composition and effectiveness after the first two years. This will allow any changes indicated through assessment and feedback to be considered and agreed. Subsequently, there will be routine annual review of effectiveness and the Terms of Reference.

- 2.17. The Health and Wellbeing Partnership will commit to ongoing facilitated development to ensure that its effectiveness is optimised and is informed by good practice.

3. Statutory Role

- 3.1. The Gloucestershire Health and Wellbeing Partnership is a statutory committee of the Integrated Care System. Its authority is derived from the Health and Care Act 2022.
- 3.2. The Partnership can oversee and progress partnership working in pursuit of any health and wellbeing priorities reflected within the Health and Wellbeing Strategy or the Integrated Care Strategy.
- 3.3. It can seek any information it requires within its remit and request relevant data and evidence to support its work and decision-making.
- 3.4. It can commission reports as necessary to help fulfil its obligations.
- 3.5. It can create task and finish sub-groups in order to address targeted objectives. The Partnership shall determine the membership and terms of reference of any such task and finish sub-groups but may not delegate any decisions to such groups. It is essential that there is a broad range of representation in the sub-groups.
- 3.6. Our system already has a wide range of partnerships and boards leading and delivering on health and wellbeing priorities. The Health and Wellbeing Partnership aims to bring these together to provide a more co-ordinated approach across our system.
- 3.7. The Citizen's Panel will report to the Health and Wellbeing Partnership every 6 months.

4. Membership

- 4.1. The Health and Wellbeing Partnership shall be established by two founding members; one to be appointed by the Integrated Care Board, and one to be appointed by Gloucestershire County Council.
- 4.2. The founding members will then convene the remaining members of the Partnership in line with these Terms of Reference.
- 4.3. Members will possess between them knowledge, skills and experience in:
- The determinants of health and wellbeing;
 - Primary, secondary and tertiary prevention;
 - Social care;
 - Clinical expertise;
 - Locality and community engagement and development;

- Strategy and partnership development;
- Programme planning and delivery;
- Measurement, evaluation, and benefits realisation;
- Working with people and communities and public/citizen voice and representation.

4.4. Given the wide remit of the Health and Wellbeing Partnership, we recognise the need for breadth in the representation on the membership.

4.5. When appointing members to the Committee, active consideration will be made to promoting diversity across the Partnership's membership.

4.6. Membership

4.6.1. Committee members will include:

- Chair (will be the same as the Chair for the Health and Wellbeing Board); to be appointed by the County Council
- Chief Executive Officer, NHS Gloucestershire ICB

All other members below will be appointed by the Integrated Care Partnership

- One member drawn from the ICB Executive Team
- ICB Chief Medical Officer or Chief Nursing Officer
- Chair of the Integrated Care Board
- Gloucestershire County Council Executive Director of Adult Social Care
- Gloucestershire County Council Director of Public Health
- Gloucestershire County Council Executive Director of Children's Services
- Six members drawn from the District Councils (one from each)
- NHS England
- One member drawn from Healthwatch Gloucestershire
- One member drawn from Gloucestershire Hospitals NHS Foundation Trust
- One member drawn from Gloucestershire Health and Care NHS Foundation Trust
- One member drawn from a Primary Care Network (PCN)
- One member drawn from the Local Medical Committee (LMC)
- Lead Governor for Gloucestershire Hospitals NHS Foundation Trust
- Lead Governor for Gloucestershire Health and Care NHS Foundation Trust
- Six members drawn from the Integrated Locality Partnerships (ILPs) (one from each)
- One member drawn from Clinical Programme Groups (CPGs)
- One member drawn from Enabling Active Communities and Individuals (EAC-I) representatives
- One member drawn from the Voluntary, Community and Social Enterprise (VCSE) Strategic Partnership
- One member drawn from the VCS Alliance
- One member drawn from the Independent Social Care Sector.
- Chief Constable of Gloucestershire
- Chief Fire Officer for Gloucestershire

Note: Voting – Individual members of the Partnership shall be non-voting. Instead, each member organisation or group of organisations will have one vote. The nominee of each organisation must be present to vote. There will be no absence voting provision. The Chair will have the casting vote.

Voting organisations/membership groups are:

- NHS Gloucestershire - Gloucestershire Integrated Care Board, Gloucestershire Care Services NHS Trust, Gloucestershire Hospitals NHS Foundation Trust and Gloucestershire Health and Care NHS Foundation Trust
- Gloucestershire County Council
- HealthWatch
- District Councils (one vote for all six)
- NHS England
- OPCC and Gloucestershire Constabulary
- Voluntary, community and social enterprise (VCSE) sector representatives

4.7. Chair and Vice Chair

4.7.1. The Chair of the Committee will also be the Chair of the Health and Wellbeing Board and shall be appointed by the County Council.

4.7.2. The Chair of the Committee shall appoint a Vice-Chair from within the membership of the Committee.

4.7.3. The Chair will be responsible for agreeing the agenda and ensuring matters discussed meet the objectives as set out in these Terms of Reference in consultation with the designated Lead Executive Officer.

4.8. Attendees and other Participants

4.8.1. Only members of the Committee have the right to attend Partnership meetings. Other individuals may be invited to attend all or part of any meeting as and when appropriate to assist it with its discussions on any matter including representatives from programme groups and forums that make up the delivery infrastructure for the Health and Wellbeing and Integrated Care Strategies.

4.9. Attendance

4.9.1. If an organisation is unable to send its representative, a named substitute may be nominated for that meeting only. Notice of this shall be given by the absent Partnership member to the committee administrator in advance of the meeting. Ideally a week's notice shall be given to allow all Partnership members to be advised of the substitution.

4.9.2. The Chair of the ICB may also be invited to attend any meetings as required in order to gain an understanding of the Committee's operations and to align the work of the Integrated Care Board and the Health and Wellbeing Partnership.

4.10. Meetings in public

- 4.10.1. Meetings will be held in public and meeting arrangements, papers and minutes will be available on the Health and Wellbeing Partnership website.

4.11. Tenure

- 4.11.1. Where individuals are part of the Committee's membership as a result of their executive or non-executive role, they will stay on the Committee for the duration of their time in that post.
- 4.11.2. Where members are drawn from a particular constituency within the health and care system, partner organisations or bodies will be invited to confirm every three years the nominated members who will form part of the Partnership's membership.
- 4.11.3. Where circumstances change, partner organisations or bodies can submit a request to the Chair to propose a change in individual members of the Partnership.

5. Quoracy

- 5.1. The quorum for meetings of the Health and Wellbeing Partnership is that one quarter of the membership be present from a minimum of 4 voting member organisations.
- 5.2. If any member of the Committee has been disqualified from participating in an item on the agenda, by reason of a declaration of conflicts of interest, then that individual shall no longer count towards the quorum.
- 5.3. If the quorum has not been reached, then the meeting may proceed if those attending agree, but no decisions may be taken.

6. Voting and decision making

- 6.1. The Committee will ordinarily reach conclusions by consensus. When this is not possible, the Chair may call a vote.
- 6.2. Only members of the Committee who are present may vote. Each member is allowed one vote and a majority will be conclusive on any matter. Where there is a split vote, with no clear majority, the Chair of the Committee will hold the casting vote.

7. Frequency and notice of meetings

- 7.1. The Partnership will meet at least six (6) times a year and the typical cycle will be meeting every other month. Additional meetings may take place as required at the request of the Chair
- 7.2. The Chair or Lead Executive may ask the Partnership to convene further meetings to discuss particular issues on which they want the Committee's advice.

- 7.3. Meetings will be held in public; and where circumstances dictate, they may be conducted via electronic means.

8. Secretariat

- 8.1. The Committee shall be supported with a secretariat function shared with the Health and Wellbeing Board and the Integrated Care Board.

- 8.2. The secretariat function shall ensure that:

- 8.2.1. The agenda and papers are prepared and distributed at least five working days before the meeting, having been agreed by the Chair with the support of the relevant executive lead(s).
- 8.2.2. Attendance by members of the Committee is monitored and reported annually as part of the respective annual reports of the ICB and the County Council;
- 8.2.3. Records of members' appointments and renewal dates is overseen and where required membership is renewed, or new members identified;
- 8.2.4. Good quality minutes are taken and agreed with the Chair and approved by the Partnership, and that a record of matters arising, action points and issues to be carried forward are kept;
- 8.2.5. The Chair is supported to prepare and deliver reports to the Board;
- 8.2.6. The Committee is updated on pertinent issues/ areas of interest/ policy developments;
- 8.2.7. Action points are taken forward between meetings and progress against those actions is monitored.
- 8.2.8. A register of interests is maintained

9. Remit and responsibilities of the Partnership

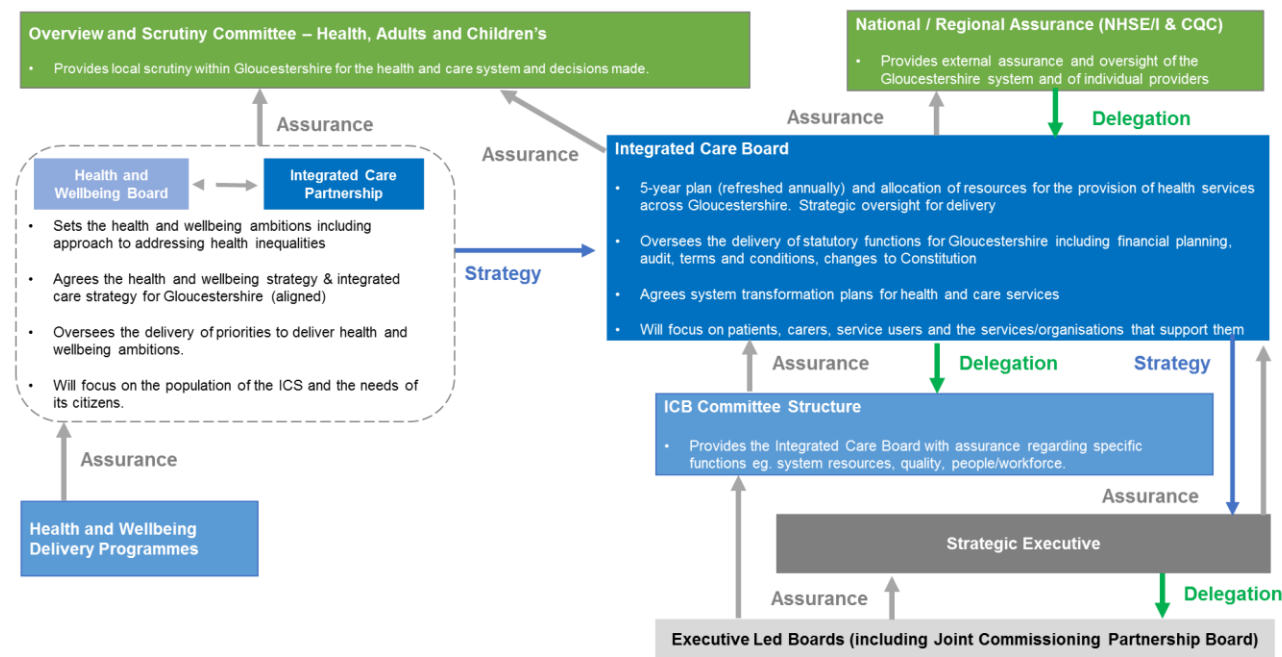
- 9.1. To lead and co-ordinate the pursuit of better health and wellbeing for all across system partners with an increased focus on prevention, health equity, promoting independence and strengthening our community engagement.
- 9.2. To agree and oversee the development of the Integrated Care Strategy for the whole Gloucestershire population, aligned to and integrated with the Health and Wellbeing Strategy.
- 9.3. To ensure that the best available qualitative and quantitative evidence is used to inform strategic decisions across the health and social care agendas, across the life course of people within the population

- 9.4. To drive the direction of the ICS and oversee the delivery programmes and arrangements through which the aligned Integrated Care and Health and Wellbeing Strategies will be delivered.
- 9.5. Where required, make recommendations to the ICB on the delivery of the Integrated Care Strategy and to collaborate with the ICB on facilitating joint action and integrated working across partners to improve health and care services.
- 9.6. To receive assurance from programme boards and groups throughout the delivery infrastructure that measurable progress the implementation of specific elements of the strategy is being made.
- 9.7. To co-ordinate measurement and evaluation of the achievement of key strategic milestones and objectives and progress in improving health outcomes for citizens and the population as a whole.
- 9.8. To co-ordinate programmes of work across system partners that will reduce health inequalities and embed population health strategies and approaches.
- 9.9. To consider the alignment of policy, plans and resource utilisation across the system to the strategic priorities expressed in the Integrated Care Strategy – including the use of pooled funds and the mobilisation of assets beyond statutory organisations.
- 9.10. Together with the ICB, to foster an approach to collaboration and partnership working built on the shared vision and values for the One Gloucestershire ICS.
- 9.11. To ensure that a proactive approach to embedding best practice in equality, diversity and inclusion is role modelled throughout the work of the Gloucestershire Health and Wellbeing Partnership.
- 9.12. To convene and support the engagement and involvement of citizens and communities as part of delivering the Working with People and Communities (WWPAC) Strategy.

10. Relationship between the Partnership and other system groups / committees / boards

- 10.1. The relationship between the Gloucestershire Health and Wellbeing Partnership and other key strategy and governance fora in the health and care system is illustrated in the Functions and Decisions Map:

One Gloucestershire ICS – Functions & Decisions Map



11. Monitoring and Reporting

- 11.1. The minutes of the meetings shall be formally recorded by the secretariat and will be available on the Partnership's website as well as the County Council's website.
- 11.2. The Chair may be invited to attend meetings of the ICB and Health and Wellbeing Board in order to align strategy, planning, delivery and decisions across the Integrated Care System.
- 11.3. The Committee will provide an annual report to stakeholders to describe how it has fulfilled its Terms of Reference, to provide a summary of key achievements in delivering its responsibilities and to report progress in relation to the Integrated Care Strategy.

12. Conduct of the Committee

- 12.1. Members of the Committee will be expected to conduct business in line with the core purpose of the ICS and the shared vision and values of its partners.
- 12.2. Members of, and those attending, the Committee shall behave in accordance with the respective policies on Standards of Business Conduct agreed by the ICB and the County Council and in line with the Council's Code of Conduct for Councillors
- 12.3. Members must demonstrably consider the equality and diversity implications of decisions they make.
- 12.4. In discharging duties transparently, conflicts of interest must be considered, recorded, and managed. Members should have regard to both the ICB's policies and national guidance on managing conflicts of interest. All potential conflicts of interest

must be declared and recorded at the start of each meeting. A register of interests must be maintained by the Secretariat. If the Chair considers a conflict of interest exists then the relevant person must not take part in that item, and the Chair will require the affected member to withdraw at the relevant point.

13. Review of Terms of Reference

- 13.1. The Committee will review its effectiveness at least annually. These Terms of Reference will be reviewed at least annually and more frequently if required. Any proposed amendments to the Terms of Reference (including membership) will be submitted to the ICB Board and the County Council for approval.

SECTION 4 - RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- 4.1 In accordance with the Local Government Act 2000 (as amended) the Leader of the Council has determined that executive functions of the Council should be the responsibility of the Cabinet, individual Members of which may take executive decisions within their area of responsibility, and Officers.
- 4.2 The Cabinet is not responsible for approving the Council's budget or the Policy Framework. It is, however, responsible for leading the development of the budget and Policy Framework. The Cabinet is also responsible for making decisions on the delivery of Council services within the approved budget and Policy Framework in respect of any matter that is not reserved by law or under the Constitution to the full Council or another Council body.
- 4.3 In Gloucestershire, executive decisions can be taken by the Cabinet collectively, by Cabinet Members individually and by Officers of the Council to whom powers have been delegated. Decisions will be taken in accordance with the Cabinet Procedure Rules, Access to Information Procedure Rules and the Policy Framework and Budget Procedure Rules.
- 4.4 Every Cabinet Member is assigned areas of responsibility by the Leader of the Council, as described below.

Area of responsibility
4.4.1 Leader of the Council
• Overall strategic direction
• Corporate plan
• People & culture
• Regional & national relationships
• Local Government Reorganisation and Devolution
• Strategic Communications
• Democratic Services
• Equality, Diversity & Inclusion

4.4.2 Deputy Leader / Cabinet Member for Finance, Assets & Transformation
--

• Budget planning & monitoring
• Medium Term Financial Strategy
• Strategic property & asset management (including rural estate)
• Support services including legal
• UBICO shareholder
• Contract procurement and monitoring
• Corporate health & safety
• GCC Emergency Planning & Civil Contingencies (excluding Fire & Rescue service)
• Information governance
• Performance
• Transformation
• ICT, Digital & Data Strategy
• Archives

4.4.3 Cabinet Member for Adults' Support & Independence

• Adult Social Care Commissioning including commissioning with NHS and co-commissioning with service users
• Adult Social Care transformation
• Services for people with physical, mental health or learning needs
• Vulnerable adults
• Integrated Care System lead
• Adult safeguarding
• Adult carers

4.4.4 Cabinet Member for Children's Safeguarding and Care

• Statutory Lead Cabinet Member for Children's Services
• Children's safeguarding
• Children in Care including unaccompanied asylum-seeking children
• Care leavers
• Family help
• Youth support
• Youth justice, including Channel partnership
• Adoption & fostering
• Young carers
• Family hubs
• Children's commissioning – sufficiency & short breaks
• Welfare support

4.4.5 Cabinet Member for Public Health, Communities & Fire

• Public Health including domestic abuse & suicide prevention
• Travellers
• Refugees & asylum seekers
• Drug & alcohol abuse support
• Libraries & registration
• Relationship with the Police & Crime Commissioner

Gloucestershire Fire & Rescue Service (including GFRS emergency planning & civil contingencies)
Trading standards
Coroners service

4.4.6 Cabinet Member for Education & Skills

Strategic oversight of children & young people's education
School funding and Dedicated Schools Grant
Traded services with schools
School improvement, access & place planning
Special Educational Needs & Disabilities
Early years & childcare sufficiency
Adult education, skills & apprenticeships
Liaison with Higher and Further Education settings

4.4.7 Cabinet Member for Highways

Highway maintenance and Asset Management
Highway communications
Highways Development Management
Streetworks
Street lighting
Highways contract monitoring
Commons & Rights of Way
Civic Pride – 'Clean & Green'

4.4.8 Cabinet Member for Sustainable Transport & Road Safety

Road safety
Consultation & roll-out of 20mph speed limits
Parking
Traffic Regulation Orders
Public & community transport
Mass Rapid Transport
Local Transport Plan
Sustainable transport including EV strategy
Walking and cycling infrastructure plan
Sub-Regional Transport Partnership

4.4.9 Cabinet Member for Business, Economic Development, Planning & Infrastructure

Strategic economic development
Business support including private enterprise & SMEs
Major infrastructure developments including Junction 10
Spatial planning
Digital connectivity
Planning Authority liaison / duty to co-operate
Visitor economy

- Regeneration

4.4.10 Cabinet Member for Nature, Climate & Waste Reduction

- Climate adaptation & resilience
- Net zero & climate change mitigation
- Ecology, biodiversity & nature recovery
- Flood resilience & prevention
- Green energy
- Mineral & waste planning
- Waste reduction & disposal
- Circular economy

- 4.5 Every area of responsibility shall include the Council's executive function of investigating and/or prosecuting suspected or actual criminal and civil acts relating to the executive functions referred to in the portfolio.

Note: Prosecution of suspected criminal acts are subject to authorisation by the Assistant Director of Legal Services.

- 4.6 The Leader of the Council may appoint up to five Cabinet Project Champions to assist the Cabinet with its work. Cabinet Project Champions do not have executive powers.

SECTION 5 - SCHEME OF DELEGATION

- 5.1 The Council is required to make very many executive and non-executive decisions every day. It would be quite impracticable to make all or many of these decisions through full Council, the Cabinet and other Council bodies. The full Council, Cabinet and, the Leader are able to delegate powers to the Cabinet, individual Cabinet Members and to Officers. Such powers are called "delegated powers" and the distribution of responsibility amongst the Leader of the Council, Cabinet Members and Officers for making decisions under delegated powers is set out in this Scheme. Such powers must be exercised in accordance with the conditions specified in paragraphs 5.2 to 5.8 below.

This scheme does not delegate to the Leader of the Council, Cabinet Members and Officers:

- 5.1.1 Except under delegation CE1 any matter reserved to full Council (see Tables 1 and 2 of this Part of the Constitution);
- 5.1.2 Any matter that by law may not be delegated to the Leader of the Council, a Cabinet Member or Officer.

- 5.2 Delegated powers must be exercised in accordance with:

- 5.2.1 The law;

- 5.2.2 All of the rules, procedures, codes and protocols contained in the Council's Constitution;
- 5.2.3 Council policy.
- 5.3 Before exercising delegated powers, the Leader of the Council, Cabinet Members and Officers must satisfy themselves that the decision is:
 - 5.3.1 Authorised by law and, if in doubt, will consult with the Assistant Director of Legal Services;
 - 5.3.2 Within budget (allowing for such variance as may be permitted under the Council's Procedure Rules) and if in doubt will consult with the Executive Director of Corporate Resources.
- 5.4 Before exercising delegated powers the Leader of the Council, Cabinet Members and Officers must consider whether it would be advantageous and/or prudent to consult with the Leader of the Council, another Cabinet Member or any other Member of the Council and/or Officer, and whenever they consult with another will carefully consider any response that they receive. In any event, consultation will always be required with all persons referred to in the column "Consultation under paragraph 5.4" in the table below headed Particular Delegations to Officers and in accordance with paragraph 5.9.
- 5.5 Before exercising delegated powers, Officers will consider whether the use of a power might be regarded as sensitive or contentious by Members of the Council and if it appears that this will be the case, they will:
 - 5.5.1 In respect of any executive function, consult with the Leader of the Council or Cabinet Member with responsibility for that area;
 - 5.5.2 In respect of any non-executive function, consult with the Chair and other political groups' Lead Members of the committee having responsibility for that matter and any Member of the Council whose electoral division will be affected by the exercise of delegated powers.
- 5.6 In the absence of a Cabinet Member or if a Cabinet Member is unable to or should not exercise a delegated power, the Leader of the Council may exercise that delegated power.

In the absence of the Leader of the Council or if the Leader of the Council is unable to or should not exercise a delegated power or other power under the Constitution, any Cabinet Member or the Cabinet may exercise those powers.
- 5.7 The Officers named in this scheme shall be deemed to include any other Officer of the Council that they authorise in writing to exercise delegated powers on their behalf provided:

- 5.7.1 An Officer named in this scheme must maintain a written record of any other Officer they have authorised to exercise delegated powers on their behalf and any limitation that they have imposed on the extent and duration or other exercise of those powers in addition to those specified in this scheme;
- 5.7.2 A copy of the information specified in paragraph 5.7.1 must be given to the Monitoring Officer before another Officer exercises a power on behalf of a named Officer and the Monitoring Officer shall place this information on a register that, in accordance with Section 100G of the Local Government Act 1972, will be maintained for inspection by the public.
- 5.8 The Leader of the Council, Cabinet Members and Officers must maintain a complete and permanent written record of all executive decisions, which must (as a minimum) include:
- 5.8.1 A dated record of that decision;
- 5.8.2 A record of the reasons for the decision;
- 5.8.3 Details of any alternative options considered and rejected at the time by the person when making the decision;
- 5.8.4 A record of any consultation with Members and/or Officers
- 5.8.5 A record of any conflict of interest declared by any Executive Member who is consulted in relation to the decision; and
- 5.8.6 In respect of any declared conflict of interest a note of any dispensation granted by the Audit and Governance Committee of the Council.
- Note: Records of all executive decisions are required to be available for public inspection after the decision has been taken, in the same way as Cabinet papers.*
- 5.9 There shall be delegated to the Leader of the Council and each Cabinet Member all executive functions, duties or powers of the Council within their area of responsibility as specified in paragraph 4.4 of Section 4 of the Constitution. In exercising such functions, duties or powers, the Leader and Cabinet Members will consult with the Director or Head of any service area affected by their decision.
- 5.10 The functions, powers and duties identified in the table below headed “Particular Delegations to Officers” are delegated to Officers of the Council. Any Officer referred to in the “Appropriate Officer” column of the table below and to whom powers have been delegated, shall include any other person subsequently taking on that Officer’s responsibilities.

- 5.11 The Executive Director: Children and Families has responsibility for the statutory functions of the Director of Children's Services in accordance with Section 18 of the Children Act 2004.
- 5.12 The Officer designated as Director of Adult Social Services in accordance with Section 6(A1) of the Local Authority Social Services Act 1970 (as inserted by paragraph 2(2) of Schedule 2 to the Children Act 2004) shall be the Executive Director of Adult Social Care, Wellbeing and Communities.

Particular Delegations to Officers

Decision Category Number	Function, duty or power to be delegated	Appropriate Officer	Consultation under paragraph 5.4
CE1	To take any decision that could be taken by the Council, the Cabinet, any committee or any Officer (provided such action is taken in accordance with the law, Rules on Access to Information about the County Council's Business and the Cabinet Procedure Rules).	Chief Executive.	Council function - Chair and Leader of the Council. Cabinet function - Leader of the Council or Cabinet Member, as appropriate. Committee function - Chair and Lead Members
CE2	To be the Proper Officer of the County Council in relation to Section 270(3) of the Local Government Act 1972.	Chief Executive	<u>N/A</u>
CE3	To fill casual vacancies on committees, in accordance with Sections 15-17 of the Local Government & Housing Act 1989.	Chief Executive	Group leader of the political group entitled to appoint a Member to any committee by virtue of any vacancy that has arisen
CE4	To be the Returning Officer for County Council elections and undertake	Chief Executive	N/A

	the functions of the Council in relation to elections.		
CE5	To permanently appoint, determine the terms of appointment and terminate the appointment of all staff (except those Officers within the responsibility of the Appointments Committee) under Section 112 of the Local Government Act 1972.	Chief Executive	Executive Director of Corporate Resources
	To appoint on a temporary or acting up basis for up to one year, determine the terms of appointment and terminate the appointment of those Officers within paragraph 2 of the duties of the Appointments Committee.		All Cabinet Members Group Leaders and relevant Scrutiny Chair.
	To appoint on an interim basis and for a maximum period of up to six months to the positions of those officers within paragraph 2 of the duties of the Appointments Committee.		All Cabinet Members Group Leaders and relevant Scrutiny Chair.
DCR 1	To be responsible for and do anything required for the proper administration of the financial affairs of the Council.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 2	To make arrangements for the financing of the capital programme of the Council by borrowing, leasing or other arrangements.	Executive Director of Corporate Resources/Deputy Chief Executive	Leader of the Council or Cabinet Member, as appropriate.
DCR 3	The functions, duties or powers of the Pensions Committee.	Executive Director of Corporate Resources/Deputy Chief Executive	Chair of the Pensions Committee for all decisions with financial

			implications over £250,000
DCR 4	To formulate and issue general guidelines to Officers on financial matters including insurance and the writing-off of debts.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 5	To determine arrangements for treasury management in accordance with the Council's policy statement and approved treasury management practices and where relevant CIPFA's Standard of Professional Practice on Treasury Management.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 6	To make arrangements for the Internal Audit of the Council.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 7	To manage the County Fund and all subsidiary accounts and any reserve or other fund.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 8	To operate the Local Government Superannuation Regulations, including the exercise of discretion under those Regulations.	Executive Director of Corporate Resources/Deputy Chief Executive	Relevant Cabinet Member for all decisions with financial implications over £250,000
DCR 9	To implement national and local pay awards and increase payments under the Pension Increase Act.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 10	To make finance leasing arrangements and authorise and make any	Executive Director of Corporate	Relevant Cabinet Member for all decisions

	other financial transaction including the borrowing and lending of money.	Resources/Deputy Chief Executive	with financial implications over £250,000
DCR 11	To authorise the writing-off of stock, other than through fair wear and tear.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 12	To effect adequate insurance cover for the Council.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 13	To exercise all other functions relating to the Financial Management of the Council.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR14	To acquire and dispose of any interest in land and manage the Council's estate.	Executive Director of Corporate Resources/Deputy Chief Executive	Relevant Cabinet Member for all decisions with financial implications over £250,000
DCR 15	To manage the provision of information technology services to the Council.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 16	To manage the function relating to Communications and Engagement	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 17	To exercise all other functions relating to support services except for functions falling within decision categories ALDS 1 to 3 and MO1	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
DCR 18	To secure the proper management of the Council's human resources except for functions falling within	Executive Director of Corporate Resources/Deputy Chief Executive	N/A

	decision categories CE5 and ALDS 1 to 3		
DCR 19	To exercise all other functions relating to the following services: Planning, Performance & Change; Democratic Services; Information Management; Corporate Complaints; Archives; the Executive and Cabinet Offices; the SHE team; the Emergency Planning Team; and Legal Services, except for functions within decision categories ADLS1 to 5	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
AMPS1	The functions of the Safety & Licensing Committee under paragraphs 1 and 2 of its terms of reference.	Assistant Director of Asset Management and Property Services	N/A
DPPG1	To publish standards for the whole Council, which will secure the efficient processing of information.	Executive Director of Corporate Resources/Deputy Chief Executive	N/A
MO1	To make payments or award other benefits under Section 92 of the Local Government Act 2000 (payments in respect of maladministration and related discretionary payments.	Monitoring Officer	Chief Executive, Chief Financial Officer and/or Director responsible for the service in respect of which a payment or other benefit is awarded.
MO2	To amend the Constitution in any way whatsoever in order to secure compliance with the law and the convenient, efficient and effective discharge of any Council function. Such amendment to be reported to the Constitution Committee and reported to and	Monitoring Officer	Chief Executive and any Director whose service is affected by any amendment to the Constitution.

	ratified by the full Council (in respect of any non-executive function) or the Cabinet (in respect of any executive function).		
MO 3	The functions of the Constitution Committee to advertise for, interview and appoint persons as members of an Independent Remuneration Panel.	Monitoring Officer	Lead Members of the Constitution Committee.
MO 4	To exercise the functions of the Audit & Governance Committee under section 7(ii) of its terms of reference.	Monitoring Officer	Lead members of the Audit & Governance Committee
CFO1	To manage the operations of the Gloucestershire Fire and Rescue Service.	Chief Fire Officer	Most relevant Cabinet Member(s) or Chief Executive for all decisions with financial implications over £250,000
CFO2	To exercise all other functions relating to the areas of responsibility of the following services: Trading Standards and Coroners	Chief Fire Officer	Most relevant Cabinet Member(s) or Chief Executive for all decisions with financial implications over £250,000
CF03	To enforce the Trading Standards, Food, Animal Health, and other legislation referred to in the Trading Standards Legislation Master List held by the Assistant Director of Legal Services and issue statutory notices in relation to that legislation	Chief Fire Officer	N/A
DCFO1	Without prejudice to the powers of the Director of Economy, Environment	Deputy Chief Fire Officer	N/A

	and Infrastructure to sign warrants and authorise Officers to enforce the legislation referred to in the Trading Standards Legislation Master List held by the Assistant Director of Legal Services and to issue statutory notices in relation to that legislation.		
DEEI1	The functions of the Safety & Licensing Committee under paragraphs 4 and 5 of its terms of reference except those which fall in decision categories ADLS1 to 3.	Executive Director of Economy, Environment and Infrastructure	N/A
DEEI2	To exercise the functions of the Commons and Rights of Way Committee as Local Highway Authority Commons and Rights of Way Committee terms of reference 3 to 19.	Executive Director of Economy, Environment and Infrastructure	N/A
DEEI3	To be the Proper Officer in relation to functions under the Highways Act 1980.	Executive Director of Economy, Environment and Infrastructure	N/A
DEEI4	To exercise the functions falling within Planning Committee terms of reference 1 to 14 and 16 to 26, except decision categories ADLS1 to 3 of this Scheme of Delegation.	Executive Director of Economy, Environment and Infrastructure. (Note: Where the Executive Director is an Officer whose responsibilities include any aspect of the management of any land or building to which an application made by the Council relates, or is responsible for a function (other than as planning authority) materially affected by any planning matter, this	Assistant Director of Legal Services.

		power is delegated to the appropriate senior officer).	
DEEI5	To exercise the functions of the Traffic Regulation Committee (terms of reference 1 to 12), except those falling within decision categories ADLS1 to 3 of this Scheme of Delegation.	Executive Director of Economy, Environment and Infrastructure	Assistant Director of Legal Services.
DEEI6	To exercise all other executive functions relating to the areas of responsibility of the following services: Economic Development, Development, Planning & Natural Environment, Transport & Community Infrastructure, Road Safety, Registration, Libraries, Adult Education, Employment & Skills and Waste Management except decision categories ADLS 1 to 3 (although, in cases when only an Officer other than the Assistant Director of Legal Services may institute proceedings, the Director of Economy, Environment and Infrastructure may institute a prosecution once it has been authorised under ADLS2).	Executive Director of Economy, Environment and Infrastructure	Relevant Cabinet Member for all decisions with financial implications over £250,000
DEEI7	Making agreements under Section 278 of the Highways Act (as amended) for the execution of highway works.	Executive Director of Economy, Environment and Infrastructure	Relevant Cabinet Member for all decisions with financial implications over £250,000
DASS1	The functions of the Safety and Licensing Committee under	Executive Director of Adult Social Care, Wellbeing and Communities	N/A

	paragraph 6 of its terms of reference.		
DASS2	To exercise all other functions relating to the areas of responsibility of Adult Social Services except decision category ADLS 1to 3.	Executive Director of Adult Social Care, Wellbeing and Communities	Relevant Cabinet Member for all decisions with financial implications over £250,000
DCS1	The functions of the Safety and Licensing Committee under paragraph 3 of its terms of reference.	Executive Director of Children's Services	N/A
DCS2	To exercise all other functions relating to the areas of responsibility of Children's Services, Education and Learning except decision category ADLS 1 to 3 and in relation to the commissioning of Children's Services.	Executive Director of Children's Services	Most relevant Cabinet Member(s) for all decisions with financial implications over £250,000
DCCP1	The functions of Chapter 2 of Part 5 of the Counter Terrorism and Security Act 2015	Director of Children's Commissioning and Partnerships	
ADLS1	To authorise the institution, defence withdrawal or settlement of any claims or legal proceedings, civil or criminal, the issue of cautions and to authorise the enforcement of any order made in those proceedings.	Assistant Director of Legal Services	Director of any service area affected by such a decision.
ADLS2	To authorise Officers of the County Council to prosecute or defend or appear in any legal proceedings (NB: The Assistant Director of Legal Services will <i>authorise</i> every decision to prosecute or defend such proceedings,	Assistant Director of Legal Services	Director of any service area affected by such a decision.

	including those which by law may only be <i>instituted</i> by another Officer).		
ADLS3	To authorise the withdrawal or settlement of any dispute between the Council and any third party, including those that have been referred to any statutory or non-statutory Tribunal or arbitrator (this includes authorising ex gratia payments not otherwise delegated).	Assistant Director of Legal Services	Director of any service area affected by such a decision.
ADLS4	To be the adjudicator for disputes under the Local Government Pension Scheme.	Assistant Director of Legal Services	N/A
ADLS5	The functions of the Commons and Rights of Way Committee under paragraphs 1, 2 and 19 or its terms of reference.	Assistant Director of Legal Services	Lead members
DPH1	To exercise the functions conferred on the Director of Public Health by section 73A of the National Health Service Act 2006 for the improvement of the health of the people of Gloucestershire	Director of Public Health	
GEN1	To enter into any contract for works and the supply of goods and services.	Chief Executive, Executive Director, Director, Assistant Director or Heads of Service or equivalent in relation to their service areas.	Relevant Cabinet Member for decisions with financial implications in excess of £250,000
GEN2	To take any decision under the Regulation of Investigatory Powers Act 2000.	Executive Director, Director, Assistant Director or Head of Service or equivalent in relation to their service areas.	N/A
GEN3	To do anything that is required for the effective management of staff and other resources within	Executive Director, Director, Assistant Director or Head of Service or	N/A

	each Service of the Council.	equivalent in relation to their service areas.	
GEN4	To be the Proper Officer in relation to each Service of the Council	Executive Director, Director, Assistant Director or Head of Service or equivalent in relation to their service areas.	Relevant Cabinet Member for decision with financial implications in excess of £250,000
GEN5	In a declared emergency or major incident, to commit such resources and take such decisions as are necessary for the immediate management of the response in order to comply with the Council's duties under all relevant legislation. Any such decision taken must be reported to the relevant Cabinet Member and Chief Officer as soon as is practicably possible.	Any Officer when acting as Duty Gold or Silver Officer at the Local Resilience Forum's Strategic Co-ordinating Group, Tactical Co-ordinating Group or Recovery Coordinating Group.	N/A
GEN6	To apply for external funding and to enter into external funding agreements	Director, Assistant Director or Head of Service or equivalent in relation to their service areas	Chief Finance (s151) Officer and relevant Executive Director in all cases. Cabinet Member for bids/agreements exceeding £250k For bids exceeding £500k, the Monitoring Officer must be consulted as to whether a key decision is required.

SECTION 6 – JOINT ARRANGEMENTS

The Cabinet has established the following Joint Committee to which it has delegated certain of its responsibilities.

6.1 Gloucestershire City Region Board

1. Governance

- 1.1 The Gloucestershire City Region Board ("**GCR Board**") is a Joint Committee under ss101(5), 102 Local Government Act 1972 and under Part1A Chapter 2 Section 9EB of the Local Government Act 2000 and pursuant to the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 1.2 Political Proportionality rules will not apply to the GCR Board as so constituted.
- 1.3 The GCR Board will include all of the Partner Authorities.

2. Host Authority

- 2.1 The GCR Board will be hosted under local government arrangements by Gloucestershire County Council. The Host Authority will provide Secretary/Clerk, s151 and Monitoring Officer roles of the GCR Board.

3. Functions of the GCR Board

- 3.1 Each of the Partner Authorities empowers the GCR Board to:
 - 3.1.1 engage in strategic discussion and act as the primary consultative forum to set a dynamic vision for Gloucestershire and to present and discuss issues relating to the following:
 - (a) economy and growth;
 - (b) funding and bids;
 - (c) devolution; and
 - (d) skills and employment.
 - 3.1.2 develop and support a shared vision for strategic growth and economic success for the County of Gloucestershire;
 - 3.1.3 champion that shared vision and its delivery with a single voice inside and outside Gloucestershire, including with strategic partner organisations such as the Western Gateway Partnership;
 - 3.1.4 lobby and bid for funding and support via government growth programmes and Western Gateway Partnership and other partners to support the delivery of the GCR Board's ambitions;

- 3.1.5 promote the success of the Gloucestershire City Region and its strengths to attract inward investment and growth;
- 3.1.6 work closely with all sections of the Gloucestershire City Region communities, businesses, and agencies to engage them in the generation and delivery of the vision;
- 3.1.7 build upon the inter-related strengths of the communities of the Gloucestershire City Region to fulfil the ambitions of each place and maintain their identities;
- 3.1.8 create a positive vision for vibrant rural communities, businesses, and infrastructure to maximise their contribution to Gloucestershire;
- 3.1.9 work with partners to ensure the Gloucestershire City Region Vision can guide and integrate with future strategic spatial and infrastructure plans;
- 3.1.10 ensure the development of a Gloucestershire Vision complements other visioning and strategic plans in the County of Gloucestershire;
- 3.1.11 aim to create, through the Gloucestershire City Region Vision, a special county which has uniquely attractive offers as a place to live and visit and a vibrant economy firmly based on modern commercial activity, built on the strengths of our communities;
- 3.1.12 discharge on behalf of Partner Authorities the power to do anything it considers likely to achieve the promotion or improvement of the economic wellbeing of the area of Gloucestershire together with such additional functions as the respective constituent Councils may determine from time to time;
- 3.1.13 facilitate and enable collaboration between the Partner Authorities on economic development, employment and skills, and associated activities;
- 3.1.14 formulate and agree the GCE Strategy from time to time and other plans and strategies related to economic growth, and to work jointly to ensure their delivery;
- 3.1.15 lobby and carry out other activities that help achieve the promotion or improvement of the economic wellbeing of the area of Gloucestershire;
- 3.1.16 promote the vision contained in the GCE Strategy;
- 3.1.17 seek the allocation of resources to achieve the promotion or improvement of the economic wellbeing of the area of Gloucestershire; and
- 3.1.18 ensure a co-ordinated approach to and liaise with such relevant Groups/Boards as the Partner Authorities and/or the Senior Officer Group may determine from time to time.

- 3.2 To provide political and democratic accountability by:
- 3.2.1 monitoring the delivery of each priority, plan, project, or programme included in the GCE Strategy and by ensuring that action is taken to review and prepare revised action plans as necessary;
 - 3.2.2 monitoring the Annual Budget;
 - 3.2.3 advising and making recommendations to the Administering Authorities;
 - 3.2.4 providing Leadership Gloucestershire with regular updates in respect of the work of the GCR Board and (where appropriate) the governance of the GCR Board.

4. Membership of the GCR Board and appointment of the Chair

- 4.1 The GCR Board shall be comprised of:
- 4.1.1 One member from each of the District Authorities; each such member to be an appointed executive member (where executive arrangements are in place) from the relevant District Authority (voting); and
 - 4.1.2 One member from the Administering Authority, such member to be an appointed executive member (where executive arrangements are in place) from the Administering Authority (voting), who shall also act as the Chair.

The GCR Board may from time to time at its absolute discretion appoint one non-voting member to the GCR Board from Gloucestershire's business community. Each such appointment shall continue for a fixed term (to be determined by the GCR Board) unless removed earlier by the GCR Board.

- 4.2 Each District Authority shall appoint a substitute member (being an executive member of the relevant District Authority where executive arrangements are in place). The substitute member shall have the same rights of speaking and voting at meetings as the member for whom the substitution is made.
- 4.3 The Administering Authority shall appoint a substitute member (being an executive member of the Administering Authority where executive arrangements are in place). The substitute member shall have the same rights as the member for whom the substitution is made in respect of speaking, voting and acting as the Chair at meetings.
- 4.4 Each GCR Board member appointed by a Partner Authority shall remain in office until removed and replaced by his or her appointing Partner Authority, or in the case of an executive member, until he or she ceases to be a member of the Executive of the appointing Partner Authority.

5. Voting

- 5.1 One member one vote for each Partner Authority.
- 5.2 Normal rules as to declarations of interest to be applied in accordance with the Gloucestershire County Council Code of Conduct.
- 5.3 Except as otherwise provided by the Local Government Acts 1972 and 1985 and subject to the protocol in respect of the Chair's casting vote set out in Appendix 1, all matters shall be decided by a majority of the votes of the voting members present.
- 5.4 Subject to the protocol in respect of the Chair's casting vote set out in Appendix 1, in the event of an equality of votes the Chair shall have the casting vote in addition to their vote as a member of the GCR Board.

6. Quorum

- 6.1 The quorum for a meeting shall be the member from the Administering Authority together with 3 (three) other voting members. No business shall be transacted unless quorum is reached. If quorum is not reached within thirty (30) minutes of the start of the meeting (or if quorum ceases to be present during a meeting), the meeting shall be adjourned to the same time and venue to a date determined by the Chair.

7. Meetings

- 7.1 The Chair of the meeting shall be the member from the Administering Authority or their substitute, also from the Administering Authority.
- 7.2 Each member entitled to attend will send a substitute member as per paragraphs 4.2 and 4.3 in the event of his or her unavailability. The Secretary/Clerk for the GCR Board shall be informed prior to the commencement of the meeting of any substitute members attending.
- 7.3 A meeting of the GCR Board must be convened by the Chair within twenty-eight (28) days of the receipt of a requisition of any two voting members of the GCR Board addressed to the Secretary/Clerk to the GCR Board. All requisitions shall be in writing and no business other than that specified in the requisition shall be transacted at such a meeting.

8. Constitution

- 8.1 The Constitution of Gloucestershire County Council shall apply to the GCR Board.

9. Attendance

- 9.1 Members of the SOG, together with the Administering Authority's s151 Officer, Legal Advisor and the Clerk shall be entitled to attend meetings of the GCR Board to advise the GCR Board on matters relevant to the functions and activities of the GCR Board but shall have no voting rights.

- 9.2 Each Partner Authority may send any of its officers (as it considers to be appropriate) to meetings of the GCR Board, or any sub-committee thereof, to support its GCR Board Members or those invited to observe the meeting.
10. **Responsibilities of the Chair and (if applicable) their substitute**
- 10.1 The role of the Chair and (if applicable) their substitute, is to ensure that the meetings of the GCR Board are conducted efficiently and in accordance with the Standing Orders and Rules of Procedures
- 10.2 The role of the Chair's substitute is to deputise for the Chair during any period of the Chair's absence or at other times as appropriate and his responsibilities shall be the same as those of the Chair.
- 10.3 Subject to the protocol in respect of the Chair's casting vote set out in Appendix 1, the Chair or (if applicable) their substitute shall have a second or casting vote in the event of an equality of votes when presiding at a meeting of the GCR Board.
11. Meetings of the GCR Board
- 11.1 Part I of Schedule 12 of the LGA 1972 shall apply to meetings of the GCR Board.
- 11.2 At its first meeting and at each Annual General Meeting thereafter the GCR Board shall:
- 11.2.1 adopt a Scheme of Delegation; and
- 11.2.2 approve the schedule of meetings for the remainder of the year.
- 11.3 Subject to paragraph 11.5 below, and the need exceptionally to call additional meetings, the GCR Board shall meet at least four times each year. The Chair shall decide the venue, date, and time of all meetings of the GCR Board. Wherever practicable, at least ten (10) Business Days' notice of such meetings shall be given to each GCR Board Member, the Senior Manager, the Administering Authority's s151 Officer, the Legal Advisor and to each of the Partner Authorities by the Clerk.
- 11.4 Meetings of the GCR Board shall be open to the public and press except during consideration of items containing confidential or exempt information in accordance with the provisions of sections 100 to 100K of the LGA 1972; and reports to and the minutes of the GCR Board shall (subject to the provisions of sections 100 to 100K of the LGA 1972) be available to the public and press as though they were the reports or minutes of a meeting of a Partner Authority.
- 11.5 Any GCR Board Member may requisition a meeting of the GCR Board by giving notice of such requisition to the Chair and to the Clerk. Immediately upon receipt of such requisition, the Chair shall call a meeting of the GCR Board in accordance with paragraph 11.3 which shall be no later than ten (10) Business Days after the receipt by the Clerk of the notice of requisition.

- 11.6 The Standing Orders and Rules of Procedure shall be applicable to meetings of the GCR Board. The Standing Orders and Rules of Procedure may only be amended or replaced if the amendment or replacement is agreed by not less than three-quarters of the GCR Board Members.
- 11.7 If a quorum is not present within thirty (30) minutes of the time set for the commencement of a meeting of the GCR Board (or a quorum ceases to be present during a meeting) the meeting shall be adjourned to the same time and venue five (5) Business Days later or to such other date, time and venue as the Chair (or other person who is chairing the meeting) shall determine.
- 11.8 The Chair shall normally preside at all meetings of the GCR Board. If the Chair is not present within fifteen (15) minutes of the time for the commencement of a meeting or being present does not wish to preside or is unable to do so, then their substitute shall preside at that meeting. If (in the event of the absence or non-availability of the Chair) their substitute is not present within fifteen (15) minutes of the time for the commencement of the meeting or does not wish to preside or is unable to do so, the meeting shall be adjourned to the same time and venue five (5) Business Days later.

12. Delegation to Sub Committees and Officers

- 12.1 The GCR Board may arrange for any of its functions to be discharged in accordance with the provisions of a Scheme of Delegation as approved by the GCR Board.
- 12.2 The GCR Board may appoint working groups consisting of GCR Board Members, officers from the Administering Authority (including of the SOG) and officers of any of the Partner Authorities to consider specific matters and report back to the GCR Board or any sub-committee with recommendations.

13. Scrutiny Arrangements

- 13.1 Subject as set out in this paragraph 13 the decisions made by the GCR Board shall, for the time being, be subject to the Scrutiny Arrangements of each Partner Authority and each Partner Authority acknowledges the requirements in paragraph 13.6 below for cooperation between the respective Scrutiny Committees of each Partner Authority and Stroud's Strategy and Resources Committee.
- 13.2 Any decision of the GCR Board, except those agreed as urgent in accordance with paragraph 13.3 shall not be implemented until the Scrutiny Arrangements of the Partner Authority whose membership has called in the decision or action has been completed.
- 13.3 Where the GCR Board decides that a decision must be implemented without delay and as a matter of urgency it shall record the reasons for such urgency in the minutes of the meeting and any subsequent 'call in' of that decision should normally relate only to the process leading to the decision and not to the decision itself and the chairmen of the Partner Authorities Scrutiny Committees and Stroud's Strategy and Resources Committee shall be advised immediately.

- 13.4 A summary record of decisions made by the GCR Board will be made available to the public via the website of the Administering Authority within two (2) Business Days of the decision being made. At the same time the Administering Authority will provide a copy of the summary record of decisions to all Partner Authorities for them to make available to their members as they see fit. The summary record will indicate which of the decisions are subject to the urgency provision and therefore are not available to be 'called in' prior to implementation.
- 13.5 All decisions of the GCR Board (unless urgency is specified in accordance with paragraph 13.3) to be subject to call-in processes of each Partner Authority. If not called in during that period any decision shall then be available for implementation.
- 13.6 The GCR Board Members and the relevant officers from each Partner Authority shall fully cooperate with the relevant Scrutiny Committee of any of the Partner Authorities or (as applicable) Stroud's Strategy and Resources Committee and attend as directed by the Scrutiny Committee/Stroud's Strategy and Resources Committee. The GCR Board Chair may nominate the GCR Board Member(s).
- 13.7 Where a decision is called in by more than one Partner Authority, the Scrutiny Committee of each of the Partner Authorities or (as applicable) Stroud's Strategy and Resources Committee calling in the decision will be invited to request the County Council to convene a meeting of the Gloucestershire Economic Strategy Scrutiny Committee (GESSC) to hear evidence, views, options considered, reasons for decision and to ask questions of appropriate GCR Board Member(s) and officers of the Administering Authority (including of the SOG) and others invited to participate.
- 13.8 After these "hearings", each relevant Scrutiny Committee or (as applicable) Stroud's Strategy and Resources Committee will meet separately to decide on what comment, view, or recommendations (if any) it wishes to make to the GCR Board.
- 13.9 Where the account to be given to the Scrutiny Committee or (as applicable) Stroud's Strategy and Resources Committee requires the production of a report, then the GCR Board Member or officer concerned will be given sufficient notice to prepare the documentation.
- 13.10 Once it has formed recommendations on a call-in (or proposals for development in accordance with paragraph 13.13) a Scrutiny Committee or (as applicable) Stroud's Strategy and Resources Committee shall prepare a formal report and submit it for consideration by the GCR Board.
- 13.11 The GCR Board shall consider the report of a Scrutiny Committee or (as applicable) Stroud's Strategy and Resources Committee at its next suitable meeting and shall issue a formal response to such a report.
- 13.12 The Clerk shall monitor the operation of the provisions relating to call-in and urgency annually and submit a report to the GCR Board with proposals for review if necessary.

- 13.13 A Scrutiny Committee or (as applicable) Stroud's Strategy and Resources Committee should notify one of the GCR Board Members for its Partner Authority if it includes in its work programme any aspect of policy development or review relating to the work or functions of the GCR Board.

14. Annual Budget

- 14.1 The GCR Board and the Partner Authorities will prepare the Annual Budget for future Financial Years in accordance with the following deadlines:

14.1.1 No later than 31 July in each Financial Year the Administering Authority or the Senior Manager (if appointed) shall submit a draft Annual Budget to the SOG in respect of the next Financial Year;

14.1.2 The SOG shall within twenty (20) Business Days of receipt of the draft Annual Budget consider and provide comments on or suggest amendments to be included in a revised draft Annual Budget;

14.1.3 No later than 30 September in each Financial Year the GCR Board will approve the draft Annual Budget;

14.1.4 Each Partner Authority will consider, as part of its budget setting process the draft Annual Budget;

14.1.5 No later than 30 November in each Financial Year each Partner Authority will provide any comments or proposed amendments to the draft Annual Budget to the GCR Board;

14.1.6 No later than 15 January in each Financial Year the Administering Authority's s151 Officer will insert the actual costs to the GCR Board into the draft Annual Budget and circulate it to the s151 officer and to the GCR Board;

14.1.7 No later than 18th February in each Financial Year each Partner Authority will approve any amendments to the draft Annual Budget; and

14.1.8 The GCR Board will approve the Annual Budget by no later than 28 February in each Financial Year.

- 14.2 If the Partner Authorities or the GCR Board are unable to approve the draft Annual Budget for a Financial Year before 26 February in any year, the GCR Board shall perform its delegated functions and activities set out in paragraph 2 in conformity with the approved Annual Budget for the previous Financial Year, subject to an adjustment for inflation using indices determined by the Administering Authority's s151 Officer from time to time, until such time as an Annual Budget is approved in accordance with this paragraph 14.

- 14.3 At any time within a Financial Year the GCR Board may agree by a majority vote amendments to the Annual Budget for that Financial Year to accommodate any

unforeseen change in circumstances and to assist the GCR Board in performance of its functions.

- 14.4 Where the GCR Board is to consider amendments in accordance with paragraph 14.3 above, the County Council or the Senior Manager (if appointed) shall forthwith notify the Chief Executive of each of the Partner Authorities of the proposed amendments to the Annual Budget. Each Partner Authority shall have a period of twenty (20) Business Days from receipt of the proposed amendments in which to consider them and to notify the County Council or the Senior Manager (if appointed) that such amendments require the approval of the Partner Authority.
- 14.5 Where no Partner Authorities serve notice (in accordance with paragraph 14.4) on the County Council or the Senior Manager (if appointed) the GCR Board may implement such proposed amendment.
- 14.6 Where one or more of the Partner Authorities has notified the County Council or the Senior Manager (if appointed) that it needs to approve the proposed amendments, the GCR Board shall not implement such proposed amendments unless and until the notifying Partner Authority has approved the proposed amendments and informed the County Council or the Senior Manager (if appointed) that it has approved such proposed amendments.
- 14.7 The Partner Authorities shall pay any due contribution of the Annual Budget to the Administering Authority in accordance with clause 12 of the Agreement and any additional contributions which may arise as a result of the operation of paragraphs 14.3 to 14.6 above shall be paid in accordance with clause 6.2.1 of the Agreement.

15. GCR Board Member Conduct

- 15.1 GCR Board Members shall be subject to the code of conduct for elected members adopted by the Partner Authority that nominated them to be a GCR Board Member.

16. Liability of GCR Board Members

- 16.1 A GCR Board Member shall have the same responsibilities and liabilities as those that apply when sitting on other committees and bodies as an appointed representative of his nominating Partner Authority

SECTION 7 - GENERAL STATEMENT OF POLICY BY THE LEADER, THE FULL COUNCIL AND THE CABINET IN RESPECT OF THE DISTRIBUTION OF FUNCTIONS TO THE FULL COUNCIL, COUNCIL BODIES, CABINET MEMBER AND OFFICERS

The Council, the Leader and Cabinet intend that Officers should be able to exercise any duty or power that could be exercised by them or any Council body. Accordingly, where the law confers a function, duty or power on the Authority but no Officer has been expressly authorised to exercise that function, duty or power under the Scheme of Delegation, the Council, the Leader and Cabinet (insofar as it is within their remit) hereby authorise any Director and any person authorised by any of them, to exercise that function, duty or power on behalf of the Authority.

Note: Where an Officer has been expressly authorised to exercise a function, duty or power, only that Officer and any other Officer authorised in accordance with paragraph 5.7 of Section 5, can exercise that function, duty or power.

PART 4

RULES OF PROCEDURE

- **Procedural Standing Orders**
- **Rules on Access to Information About the Council's Formal Business**
- **Policy Framework and Budget Procedure Rules**
- **Cabinet Procedure Rules**
- **Scrutiny Procedure Rules**
- **Call-in Procedure Rules**
- **Panel Operating Principles**
- **Financial Procedure Rules**
- **Contract Procedure Rules**
- **Officer Employment Procedure Rules**

PROCEDURAL STANDING ORDERS

1. ANNUAL MEETING OF THE COUNTY COUNCIL

In a year when there is an ordinary election of County Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing County Councillors. In any other year, the annual meeting will take place on a date in March, April or May, which the full Council will determine.

In addition to the business normally conducted at an ordinary meeting of the full Council, the annual meeting will:

- 1.1 Elect the Chair of the Council;
- 1.2 Elect the Vice-Chair of the Council;
- 1.3 Elect the Leader of the Council (at the first annual meeting after a regular election);
- 1.4 Appoint the Scrutiny Committees;
- 1.5 Appoint the Chairs and Vice-chairs of the Scrutiny Committees;
- 1.6 Appoint the Audit and Governance Committee and other Council bodies as set out in Part 3 of this Constitution to deal with matters, which are neither reserved to the Council nor are executive functions;
- 1.7 Approve a programme of ordinary meetings of the Council for the year;

2. ORDINARY MEETINGS

- 2.1 Ordinary meetings of the Council will take place in accordance with the programme decided at the Council's annual meeting. Ordinary meetings will:
 - 2.1.1 Elect a person to preside if the Chair and Vice-Chair of the Council are not present;
 - 2.1.2 Approve the minutes of the last meeting;
 - 2.1.3 Receive any announcements from the Chair of the Council, Leader of the Council, Cabinet Members and Chief Executive;
 - 2.1.4 Except at the first annual meeting of a new Council, receive and answer questions from the public concerning matters which are within the powers and duties of the Council or committee concerned;
 - 2.1.5 Except at the first annual meeting of a new Council, to receive and answer Members' questions;
 - 2.1.6 To receive, without discussion, any petition submitted by a Member of the Council;

- 2.1.7 To receive a report from the Cabinet and to afford an opportunity for members to ask questions (without notice) of the Leader and any Cabinet Member on any matter directly relevant to that report.
- 2.1.8 Receive reports that require a decision to be made by the Council from the Cabinet, any Scrutiny Committee or any other Council body, and debate and decide those matters;
- 2.1.9 Receive and debate reports as appropriate from each Scrutiny Committee;
- 2.1.10 Consider motions. Advisory note: a motion should only be considered at the Annual Meeting following a County Council election where an issue is time critical and needs to be determined without delay;
- 2.1.11 Conduct other business as specified in the agenda.
- 2.2 The person presiding at the meeting may, at their discretion, vary the order of business. They may bring forward for consideration at any point, as a requirement of statute or urgency, any item that is not on the agenda and the reasons for so doing shall be recorded in the minutes of the meeting.
- 2.3 The person presiding at the meeting may at any time call upon the Chief Executive or any other person who is not a Member of the Council to advise the Council on any matter referred to in the business under discussion.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

Those listed below may require the Chief Executive to call a Council meeting in addition to ordinary meetings:

- 3.1.1 The Council by resolution;
- 3.1.2 The Chair of Council, in response to a written request from five County Councillors;

When five County Councillors give written notice of their wish to call a meeting, the Chair may:

- Call a meeting within a reasonable time;
- Refuse to call a meeting;
- Take no action;

If the Chair refuses to call a meeting or takes no action within seven days, the five named County Councillors may require the Chief

Executive to convene a meeting on a date which they will determine. The Chief Executive shall then convene the meeting on the specified date.

3.1.3 The Monitoring Officer.

3.2 Business

In addition to the business specified below, extraordinary meetings of the full Council shall only deal with the business set out in the agenda:

3.2.1 Elect a person to preside if the Chair and Vice-Chair of the Council are not present;

3.2.2 Approve the minutes of the last meeting (if available).

4. LOCATION AND TIMES OF FULL COUNCIL MEETINGS

Generally, all meetings of the full Council shall be at Shire Hall, Gloucester and shall commence at 10.00 a.m. or at such other time as the Chair may direct.

5. NOTICE AND SUMMONS TO MEETINGS

5.1 The Chief Executive will give notice to the public of the time and place of any meetings in accordance with the Access to Information Procedure Rules.

5.2 Whenever possible, at least five clear working days before a meeting, the Chief Executive will send a signed summons by post to every County Councillor or leave it at their usual home address. The summons will give the date, time and place of each meeting and will set out the business to be transacted. Reports relating to the business to be transacted at the meeting will also be sent to County Councillors.

6. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chair. Where these Procedural Standing Orders apply to committee meetings, any reference to the Chair also includes the Chair of committees.

Note: The Chair of the Council, at the beginning of their term of office, may choose to indicate how they wish to be addressed, according to personal preference.

7. QUORUM

7.1 No business shall be transacted at a meeting of the full Council unless at least one-quarter of the whole number of Members of the Council is present.

7.2 The quorum for meetings of the full Council is 14 County Councillors.

7.3 During any meeting of the full Council, the Chair may count the number of Members present and if that number has fallen below the required quorum, the Chair shall declare that there is not a quorum present and the meeting will be adjourned.

7.4 If the meeting is adjourned, any business that has not been dealt with will be deferred to the next meeting of the full Council.

7.5 Where this Procedural Standing Order applies to a committee, it will be subject to a requirement that there must be at least three voting Members in attendance.

8. QUESTIONS FROM THE PUBLIC

8.1 At each ordinary meeting of the full Council (excluding the first annual meeting of the new Council) there shall be up to 30 minutes set aside for written and urgent questions from the public.

8.2 Written question at full Council

People who live or work in the county or are affected by the work of the County Council may ask:

8.2.1 The Chair of the Council;

8.2.2 The Leader of the Council;

8.2.3 A Cabinet Member;

8.2.4 A Chair of any other Council body, whose remit covers the subject matter in question;

8.2.5 A Cabinet Project Champion

a question on any matter which is within the powers and duties of the Council, including, but not limited, a question which relates to any report being brought to that meeting by the Cabinet, any committee or any other council body.

8.3 Notice of questions

A question under this Procedural Standing Order that does not relate to a report which is on the agenda for that meeting may be asked if a written copy of the question has been delivered to the Chief Executive by 10.00 a.m. six clear working days before the date of the meeting.

8.4 A question under this Procedural Standing Order which relates to a report which is on the agenda for that meeting may be asked if a written copy of the question has been delivered to the Chief Executive by 10.00 a.m. four clear working days before the date of the meeting. In the event that publication of a report is unavoidably delayed, the chair shall have the discretion to extend the deadline for questions under this Procedural Standing Order that relate to that report.

8.5 Response

A written answer will be provided to a written question and will be given to the questioner and to County Councillors before the meeting. The question and answer will then be taken as read at the meeting itself and need not be read out.

8.6 A copy of all written questions and written answers circulated at the meeting will be attached to the signed copy of the minutes of the meeting.

8.7 Additional Questions

A member of the public who has put a written question may, with the consent of the Chair, ask an additional oral question on the same subject. Where a member of the public has put several written questions, they may ask an additional oral question in relation to no more than three of those written questions. Subject to Procedural Standing Order 8.1, the Chair shall have discretion to allow a member of the public to ask further additional questions once all other members of the public have had the opportunity to ask up to three oral questions.

8.8 An answer to an oral question under this Procedural Standing Order will take the form of:

8.8.1 A direct oral answer;

8.8.2 Where the information required is contained in a Council document or other published work, the questioner will be given the name of that document and if the Chair considers it appropriate the relevant part of the document will be read out;

8.8.3 If the information required is not easily available, a written answer will be sent to the questioner and circulated to all Members of the Council. Supplementary written answers will be provided within 14 days and then published as a supplementary document with the original meeting papers no later than 4 weeks after the meeting.

8.9 There will be no discussion on any public question.

8.10 Written questions may be rejected and oral questions need not be answered when the Chair considers that they:

8.10.1 Are not on any matter that is within the powers and duties of the Council;

8.10.2 Are defamatory, frivolous or offensive;

8.10.3 Are substantially the same as a question that has been put to a meeting of the Council in the past six months; or

8.10.4 Would require the disclosure of confidential or exempt information.

In every case, the Chair must specify the reason for rejecting a question or not requiring an answer to be given to it.

8.11 Urgent Questions

A member of the public may ask an urgent question, which the Chair considers could not have been reasonably submitted by the deadline for the receipt of written questions, within the 30 minutes set aside for written and urgent questions, providing that they give notice of the question to the Chief Executive by 12 noon the day before the meeting.

9. QUESTIONS BY MEMBERS

9.1 At each ordinary meeting of the full Council (excluding the first annual meeting of a new Council) there will be 45 minutes set aside for questions from Members on any matter within the powers or duties of the Council or which affects the County.

9.2 Questions at full Council

A Member of the Council may ask:

9.2.1 The Chair of Council;

9.2.2 The Leader of the Council;

9.2.3 A Cabinet Member;

9.2.4 The Chair of any other Council body, whose remit covers the subject matter in question;

9.2.5 A Cabinet Project Champion.

a question on any matter within the powers or duties of the Council or which affects the county including, but not limited, a question which relates to any report being brought to that meeting by the Cabinet, any committee or any other council body.

9.3 Notice of questions

9.3.1 A question under this Procedural Standing Order that does not relate to a report which is on the agenda for that meeting may be asked if a written copy of the question has been delivered to the Chief Executive by 10.00 a.m. six clear working days before the date of the meeting.

9.3.2 A question under this Procedural Standing Order which relates to a report which is on the agenda for that meeting may be asked if a written copy of the question has been delivered to the Chief Executive by 10.00am four clear working days before the date of the meeting. In

the event that publication of a report is unavoidably delayed, the chair shall have the discretion to extend the deadline for questions under this Procedural Standing Order that relate to that report.

- 9.3.3 A member may ask an urgent question which the Chair considers could not have been reasonably submitted by the deadline for the receipt of written questions, within the 45 minutes set aside for written and urgent questions, providing that:
- The Member to whom the question is addressed, has agreed; and
 - Notification of the question has been given to the Chief Executive at least half an hour before the scheduled start of the meeting.

- 9.4 9.4.1 Unless a Member has first complied with 9.3, they shall not ask any questions or make any statement relating to any decision made by the Cabinet or other Council body, if the statement or decision relates to confidential or exempt information.

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

9.5 Response

An answer to a question will be:

- 9.5.1 Given to all Members and shall be taken as read and not read out at the meeting;
- 9.5.2 Where the information required is contained in a Council document or other published work, the questioner will be given the name of that document and if the Chair considers it appropriate, the relevant part of the document will be read out;
- 9.5.3 If the information required is not easily available a written answer will be sent to the questioner and circulated to all Members of the Council. Supplementary written answers will be provided within 14 days and published as a supplementary document with the original meeting papers no later than 4 weeks after the meeting.

A copy of all questions and written answers circulated at the meeting will be attached to the signed copy of the minutes of the meeting.

9.6 Additional questions

A Member asking a question under this Procedural Standing Order may, with the consent of the Chair, ask an additional question. The additional question will be to the same person as the original question. No notice has to be given for the additional question but it must arise directly out of the original question or the reply given to that question.

If the additional question relates to any decision that relates to confidential or exempt information, then before asking the additional question, the Member shall inform the Chair that is the case. Before the additional question is asked, the Chair of the meeting shall consider inviting the full Council to resolve that the meeting, or part of it, shall not be open to members of the public.

9.7 Oral questions on reports of the Cabinet or Committees

A Member may ask the Leader of the Council or any Cabinet Member or the Chair of a committee a question relating to any matter contained in a Cabinet or a committee report as long as that question is put when the report is being discussed at the meeting of the full Council.

10. NOTICES OF MOTION

10.1 Notice

Except for motions which can be moved without notice under these Procedural Standing Orders and unless the Chair is of the opinion that the motion should be considered as a matter of urgency, written notice of motions for discussion at full Council meetings must be delivered to the Chief Executive not later than 10 a.m. eight clear working days before the date of the meeting. Motions are not considered at the first annual meeting of a new Council. The Chief Executive will maintain a record of all motions submitted and the public may inspect that record except in respect of motions considered in the absence of the press and public.

10.2 Where the Chief Executive receives a motion, they will, where practicable, prepare a short accompanying note in respect of the proposals it contains setting out:

- a) Any implications for climate change
- b) Any financial or resource implications
- c) Any implications for human rights
- d) Any other pertinent factors the Chief Executive might wish to include in accordance with the Council's agreed policy framework.

10.3 Subject to Procedural Standing Order 10.1, motions will be set out in the agenda in the following order:

- 10.3.1 Motions will be included on the agenda, rotating between each political group one motion at a time until all motions have been included.
- 10.3.2 At the first ordinary council meeting after a new Council is elected, the largest political group will be entitled to have the first motion on the agenda, the second largest group will be entitled to the second; and so on until all motions have been included. If two groups are the same size, a coin toss will determine the order in which those groups' motions are to be taken. For future ordinary council meetings, the order in which the first and subsequent motions are to be taken will rotate in

the same sequence, so that, over time, each group will be entitled to bring the first motion.

- 10.3.3 If members of a political group submit more than one motion, the relevant Group Leader will decide the order in which those motions are to be taken.
- 10.3.4 Unless the Chair, in consultation with Group Leaders, decides otherwise, subject to Procedural Standing Order 10.9, there will be no time restrictions on motions from each political group.
- 10.3.5 For the purposes of Standing Order 10.3, any members who are not aligned to a political group will be treated as constituting a single political group and within that group, individual members' motions will be taken in rotation.
- 10.3.6 If the Chief Executive considers that a motion qualifies to be considered by the full Council in the absence of the press and public, the Chief Executive may decide appropriate agenda wording to avoid public disclosure of confidential or exempt information.

10.4 Scope

Motions must be about matters which are related to the responsibilities of the Council or which affect the County. The Chair's decision on whether or not a motion is relevant to the responsibilities of Council will be final.

- 10.5 Subject to Procedural Standing Order 10.9, unless the Chair, in consultation with Group Leaders, decides otherwise a motion that has been properly notified and which has been moved and seconded will be discussed by full Council at the meeting for which notice has been given (excluding the first annual meeting of a new Council).
- 10.6 If the motion relates to an executive function and whether or not it is discussed at full Council at that time, full Council may:
 - 10.6.1 Refer the motion to Cabinet who will consider the matter in the light of any views expressed by the full Council and advise the full Council of its decision; or
 - 10.6.2 Refer the motion to the relevant Scrutiny Committee who will consider the matter in the light of any views expressed by the full Council. Following consideration, the Scrutiny Committee will refer the motion to Cabinet, Leader of the Council or Cabinet Member who will consider the matter in the light of any views expressed by full Council and the Scrutiny Committee and advise the full Council of its or their decision.
- 10.7 If a motion is referred by full Council to the Cabinet or another Council body (or both under Procedural Standing Order 10.6.2) the proposer and seconder of the motion

may attend the meeting of the Cabinet or other Council body (or both) and speak to the motion but not vote unless a Member of the Cabinet or other Council body.

- 10.8 If a motion is referred by full Council to the Leader of the Council or Cabinet Member (either directly or via a Scrutiny Committee under Procedural Standing Order 10.6.2) the proposer and seconder of the motion may attend the meeting of the Scrutiny meeting and speak to the motion but not vote (unless a Member of the Scrutiny meeting) and/or submit in writing to the Leader of the Council or Cabinet Member, their views on the motion.
- 10.9 The total period of time spent on motions on the day of a meeting shall not exceed two hours. However, debate on motions may be extended beyond the two hour limit to allow those members who have indicated to the Chair, before the end of the two hour period, their intention to speak on the motion being debated at that time. The mover of the motion will then have the opportunity to sum up and the vote will take place. This Procedural Standing Order may not be suspended.
- 10.10 In the event a motion has not been discussed at the meeting for which notice has been given, that notice of motion shall then be void.

11. MOTIONS WITHOUT NOTICE

- 11.1 The following motions may be moved without notice:
- 11.1.1 To appoint a Chair of the meeting;
 - 11.1.2 Concerning the accuracy of the minutes;
 - 11.1.3 To change the order of business in the agenda;
 - 11.1.4 To appoint a Council body or Member to a Council body arising from an item on the agenda for the meeting;
 - 11.1.5 To receive or adopt reports and recommendations of the Cabinet, Leader of the Council, Cabinet Member, a Scrutiny Committee, or, as appropriate, any other Council body or from Officers and any decision following from them;
 - 11.1.6 To amend or withdraw a motion but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;
 - 11.1.7 To adjourn the meeting but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;
 - 11.1.8 To adjourn the debate but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;

- 11.1.9 To proceed to the next business but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;
- 11.1.10 That the question be put but a Member who has already spoken on a motion being debated may not, during that debate, move or second a motion to this effect;
- 11.1.11 By the Chair not to allow another contribution to the debate from a Member named or to exclude a Member from the meeting under the Procedural Standing Order relating to Members' conduct;
- 11.1.12 To exclude the public and media in accordance with the Access to Information Procedure Rules;
- 11.1.13 That the subject of debate be referred to the Cabinet or appropriate Council body;
- 11.1.14 To extend the time limit for speeches;
- 11.1.15 That a Member be invited to remain at the meeting under the Procedural Standing Order relating to Members' interests;
- 11.1.16 To suspend a Procedural Standing Order except Procedural Standing Order 10.9;
- 11.1.17 To give the consent of the Council where such consent is required.
- 11.2 Standing Order 12 shall not apply to motions moved under this Procedural Standing Order, which shall be proposed, seconded and voted upon without debate, save that:
 - 11.2.1 The proposer of a motion may speak for up to three minutes to explain why they have moved their motion;
 - 11.2.2 If a motion is moved under this Procedural Standing Order during a debate, the proposer of the substantive motion may speak for up to three minutes against this motion. If they decline to speak against this motion, the Chair may consent to one other Member speaking for up to three minutes against the motion moved under this Procedural Standing Order.

12. RULES OF DEBATE

- 12.1 No speeches until a motion is seconded.

No other speeches may be made after a Member has moved a motion and explained the purpose of it until the motion has been seconded by another Member.

12.2 Right to require a motion to be in writing.

The Chair may require a motion to be written out before allowing the matter to be discussed.

12.3 Secunder's speech

When seconding a motion a Member may reserve their right to speak until later in the debate.

12.4 Content and length of speeches

Speeches must be directed to the matter under discussion or to a personal explanation or point of order. No speech may be longer than three minutes without the agreement of the Chair.

Exceptions to this rule are:

12.4.1 A Member who puts forward a motion may speak to it for not more than five minutes and may also speak in reply to it at the end of the debate for not more than three minutes. This Standing Order does not apply to a speech made under Procedural Standing Order 11.2;

12.4.2 A Member presenting or answering questions on reports of committees or Cabinet may not speak for more than 10 minutes unless otherwise agreed by the Chair.

12.5 Amendments to a motion

A Member may move an amendment to a motion and explain the purpose of it. The amendment must be seconded by another Member. The Chair may require that the amendment be written out before allowing the matter to be discussed. An amendment must be relevant to the motion and shall either be:

12.5.1 To leave out words;

12.5.2 To leave out words and add others; or

12.5.3 To insert or add words.

The time spent debating an amendment to a motion shall count within the overall two hours allocation time for motions.

No amendment shall be allowed which is contrary to the motion before the Council or has the effect of introducing a new proposal.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been dealt with.

If an amendment is rejected, different amendments may be proposed on the original motion.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion on which any further amendments are moved.

After an amendment has been carried, the Chair will advise the meeting of the content of the amended motion before accepting any further amendments.

12.6 When a Member may speak again

When a Member has spoken on a motion they may not, without the consent of the Chair, speak again during the debate, except:

- 12.6.1 To speak once on an amendment moved by another Member;
- 12.6.2 To move a further amendment if the motion has been amended since they last spoke;
- 12.6.3 If the first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment was carried;
- 12.6.4 To exercise the right to reply;
- 12.6.5 On a point of order;
- 12.6.6 By way of personal explanation.

12.7 Alteration of motion by the proposer

A Member may:

- 12.7.1 Alter a motion of which they have given notice; or
- 12.7.2 With the consent of the seconder alter a motion that has been moved without notice.

In either case, the alteration to the motion must be worded as an acceptable amendment in accordance with Procedural Standing Order 12.5.

- 12.7.3 Advisory note: 'friendly amendments': Where the proposer and seconder of the original motion accept proposed changes made by

another member, this will be known as a 'friendly amendment' and will not require the consent of full Council. It should be noted that any proposed amendments falling within a 'friendly amendment' will be subject to procedural order 12.5.

12.8 Withdrawal of motion or amendment

A Member may withdraw a motion or amendment to a motion which they have moved, with the consent of both the full Council and the seconder. The full Council's and seconder's consent will be given or not given, without discussion. No Member may speak on the motion or amendment to motion after the mover has asked permission to withdraw unless permission to withdraw is refused.

12.9 Right of reply

The mover of a motion has the right to reply at the end of the debate on the motion, immediately before the motion is put to the vote.

If an amendment to the motion is moved, the mover of the original motion will also have the right to reply at the end of the debate on the amendment. Otherwise, the mover of the original motion is not allowed to speak in the debate on the amendment.

The Member who has proposed an amendment shall have a right to reply to the debate on that amendment. The right to reply will take place immediately before the final speech by the mover of the original motion. A Member exercising the right to reply shall not introduce any new issues into the debate.

After everyone who has the right to speak under this Procedural Standing Order has done so the meeting shall take its decision without further discussion.

12.10 Closure motions

A Member who has not already spoken on a motion being debated may move, without comment or otherwise speaking to the motion except in accordance with Procedural Standing Order 11.2, the following procedural motions at the end of a speech by another Member:

12.10.1 To proceed to the next business:

If a procedural motion to proceed to the next business is seconded and the Chair thinks the item has been discussed sufficiently, they will give the mover of the original motion and, if an amendment is being discussed, the mover of the amendment, a right of reply and then put the procedural motion to the vote.

If the Chair thinks the item has not been discussed sufficiently, the procedural motion will not be discussed further and will not be put to the vote.

If the procedural motion to proceed to the next business is carried, no further discussion will take place at that meeting in relation to that business.

[Note that proceeding to the next business may leave business unresolved]

12.10.2 That the question be put:

If a procedural motion that the question be put is seconded and the Chair thinks the item has been discussed sufficiently, they will put the procedural motion to the vote without further discussion.

If the Chair thinks the item has not been discussed sufficiently, the procedural motion will not be discussed further and will not be put to the vote.

If the motion that the question be put is passed, the Chair will give the mover of the original motion (but not the mover of any agreed amendment), a right of reply before putting the original motion (or agreed amended motion, if any) to the vote.

If the motion that the question be put is passed and an amendment to a motion is being discussed, the Chair will give the mover of the amendment, a right to reply before putting the amendment motion to the vote.

[Note that passing a procedural motion that the question be put when an amendment to a motion is under discussion, has the effect of resolving only whether or not the amendment shall be agreed]

12.10.3 To adjourn a debate to a specified date, time and place; or

12.10.4 To adjourn a meeting to a specified date, time and place.

If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item or business of the meeting has not been discussed sufficiently and cannot reasonably be discussed further on that occasion, they will put the procedural motion to adjourn to the vote without giving the mover of any other motion under discussion, the right of reply.

If the Chair thinks the item or business of the meeting has been discussed sufficiently, the procedural motion to adjourn will not be discussed further and will not be put to the vote.

12.11 Point of order

A Member may raise a point of order relating to procedural matters at any time. The Chair will hear them immediately. A point of order shall relate only to an alleged breach of these Procedural Standing Orders or the law relating to meetings. The Member must indicate the Procedural Standing Order or point of law and the way in which they consider it has been broken. The ruling of the Chair on the matter will be final.

12.12 Personal explanation

A Member may make a personal explanation at any time. A personal explanation shall only relate to a material point made in an earlier speech by the Member that may appear to have been misunderstood during the current debate. Before giving the explanation, the Member must first identify that material point and why it appears to have been misunderstood and the Chair shall then decide whether or not the personal explanation can be made to the meeting. If the Chair decides explanation can be given, the Member may then give the explanation.

12.13 At any time during a debate, with the agreement of the Chair, any Member may request clarification of any matter relating to that debate.

12.14 For the purposes of Procedural Standing Orders:

12.2 Right to require a motion to be in writing;

12.4 Content and length of speeches;

12.5 Amendments to a motion;

12.6 When a Member may speak again;

12.9 Right of reply;

12.10 Closure motions

recommendations to the Council from the Cabinet, the Leader of the Council, a Cabinet Member, a committee or an Officer exercising delegated powers shall be treated as a motion.

13. PREVIOUS DECISIONS AND MOTIONS

13.1 A motion or amendment to a motion to rescind a decision made at a meeting of full Council, or a non-executive decision taken by a committee under delegated powers, within the past six months and a motion or amendment to a motion in similar terms to one that has been rejected at a meeting of full Council in the past six months cannot be moved unless the notice of motion is signed by at least 10 Members or the amendment to a motion is seconded by at least 9 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for a further six months from the date it is dealt with.

Subject to the preceding paragraph:

13.1.1 Non-executive decisions taken by committees may be rescinded by full Council or the decision taking committee;

13.1.2 Non-executive decisions taken by Officers may be rescinded by full Council or a committee with appropriate terms of reference.

13.2 Exceptions

This rule shall not apply to motions which are moved by the Leader of the Council or Chair of any other Council body or other Member on their behalf, following an appropriate recommendation in a report of the Cabinet or other Council body.

14. VOTING

14.1 Majority

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

14.2 Chair's casting vote

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

Note – To avoid deadlock on the election of a Chair or on a procedural motion relating to the election of a Chair, the matter will be determined by the toss of a coin

14.3 Method of voting

Unless a ballot or recorded vote is demanded under these rules the Chair will take the vote either by:

- show of hands, or
- electronic vote, or
- if there is no disagreement, by the consent of the meeting.

14.4 Ballots

The vote will take place by ballot if 10 Members present at the meeting demand it. The Chair will announce the result of the ballot immediately after the votes have been counted.

14.5 Recorded vote

If 10 Members present at the meeting demand it, the names of those who vote for or against a motion or amendment or abstain from voting will be recorded in the minutes. A demand for a recorded vote will override a demand for a ballot. A recorded vote may be taken by electronic vote or a roll-call.

14.6 Right to require individual vote to be recorded

If, immediately after the vote is taken, a Member requests it, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting and this will be done even though the vote may have been taken by ballot.

14.7 Budget decision meeting

Immediately after any vote is taken at a budget decision meeting there shall be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

14.8 Voting on appointments

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

14.9 Multiple appointments to organisations

If the Council has to fill two or more positions on any internal or external organisations, the names of persons to be appointed must be moved and seconded.

If there are more nominations than positions, each Member will be entitled to one vote for each of the nominees up to the same number as there are positions. The nominees that have the highest number of votes shall be appointed. If an equality of votes prevents a decision being made, the Chair may use their casting vote to decide which of the nominees, who have the same number of votes, shall be elected.

15. MINUTES

15.1 Signing of minutes

The Chair is required to sign the minutes at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes can be discussed.

15.2 No requirement to sign minutes of previous meeting at extraordinary meeting

When the next meeting of the full Council is an extraordinary meeting, there is no requirement to sign the minutes of the previous meeting. These minutes can be signed at the following ordinary meeting.

16. RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheet by the end of every meeting.

17. EXCLUSION OF THE PUBLIC

Members of the public and media may only be excluded from a meeting either in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution or by the Procedural Standing Order relating to disturbance by members of the public.

18. MEMBERS CONDUCT

18.1 Member speaking

When a Member wishes to speak, they will indicate that to the Chair whilst remaining seated. No Member will speak unless called on to do so by the Chair. When called to speak the Member will normally stand, unless that is not appropriate for the individual, and address the meeting through the Chair. If two or more Members indicate that they wish to speak, the Chair will ask one to speak and the other(s) will remain silent. While a Member is speaking other Members shall remain silent unless raising a point of order or in personal explanation.

18.2 Respect for the Chair

Whenever the Chair indicates that they wish to speak during a debate the rest of the Council shall be silent.

18.3 Member discipline

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

18.4 Member to leave the meeting

If the Member continues to behave improperly after a motion under 18.3 is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

18.5 General disturbance

If there is a general disturbance which the Chair decides makes orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

19. MEMBERS INTERESTS IN CONTRACTS AND OTHER MATTERS

Any Member of the Council who has a disclosable pecuniary interest (within the terms of the Code of Conduct for Members adopted under the Localism Act 2011) in any matter except one that is under consideration by the Council as part of the report of the Cabinet or other appropriate Council body and is not itself the subject of debate, **shall inform the meeting** and act in accordance with the relevant code of conduct.

Any disclosure, withdrawal or dispensation under this rule shall be recorded in the Minutes of the meeting concerned.

20. DISTURBANCE BY THE PUBLIC

20.1 Removal of members of the public

If a member or members of the public interrupt the meeting, the Chair will warn the people concerned. If they continue to interrupt, the Chair will order their removal from the meeting.

20.2 Clearance of part of the meeting room

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

21. PHOTOGRAPHY AND AUDIO RECORDINGS OF MEETINGS

21.1 Proceedings of the Council, the Cabinet and Committees may be recorded for broadcast live on the internet via the Council's website. Such meetings will be broadcast in full, excluding any confidential items which may need to be considered in the absence of the press and public.

21.2 Filming, photographing and audit recording of any meeting of the Council, its Cabinet or any Committee is permitted unless the press and public are excluded from that part of the meeting or there is good reason not to do so, as directed by the Chair of the meeting.

21.3 Any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed.

21.4 As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair in advance (by contacting Democratic Services) so that all those present may be made aware that it is happening and have the opportunity to be excluded.

22. ELECTRONIC COMMUNICATION

If these Procedural Standing Orders require that written notice is given to the Chief Executive, such notice will be accepted if received by the Chief Executive by email or fax within the specified deadline.

23. SUSPENSION AND AMENDMENT OF PROCEDURAL STANDING ORDERS

23.1 Suspension

Any of these Procedural Standing Orders, except this Procedural Standing Order and Procedural Standing Order 10.9 and those relating to a Member's right to have their individual vote recorded and the requirement to sign the minutes at the next suitable meeting, may be suspended on consideration of a motion for which notice has been given or, if the motion is put without notice, when at least half of the total number of Members of the Council, that is 27 Members, are present. The rule can only be suspended while the meeting is in progress. Suspension shall last only for so long as the matter, for which Procedural Standing Orders were suspended, is under discussion.

23.2 Amendment

Any motion to add to, vary or revoke these Procedural Standing Orders, other than a motion to adopt a recommendation of the Cabinet or other Council body, will, when proposed and seconded, stand adjourned without discussion to be dealt with at the next ordinary meeting of the Council.

24. AUTHORITY OF THE CHAIR

At a meeting of the full Council, the ruling of the Chair of the Council as to the meaning or application of the Constitution or as to any proceedings of the full Council shall not be challenged. Such ruling will have regard to the purposes of the Constitution contained in Article 1.

25. GROUP LEADERS AND LEAD MEMBERS

25.1 Any Member of the Council referred to in the Constitution as a Group Leader in respect of a political group shall be the Member for the time being so nominated in writing to the Chief Executive by the persons wishing to be treated as that political group;

25.2 Any Member of the Council referred to in the Constitution as a Lead Member in respect of a political group, shall be the Member for the time being so nominated in writing to the Chief Executive by the group leader for that political group.

26. APPLICATION OF PROCEDURAL STANDING ORDERS TO OTHER COUNCIL BODIES

26.1 All of these Procedural Standing Orders apply to the meetings of the full Council. None of these Procedural Standing Orders apply to meetings of the Cabinet. The

following Procedural Standing Orders apply to the meetings of all committees established by the Council (other than Scrutiny Committees):

- 2.3 EXTERNAL ADVICE TO COMMITTEE MEETINGS
- 6 CHAIR OF MEETING
- 7 QUORUM
- 8 QUESTIONS FROM THE PUBLIC, save that the deadline that shall apply to questions directed to a committee of the Council shall be 10.00 a.m. four clear working days before the date of the meeting, regardless of whether that question directly relates to a report which is on the agenda for that meeting or not.
- 9 QUESTIONS BY MEMBERS, save that the deadline that shall apply to questions directed to a committee of the Council shall be 10.00 a.m. four clear working days before the date of the meeting, regardless of whether that question directly relates to a report which is on the agenda for that meeting or not.
- 11 MOTIONS WITHOUT NOTICE
- 14 VOTING
- 15 MINUTES
- 16 RECORD OF ATTENDANCE
- 17 EXCLUSION OF THE PUBLIC
- 18 MEMBERS CONDUCT
- 19 MEMBERS INTERESTS IN CONTRACTS AND OTHER MATTERS
- 20 DISTURBANCE BY THE PUBLIC
- 21 PHOTOGRAPHY AND AUDIO RECORDINGS OF MEETINGS
- 22 ELECTRONIC COMMUNICATION
- 24 AUTHORITY OF THE CHAIR
- 28 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

26.2 The following Procedural Standing Orders shall, with any necessary modifications, apply to Scrutiny Committee meetings:

- 7 QUORUM
- 14 VOTING
- 17 EXCLUSION OF THE PUBLIC
- 18 MEMBERS CONDUCT
- 19 MEMBERS INTERESTS IN CONTRACTS AND OTHER MATTERS
- 20 DISTURBANCE BY THE PUBLIC
- 21 PHOTOGRAPHY AND AUDIO RECORDINGS OF MEETINGS
- 24 AUTHORITY OF THE CHAIR
- 28 APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

27. ELECTION OF CHAIR AND VICE-CHAIR OF COMMITTEES

27.1 Council committees (other than the scrutiny committees) will elect a chair and vice-chair each year at the first meeting following the Annual Meeting of Council. The chairs and vice-chairs of the Scrutiny Committees are elected at the Annual Meeting of the Council in line with Scrutiny Procedure Rule 7.

28. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

- 28.1 The application of this Procedural Standing Order applies to all Council bodies except for the full Council meetings, Cabinet and the Pensions Committee. In relation to the following Council bodies, this Procedural Standing Order can only be applied where the substitute Member has undertaken the same training as the appointed Member of the relevant Council body:
- Appeals Committee, Planning Committee, Safety and Licensing Committee, Commons and Rights of Way Committee and Traffic Regulation Committee.
- 28.2 Political groups will be entitled to substitute up to 50% of their members on Committees which allow substitutes (this would be rounded up in cases where a political group has an odd number of seats on a particular Committee) in accordance with their political balance and Procedural Standing Order 28.1.
- 28.3 A substitute Member will only attend a meeting if the appointed Member cannot do so.
- 28.4 Attendance of a substitute at a forthcoming meeting will be notified to the committee administrator as soon as possible and by no later than half an hour before the start of the meeting.
- 28.5 Notice of substitution shall be given either by the absent Member or by their political group representative.
- 28.6 At the commencement of a meeting where substitution has taken place, the Members shall be advised of the substitution.
- 28.7 During the period of substitution, the substitute Member shall be a full Member of the particular body for all purposes.

RULES ON ACCESS TO INFORMATION ABOUT THE COUNTY COUNCIL'S FORMAL BUSINESS

Introduction

1. The formal business of the Council is carried out at meetings of the full Council, meetings of other Council bodies to which it has delegated responsibility for some of its functions, meetings of the Cabinet and by the Leader of the Council, Cabinet Members and Officers under "delegated powers". County Councillors and members of the public enjoy certain legal rights to discover in advance what will be discussed at each meeting, obtain copies of documents about items of business, to attend meetings and discover what decisions were made. The public also has a right to know about certain decisions taken by the Leader of the Council, Cabinet Members and Officers and the reasons for those decisions. These rights are usually known as "individuals' rights of access to information", and are important because they help to ensure the Council is accountable for its decisions and promote increased and better informed participation in the work of the Authority. The purpose of this part of the Constitution is, therefore, to summarise the rules that enable people to obtain access to information about the Council's business.

The public's right to attend meetings

2. The public may attend any meeting of the full Council, a Council body and the Cabinet except for:
 - 2.1 Any informal meeting of the Cabinet that may, and which the Cabinet decides shall, be held in private, where no formal decisions can be taken;
 - 2.2 Any meeting, or part of a meeting, that involves the consideration of "exempt information", and which the full Council, a Council body or the Cabinet formally resolves should not be open to members of the public;
 - 2.3 Any meeting or part of a meeting that involves the consideration of "confidential information".
3. The meaning of "exempt information" information is described in Schedule 12A of the Local Government Act 1972, which is reproduced as an Appendix to these rules. In essence information will be "exempt information" if it contains personal details about an existing, former or prospective employee or Member of the Council or another individual who is affected by what the Council is doing, information about prospective contracts, legal proceedings and negotiations with trade unions. The Council is committed to conducting its business openly. Therefore, as a general principle, it will discuss matters in public unless there are compelling reasons why it should not do so.
4. The meaning of "confidential information" is defined in Section 100A of the 1972 Act. It is important to note that this statutory definition has a much narrower meaning than might be ascribed to it in everyday language and catches only that information that is given to the Council by a government department on terms that forbid disclosure to the public and information that may not be disclosed under any enactment or the terms of a court order. Whilst the Council has discretion to allow the public access to exempt information, no such choice exists in relation to confidential information; the law requires that the Council must exclude the public when confidential information is discussed.

The public's right to obtain copies of the agenda to meetings and reports and documents that are to be discussed at meetings

5. The public is entitled to see and obtain a copy of the agenda of every meeting of the full Council, Council body and any meeting of the Cabinet held in public at least five days before the day of the meeting (excluding the day the agenda is first publicised and the day of the meeting itself). The public may also see and obtain a copy of every report that is to be considered at the meeting and any "background paper" that was relied on to produce the report. A member of the public will know whether there are any background papers to a report because the author of a report will list any that they have used. Background papers need not be listed in the case of any report that contains confidential or exempt information.

6. Sometimes the agenda is changed, and new items of business added to it, after an agenda is published in accordance with paragraph 5 of these rules. When this happens, the Monitoring Officer will ensure that the revised agenda is available to the public as soon as a new agenda item has been added. Any new report, and any associated background papers, will be made available to the public at the same time they are made available to elected Members of the Council.
7. Occasionally an item of “urgent business” will arise and need to be added to the agenda of the full Council, a Council body or the Cabinet in circumstances that precluded its prior publication in accordance with paragraphs 5 and 6 of these rules. Subject to advice from the Monitoring Officer, the Chair of any meeting may add an urgent business to the agenda of any meeting but when they do so, they must explain why the item is urgent and this reason must be written down in the minutes of the meeting.
8. The public’s right to look at and obtain copies of reports and background papers in accordance with paragraphs 5 to 7 of these rules is subject to the limitation that they are not entitled to look at, or receive a copy of, any exempt or confidential information. Any item of business that is restricted in this way will be clearly described on the agenda as being “not for publication” and contain a statement that it contains either exempt or confidential information within the meaning of the Local Government Act 1972. Reports containing exempt or confidential information will be clearly marked in the same way. In the case of exempt material, the agenda and the report will specify which paragraph of Schedule 12A to the 1972 Act applies to place an item of business into this category.

At least 28 clear days before a private meeting i.e. a meeting or part of a meeting from which the public are to be excluded because exempt or confidential information may be disclosed, Cabinet must publish at Shire Hall and on the Council’s website, notice of the intention to hold a private meeting, stating its reasons. A further such notice must be published at least 5 clear days before the private meeting and will include details of any representations received by Cabinet about why the meeting should be open to the public, and its response to any such representations. Where compliance with this requirement is impracticable Cabinet must obtain agreement from the Chair of the relevant Scrutiny Committee, or where they are unable to act, the Chair of the Council, that the meeting is urgent and cannot reasonably be deferred. Once agreement has been obtained notice of it and the reasons will be published.

Sub-committees, panels and groups

9. Council bodies may establish politically balanced sub-committees with the power to make any decisions that are formally authorised by the parent body. These rules apply to a meeting of a sub-committee and to any Cabinet committee that meets in public.

Sub-committees and Cabinet committees can be distinguished from panels established from time to time by council bodies, the Cabinet, Leader of the Council and Cabinet Members on the basis that panels have no power to make a decision in

respect of any Council function. Consequently, these rules do not apply to panels. This does not necessarily mean that meetings of these groups, their agenda and any documents they produce will not be open to the public. Rather it will be a matter for the parent body or the panel itself to decide whether and to what extent they should meet individual requests for access to information.

Groups are established by Officers to deal with a particular item of work or work area and do not include Members and operate in the same way as panels for the purposes of access to information.

Decisions by the Leader of the Council, Cabinet Members and Officers

10. All decisions that are made by the Leader of the Council and Cabinet Members under delegated powers must be recorded in writing. After the decision has been made, the public are entitled to look at the record of decisions that are made by Leader of the Council and Cabinet Members and obtain copies of any decision. Paragraph 5.8 of Section 5 Part 3 of the Constitution specifies the content of the decision record.

Decisions that are made by Officers under delegated powers must be recorded in writing. After the decision has been made, the public are entitled to look at the record of decisions made by Officers. Paragraph 5.8 of Section 5 Part 3 of the Constitution specifies the content of the decision record.

Subject to paragraph 16 below, before any key decisions are made by the Leader of the Council, or Cabinet Members, or key decisions are made by Officers, at least five days before the day of the decision every report that is to be considered and any “background paper” that was relied on to produce the report shall be available for public inspection.

The public is entitled to look at and obtain copies of decision records and background papers provided they are no more than 6 years old (4 years old in relation to background papers) (time begins to run from the date of the decision).

Minutes of meetings and executive decisions

11. After a meeting of the full Council, a Council body or the Cabinet, Legal & Democratic Services will produce a “minute” (a written record) that records, in summary form, every decision that was made at the meeting. The public is entitled to look at and obtain copies of minutes, the associated agenda and reports and background papers provided they are no more than 6 years old (4 years old in relation to background papers) (time begins to run from the date of the meeting). The Council is not obliged to disclose exempt information when it publishes a minute, but if it does not and as a result part of the minutes would be difficult to understand, the Monitoring Officer must provide a summary so that part of the minute can be understood.

As soon as reasonably practicable after the Cabinet, a Cabinet Member or an Officer has made an executive decision Democratic Services will publish a decision statement setting out:

- A record of the decision including the date it was made
- The reasons for the decision
- Details of any alternative options considered and rejected by the decision maker
- A record of any conflict of interest declared by a member of Cabinet
- A note of any dispensation granted by the Head of Paid Service relating to a conflict of interest declared by a Cabinet Member

Charges for the supply of agenda, reports and background papers

12. The Council is entitled to make a reasonable charge for the copying and postage of minutes, agenda, reports and background papers. Requests for photocopying and the supply of reports and background papers should be made to the Head of Democratic Services, who will be pleased to help you obtain what you need and to tell you about any charge that will be made for the service.

The special rules that apply to “key decisions”

13. A key decision is an executive decision that may be taken by the Cabinet, a Cabinet committee, Leader of the Council, a Cabinet Member or any Officer under powers delegated to them and which, if implemented, would be likely to:
 - 13.1 Result in the Council incurring expenditure or the making of a saving, which is significant having regard to the County Council’s budget for the service or function to which the decision relates; or
 - 13.2 Be significant in terms of its effects on communities living or working in an area comprising two or more county electoral divisions in the county.
14. As a general rule, a decision will fall into paragraph 13.1 if the value of any expenditure or saving exceeds £500,000 unless the Council’s Chief Financial Officer and Monitoring Officer certify that it would not be a key decision and state their reasons for this conclusion in writing.

Note 1: The Chief Financial Officer and Monitoring Officer may issue guidance from time to time on the meaning of “key decisions”

Note 2: In view of the importance of key decisions they should normally only be taken by the Cabinet.

15. Subject to paragraphs 16, 17 and 18, the Council must publish at its offices and on its web site at least 28 days clear days before a key decision is made a document which states that
 - a key decision is to be made
 - the subject matter of the decision
 - the identity of the decision maker – in the case of an individual, their name and title, or if the decision is to be taken by Cabinet, a list of its members
 - the date, or period within which the decision is to be made
 - a list of documents submitted to the decision maker relating to the decision

- the address from which copies of such documents may be obtained
- that other documents may be submitted to the decision maker and the procedure for obtaining copies of them
- whether any part of the meeting at which the matter is to be discussed will be held in private

Exceptions to the need to publish notice of a key decision 28 days in advance

16. The procedure that is described in paragraph 15 may only be departed from under the:

16.1 General exception rule; or

16.2 The special urgency rule.

The general exception rule

17. Under the “general exception rule” a key decision that the Cabinet, Leader of the Council, Cabinet Member or an Officer acting under delegated powers wishes to make but is not and cannot practically be included in the document referred to in paragraph 15 may be made if the Chief Executive gives the Chair of the relevant Scrutiny Committee a written notice that a key decision will be made at least five clear days before that decision is made (i.e. excluding the day the notice is given and the date of the decision).

The notice given to the Chair of any Scrutiny Committee under this rule is made available for public inspection at Shire Hall, Gloucester at least 5 days before that decision is made, and also published on the Council’s web site.

As soon as reasonably practicable after giving such notice the Chief Executive must make available at Shire Hall and on the web site a notice setting out the reasons why it is impracticable to give 28 days’ notice of the key decision.

The special urgency rule

18. If the Cabinet, Leader of the Council, a Cabinet Member or any Officer acting under delegated powers believes a decision must be made so urgently that it is impracticable to give the five days notice that is required under the “general exception rule” it may nevertheless make the decision if the Chief Executive has given written notice of the key decision to the Chair of the relevant Scrutiny Committee (or the Chair of the Council if they are unable to act) and that Chair agrees that the decision may be made. A notice setting out the reasons why the decision is urgent and cannot reasonably be deferred must be made available at Shire Hall and published on the Council’s web site.

19. In order that the Council may be confident key decisions are only made under the urgency procedure when there are good reasons for doing so the Leader of the Council will make a report to the full Council every three months on the use of this power. The report will summarise how many decisions were made under the urgency procedure in the previous three months and describe the subject matter of each of those decisions.

Scrutiny Committees

20. Scrutiny Committees play an important role in ensuring that key decisions are well publicised. Thus, if a Scrutiny Committee decides a key decision was taken by the Cabinet, Leader of the Council, Cabinet Member or an Officer but was not treated as such nor taken under the general exception or the special urgency procedure the committee may require the Leader of the Council to submit a report to the full Council. The report must describe the decision that was made and give the reasons for the decision. The report must also explain why the Cabinet, Leader of the Council, Cabinet Member or Officer believes the decision was not a key decision. Alternatively, if the Cabinet, Leader of the Council, Cabinet Member or Officer accepts the decision was a key decision, the report should explain why it was not publicised as required nor dealt with as urgent business.

Elected Members' additional rights of access to information

21. Under the Local Government Act 1972 all elected Members ("County Councillors") have all the rights of access to information about Council business that are enjoyed by members of the public. In addition all County Councillors are entitled to see exempt information which comes under the following categories:
- information relating to the financial or business affairs of any person (including the Council itself) but not including information relating to the negotiations for a contract; and
 - information relating to a notice given by the Council under any enactment which imposes requirements upon a person, or the making of an order or direction under any enactment
22. In addition to the rights mentioned in paragraph 21 of these rules County Councillors may look at other information contained in any document, including exempt or confidential information, if they are able to establish a "need to know" what is in it to carry out their business as an elected Member of the Authority. The same rule applies in relation to any meeting or part of a meeting of a committee, sub-committee (except an informal meeting of the Cabinet or a Cabinet committee), panel or group, even if it is concerned with exempt or confidential information, provided a County Councillor is able to demonstrate they have a need to know about its business to carry out their duties as an elected Member.
23. It is not possible to lay down any hard and fast rules about what a "need to know" means and when it may be said to arise; this will always be a matter of fact and degree, to be decided in the light of all the circumstances attaching to a particular request. Judicial decisions, however, indicate that a need to know does not arise merely because a County Councillor would like to know what is in a document or may be said at a meeting. Nor does a need to know enable a County Councillor to "rove through" the Council's files in search of information that it is thought might be helpful to them (this is sometimes known as "fishing for information"). On the other hand, a County Councillor will often be able to demonstrate a need to know about matters

affecting their electoral division or that relate to a Council body or informal working group to which they belong.

24. Access to draft documents can present particular difficulties. They may be looked at if they are identified as background papers to a report. In other cases, draft documents will not normally be made available to County Councillors; if it is proposed to publish a document for debate (either in its own right or in relation to a particular decision), a County Councillor will rarely be able to establish a need to know what is contained in an unfinished version of it.
25. A County Councillor should normally ask a Head of Service for any document they wish to look at because of a need to know what is in it. If the Head of Service is unsure whether the document should be provided, they will consult the Monitoring Officer, who is responsible for adjudicating on whether the information should be made available in cases of uncertainty.
26. A County Councillor should normally ask the Chair of a body that proposes to hold a meeting that is not open to all County Councillors for permission to attend, explaining why they have a need to know about what is to be discussed. Any dispute should be referred to the Monitoring Officer, who is responsible for adjudicating on whether a County Councillor may attend a meeting when this may not otherwise be clear.

Additional rights of access to information by Scrutiny Committees

27. Parliament has decided that Scrutiny Committees should have additional rights of access to information to help them carry out their duty of holding the executive to account. To this end they are entitled to copies of executive documents that contain material relating to any business that has been carried out at a Cabinet meeting, documents that relate to a decision made by the Leader of the Council or Cabinet Member under delegated powers or documents that relate to a decision made by an Officer under delegated powers. Such documents should be provided as soon as reasonably practicable and in any event within 10 clear days of the request. This right does not, however, allow a Scrutiny Committee to look at the advice of a political adviser, or any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing, scrutinising or intend to scrutinise. If the request is refused then written reasons should be provided to the Scrutiny Committee

Elected Members' duty of confidence

28. County Councillors are provided with exempt and confidential information in confidence. Accordingly if a County Councillor discloses this information to the press or any third party they are liable to breach the Council's Code of Conduct for Members. In that event a County Councillor may be reported to the Audit and Governance Committee of the Council, which will investigate whether the Code has been breached.
29. In view of the risks associated with any breach of Members' duty of confidence County Councillors must ensure that exempt and confidential information is only used

for the performance of their duties as County Councillors. They should also keep the information securely, avoid making copies of it, and ensure that it is disposed of in a way that prevents anyone else from reading it (the best course of action is to return documents to the Democratic Services Unit so that it may be shredded).

APPENDIX TO RULES ON THE PUBLIC'S RIGHT OF ACCESS TO INFORMATION ABOUT THE COUNCIL'S FORMAL BUSINESS

The list below describes each of the categories of "exempt information" that, in accordance with the Local Government (Access to Information) (Variation) Order 2006 and with effect from 1 March 2006, are specified in Schedule 12A of the Local Government Act 1972.

1. Information relating to any individual.
2. Information that is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the Authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Authority or a Minister of the Crown and employees of, or office holders under, the Authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information, which reveals that the Authority proposes:
 - (a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

The above categories are subject to the following qualifications:

- (i) Information within paragraph 3 is not exempt if it must be registered under various statutes, such as the Companies Act or Charities Act;
- (ii) Information in the above categories is not exempt if it relates to proposed development for which the Council may grant itself planning permission for development by the Council (Regulation 3, Town and Country Planning General Regulations 1992);

- (iii) Information in the above categories is not exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information (the “public interest test”).

Note: The public interest test is in keeping with the approach adopted in Section 2 of the Freedom of Information Act 2000. Each case must be considered separately and rigid guidelines cannot be adopted. Simply identifying information as falling within the above categories does not alone mean it is exempt. There must now be stronger reasons for non-disclosure than under previous exempt information rules.

Advice should be sought from the Council's Data Protection and Freedom of Information Officer and/or Legal Services

POLICY FRAMEWORK AND BUDGET PROCEDURE RULES

1. THE FRAMEWORK FOR CABINET DECISIONS

The Council as a whole will be responsible for the adoption of each of the plans which comprise the Policy Framework and the budget (which includes both the annual revenue budget and the capital programme) as set out in Article 4 of the Constitution. Once a Policy Framework and budget is in place, it will be for the Cabinet to implement it.

Below is a list of the documents currently prescribed by law as forming the Council's Policy Framework. In accordance with Article 4 of the Constitution, the full Council may add or remove other policies.

	Plan or Strategy	Statutory Reference
1.	Council Strategy	Regulation 4(c) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
2.	Medium Term Financial Strategy and Budget	Regulation 4 (b) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
3.	Children and Young People's Plan	Children and Young People's Plan (England) Regulations 2005
4.	Youth Justice Plan	Section 40 Crime and Disorder Act 1998
5.	Community Safety Strategy	Sections 5 and 6 of the Crime and Disorder Act 1998.
6.	Local Transport Plan	Section 108 (3) Transport Act 2000.
7.	Development Plan Documents	Section 15 of the Planning and Compulsory Purchase Act 2004
8.	Library Services Plan	Section 1(2) of the Public Libraries and Museums Act 1964

9.	Pay Policy Statement	Section 38 of the Localism Act 2011 and the Local Government Transparency Code 2014
----	----------------------	---

2. PROCESS FOR DEVELOPING THE FRAMEWORK

- 2.1 The Cabinet will publicise a timetable for making proposals to the full Council for the adoption of a plan, strategy or budget that forms part of the Policy Framework and budget, and its arrangements for consultation after publication of those initial proposals. The Chair of the relevant Scrutiny Committee(s) will be notified at the same time. The Cabinet will ensure that the consultation process is adequate and allows for meaningful dialogue with those involved.
- 2.2 At the end of the period of consultation, the Cabinet will then draw up proposals having regard to the responses to consultation. If a relevant Scrutiny Committee wishes to respond to the Cabinet during the consultation process then it may do so. Additionally, at the request of full Council or Cabinet, a relevant Scrutiny Committee may assist in the policy development by undertaking in depth analysis of policy options. The Cabinet will take any response from a Scrutiny Committee into account in drawing up firm proposals for submission to the full Council, and its report will reflect the comments made by consultees and the Cabinet's response.
- 2.3 Once the Cabinet has approved its final proposals, they will be referred to the full Council for decision.
- 2.4 The full Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. Any amendment to the proposed budget must be certified by the Chief Financial Officer at least 5 working days prior to the relevant full Council meeting as being reasonably calculated and sufficiently deliverable as to be robust and sustainable in the medium term.

3. FULL COUNCIL DECISION AND LEADER'S OBJECTION

- 3.1 The full Council's decision on the Policy Framework or budget will be publicised and a copy given to the Leader of the Council. The notice of decision will be dated and will state either that the decision will be effective immediately (if the full Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the full Council's decision will become effective on the expiry of five working days after the publication of the notice of the decision, unless the Leader of the Council objects to it in that period.
- 3.2 If the Leader of the Council objects to the decision of the full Council, then they shall give notice to the Chief Executive to that effect stating the reasons for the objection.
- 3.3 If the Leader makes an objection under paragraph 3.2, the Chief Executive shall convene a further meeting of the full Council, which must reconsider its decision. The decision shall not be effective until after that meeting has been held.

- 3.4 If the Leader of the Council considers the matter does not necessitate the calling of a special Council meeting, then the matter will be considered at the next ordinary meeting of the full Council.
- 3.5 In the event that a special meeting is required, that meeting must take place within 21 days of the receipt of the Leader's written objection.
- 3.6 At the relevant full Council meeting, its decision will be reconsidered in the light of the objection, which will be available in writing for the full Council.
- 3.7 The full Council will, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately.

4. DECISIONS OUTSIDE THE POLICY FRAMEWORK OR BUDGET

- 4.1 The Cabinet, Leader of the Council, a Cabinet Member or an Officer acting under delegated powers, may only take decisions that accord with the Council's Policy Framework and budget.
- 4.2 Only the full Council may make a decision that would be contrary to the Policy Framework or contrary to, or not wholly in accordance with, the budget approved by the full Council unless paragraph 5 of these rules applies to that decision.
- 4.3 Where there is doubt about whether a decision that is to be taken by or on behalf of the Cabinet accords with the Policy Framework or the budget, the Cabinet, Leader of the Council, Cabinet Member or any Officer(s) discharging Cabinet functions, shall take advice from the Monitoring Officer or the Chief Financial Officer. If the advice of either of those Officers is that the decision would not accord with the Policy Framework or budget, the decision must, unless paragraph 5 applies, be made by the full Council.

5. URGENT DECISIONS OUTSIDE THE POLICY FRAMEWORK OR BUDGET

- 5.1 Occasionally, the Cabinet, Leader of the Council, Cabinet Member or an Officer acting under delegated powers, may need to make a decision that is contrary to the Council's Policy Framework but so urgent that it cannot be deferred until the next scheduled ordinary meeting of the full Council. In these circumstances, the Cabinet, Leader of the Council, Cabinet Member or an Officer, may make the decision (subject to compliance with the Rules on Access Information about the County Council's Formal Business set out in Part 4 of the Constitution) if the Leader of the Council has obtained a statement in writing from the Chair of the Scrutiny Committee whose terms of reference include the power to review or scrutinise the proposed decision or, in that person's absence, from the Chair or Vice-Chair of the County Council, that the decision needs to be made urgently. Before a decision is taken, there shall have been prior consultation with Group Leaders.
- 5.2 The law does not allow the Cabinet to make a decision that is contrary to or not wholly in accordance with the Council's budget; a plan or strategy approved by the

Council in relation to their borrowing or capital expenditure; or the financial procedure rules and standing orders it has made to regulate expenditure under the budget, borrowing and capital expenditure. In any of these cases, if a decision must be made as a matter of urgency before the next scheduled ordinary meeting of the full Council, an extraordinary meeting of the full Council must be convened.

- 5.3 Whenever the Cabinet, Leader of the Council, a Cabinet Member or an Officer acting under delegated powers, makes a decision under the procedure set out in paragraph 5.1 of these rules, the Cabinet must make a report to the next ordinary meeting of the full Council, which must describe the decision, the emergency or other circumstances in which it was made and the reasons for the decision.
- 5.4 When the Cabinet, Leader of the Council, Cabinet Member or an Officer acting under delegated powers, makes an urgent decision, it must comply in every respect with the Rules on Access to Information about the County Council's Formal Business, which should be read in conjunction with these rules.

6. THE CALL-IN OF DECISIONS OUTSIDE THE POLICY FRAMEWORK AND BUDGET

- 6.1 An executive decision that has not been implemented may be "called-in" under the Call-in Procedure Rules on the ground that it would be contrary to or not wholly in accordance with the Council's budget or Policy Framework. In these circumstances, the Monitoring Officer and the Chief Financial Officer shall prepare a report, which they shall provide to the Cabinet and the relevant Scrutiny Committee that is charged with considering the call-in stating whether, in their opinion, the decision does not accord with the Council's budget or Policy Framework.
- 6.2 If the Monitoring Officer or the Chief Financial Officer report that an executive decision would be contrary or not wholly in accordance with the Council's budget or the Policy Framework, the executive decision shall be of no effect and the matter shall be referred to the full Council for decision (unless the Cabinet, Leader of the Council, Cabinet Member or an Officer acting under delegated powers chooses to and may properly proceed under paragraph 5.1 of these rules).

CABINET PROCEDURE RULES

1. MEMBERSHIP OF THE CABINET

- 1.1 The Cabinet is not a committee of the County Council.
- 1.2 The Leader of the County Council will appoint the Cabinet, which will comprise:
- The Leader of the County Council;
 - Between two and nine other County Councillors.
- 1.3 The Cabinet may not co-opt other Members on to the Cabinet.
- 1.4 No substitute Cabinet Members are permitted.

- 1.5 A vacancy on the Cabinet arises when a Cabinet Member resigns from this position of responsibility. The Leader will appoint a new Cabinet Member at the earliest opportunity. Pending a new appointment, the Leader of the County Council will allocate temporary responsibility for the vacant Cabinet Member's area of responsibility to one or more of the remaining Members of the Cabinet.
- 1.6 The Leader of the County Council may designate any Member of the Cabinet to take temporary responsibility for a Member's area of responsibility should that Member be absent for other than a short period.
- 1.7 The Leader will allocate responsibilities for areas of responsibility to each Member of the Cabinet; these are set out in Part 3, Section 4 of the Constitution.
- 1.8 The Leader of the Council will also decide the precise content of each general area of responsibility.

2. THE ROLE OF THE CABINET

- 2.1 The role of the Cabinet is described in Part 2 of the Constitution.
- 2.2 The Cabinet may not:
- (a) Take decisions on matters reserved to the full Council;
 - (b) Take decisions on matters that may not by law be determined by the Cabinet;

3. PUBLICATION OF PROPOSED DECISIONS AND DECISIONS TAKEN

All proposed decisions and decisions taken will be published in accordance with the Access to Information Procedure Rules.

4. CONFLICTS OF INTEREST

Where the Leader of the County Council has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of the Constitution.

5. CABINET MEETINGS

- 5.1 The Cabinet will decide upon its schedule of meetings. It will meet at Shire Hall, Gloucester or, exceptionally, at another location to be agreed by the Cabinet.
- 5.2 The Cabinet will observe those requirements of the Access to Information Procedure Rules in Part 4 of the Constitution.
- 5.3 The quorum for a meeting of the Cabinet shall be four.

- 5.4 When the Cabinet makes an urgent decision it must comply in every respect with the Rules on Access to Information about the County Council's Formal Business, which should be read in conjunction with these rules.
- 5.5 In addition to scheduled meetings, a meeting of the Cabinet may be called by the Leader of the Council, a Cabinet Member, the Chief Executive, the Monitoring Officer or the Executive Director of Corporate Resources.
- 5.6 The Leader of the Council or a Cabinet Member may cancel any meeting of the Cabinet. If this occurs, all Members of the Council shall be notified of the cancellation and the reasons for it by email as soon as possible.

6. KEY DECISIONS

- 6.1 A key decision is a decision that may be taken by the Cabinet, a Cabinet committee, Leader of the Council, Cabinet Member or any Officer under powers delegated to them and which, if implemented, would be likely to:
- 6.1.1 Result in the County Council incurring expenditure that is, or the making of savings that are, significant having regard to the County Council's budget for the service or function to which the decision relates; or
 - 6.1.2 Be significant in terms of its effects on communities living or working in an area comprising two or more county electoral divisions in the county.
- 6.2 As a general rule, a decision will fall into paragraph 6.1.1 if the value of any expenditure or saving exceeds £500,000 unless the County Council's Chief Financial Officer and Monitoring Officer certify that it would not be a key decision and state their reasons for this conclusion in writing.
- 6.3 In view of the importance of key decisions, they should normally only be taken by the Cabinet and then only if the rules set out in paragraph 5 of the Rules on Access to Information about the County Council's Formal Business have been complied with. In certain special cases, the Cabinet, Leader of the Council, Cabinet Member or an Officer acting under delegated powers may depart from the rules that govern the making of key decisions. The circumstances in which this may be done are set out in the Rules on Access to Information about the County Council's Formal Business.

7. CABINET AGENDA

- 7.1 The Leader of the County Council and Deputy Leader, in consultation with the Chief Executive, will determine the agenda for meetings of the Cabinet.
- 7.2 Any Member of the Cabinet may require the Chief Executive to place an item on the agenda of the next meeting of the Cabinet.

- 7.3 Any Member of the Council may ask the Leader of the Council to put an item on the agenda of a Cabinet meeting. If the Leader agrees, the item will be considered at its next meeting. The notice of the meeting will give the name of the Member who asked for the item to be placed on the agenda. The individual Member may attend the meeting and speak on the item.
- 7.4 An item will be placed on the agenda of the next available meeting of the Cabinet where a Scrutiny Committee has resolved that an item ought to be considered by the Cabinet.
- 7.5 The Monitoring Officer and/or the Chief Financial Officer may require an item to be included for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties.

8. HOW ARE THE CABINET MEETINGS CONDUCTED?

Who presides?

- 8.1 If the Leader of the County Council is present, they will preside, and if they are absent the Deputy Leader will preside. If both are absent then a person nominated by the Leader of the County Council will preside.

Who may attend?

- 8.2 Members of the Council who are not Cabinet Members may attend meetings of the Cabinet and may speak with the consent of the Cabinet. The presumption is that this facility will be used, predominately, to enable a local Member access on occasions when an item being considered is likely to relate to the electoral division the Member represents.
- 8.3 The Cabinet may invite any individual (whether or not a County Councillor) to attend a meeting of the Cabinet to assist or advise the Cabinet but such an individual shall not have voting rights.

Authority of the person presiding

- 8.4 At a meeting of the Cabinet, the ruling of the person presiding on the meaning or application of the Constitution or as to any proceedings of the Cabinet shall be final and shall not be challenged by any Member. Such ruling will have regard to the purposes of the Constitution contained in Article 1.

9. QUESTIONS AT CABINET MEETINGS

- 9.1 At each meeting of the Cabinet there shall be up to 30 minutes set aside for written and urgent written questions.
- 9.2 A County Councillor or any person who lives or works in the county, or is affected by the work of the County Council, may ask the Leader of the Council or a Cabinet

Member a written question on any matter which relates to any item on the Cabinet agenda for that meeting.

- 9.3 A written copy of the question must have been delivered to the Chief Executive by 4pm three clear working days before the date of the meeting. In the event that publication of a report is unavoidably delayed, the chair shall have the discretion to extend the deadline for questions that relate to that report.

- 9.4 An urgent written question may be asked by a member of the public about any item on the Cabinet agenda for that meeting, which the Chair considers could not have been reasonably submitted by the deadline for the receipt of written questions, provided that they give notice of the question to the Chief Executive by 12 noon the day before the meeting.

9.5 **Response**

A written answer will be provided to a written question and will be given to the questioner and to Cabinet Members before the meeting. The question and answer will then be taken as read at the meeting itself and need not be read out.

- 9.6 A copy of all written questions and written answers circulated at the meeting will be attached to the signed copy of the minutes of the meeting.

9.7 **Supplementary Questions**

A person who has put a written question may, with the consent of the person presiding, ask a supplementary question on the same subject, save that a member of the public may ask no more than three supplementary questions overall. Subject to Cabinet Procedure Rule 9.1, the Chair shall have discretion to allow a member of the public to ask further additional questions once all other members of the public have had the opportunity to ask up to three supplementary questions

- 9.8 An answer to a supplementary question will take the form of:

9.8.1 A direct oral answer;

9.8.2 Where the information required is contained in a Council document or other published work, the questioner will be given the name of that document and if the person presiding considers it appropriate the relevant part of the document will be read out;

9.8.3 If the information required is not easily available, a written answer will be sent to the questioner and circulated to all Cabinet Members. Supplementary written answers will be provided within 14 days and published as a supplementary document with the original meeting papers no later than 4 weeks after the meeting.

- 9.9 There will be no discussion on any question from a member of the public.

9.10 Written questions may be rejected and urgent written questions need not be answered when the person presiding considers that they:

9.10.1 Are defamatory, frivolous or offensive;

9.10.2 Are substantially the same as a question that has been put to a meeting of the Cabinet or Council in the past six months; or

9.10.3 Would require the disclosure of confidential or exempt information.

In every case, the person presiding must specify the reason for rejecting a question or not requiring an answer to be given to it.

If the person presiding decides not to allow a further question as provided herein and has given reasons for the decision, then the decision shall be final.

10. BUSINESS CONDUCTED AT MEETINGS OF THE CABINET

10.1 At each meeting of the Cabinet the following business will be conducted:

10.1.1 Receipt of the minutes of the last meeting if available;

10.1.2 Declarations of interest, if any

10.1.3 Matters referred to the Cabinet by a Scrutiny Committee for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Policy Framework and Budget Procedure Rules set out in Part 4 of the Constitution;

10.1.4 Consideration of reports from the Scrutiny Committees (on matters requiring consideration);

10.1.5 Matters set out in the agenda for the meeting indicating which are key decisions and those which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of the Constitution.

10.2 The Cabinet may require any Member of the Cabinet or a Director to report to the Cabinet on any executive matter which the Cabinet specifies.

11. CONSULTATION

All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Policy Framework or budget must contain details of the nature and extent of consultation with stakeholders, relevant Scrutiny Committees and, where appropriate, relevant local County Councillors and on the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

12. CABINET LIAISON ARRANGEMENTS

In the event that Cabinet Members are drawn from more than one political group, each Cabinet Member will liaise with a nominated member of the political group(s) forming part of the administration to which they do not belong to secure effective consultation with all members of the political groups that comprise the administration.

13. APPOINTMENT OF CABINET PANELS

13.1 The Cabinet, Leader of the Council, Cabinet Members or Officers acting under delegated powers may appoint standing and/or ad hoc Cabinet Panels comprising Cabinet and non-Cabinet County Councillors, Officers and external participants to help with Cabinet business.

13.2 The Cabinet Panel will work within the operating principles set out in the Panel Operating Principles in part 4 of the Constitution.

14. OTHER GROUPS AND CABINET BUSINESS

14.1 The Cabinet will support county-wide groups, which provide a forum to develop links with other agencies and to give focus for specialist services.

14.2 A list of such groups will be maintained by the Chief Executive.

SCRUTINY PROCEDURE RULES

1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR SCRUTINY COMMITTEES?

The County Council will appoint Scrutiny Committees, whose remits and functions are described in Part 3 of the Constitution.

2. CO-ORDINATION

Chairs and Vice-Chairs of scrutiny committees will meet at least twice per year to coordinate the work of scrutiny and share best practice.

3. MEMBERSHIP

3.1 All County Councillors, except Members of the Cabinet, are eligible to be members of scrutiny committees.

3.2 The Annual Meeting of the County Council will determine the membership of the Scrutiny Committees, (except members appointed under Scrutiny Procedure Rule 6) which must be politically balanced.

3.3 The County Council has determined that Scrutiny Committees, which shall be politically balanced, shall have the following numbers of County Councillors:

- 3.3.1 Corporate Overview and Scrutiny Committee
9 County Councillors
- 3.3.2 Children and Families Scrutiny Committee
9 County Councillors
- 3.3.3 Health Overview and Scrutiny Committee
9 County Councillors
- 3.3.4 Adult Social Care and Communities Scrutiny Committee
9 County Councillors
- 3.3.5 Highways and Transport Overview and Scrutiny Committee
9 County Councillors
- 3.3.6 Gloucestershire Economy, Climate Change & Waste Overview & Scrutiny Committee
9 County Councillors
- 3.3.7 Fire & Rescue Scrutiny Committee
7 County Councillors

4. CASUAL VACANCIES

- 4.1 A vacancy on a Scrutiny Committee arises when a County Councillor resigns from membership of the committee.
- 4.2 Vacancies which occur on Scrutiny Committees will be filled on behalf of the Council by the Chief Executive using delegated powers to appoint County Councillors to seats so as to maintain the political balance of the committee. The filling of the vacancy will be reported by the Chief Executive to the next meeting of the committee.

5. CO-OPTEDS AND VOTING RIGHTS SCHEME

- 5.1 Scrutiny Committees shall be entitled to appoint up to three people who are not County Councillors, as non-voting co-opted Members.
- 5.2 In addition to co-opting Members under paragraph 5.1, the Health Overview and Scrutiny Committee and the Gloucestershire Economic Strategy Scrutiny Committee shall be entitled to appoint one person from each District Council in Gloucestershire as voting co-opted Members. Each District Council in Gloucestershire may nominate one substitute to attend on behalf of a co-opted Member, and when attending the Health Overview and Scrutiny Committee shall have the same voting rights as a co-opted Member.

- 5.3 Appointments of co-opted Members shall not affect the Council's duty under Section 15 of the Local Government and Housing Act 1989 (political balance).
- 5.4 For the avoidance of doubt, the co-opted Members of the Health Overview and Scrutiny Committee and Gloucestershire Economic Strategy Scrutiny Committee shall not be members of the District Council's executive where executive arrangements are in place.

6. EDUCATION REPRESENTATIVES

- 6.1 The Children and Families Scrutiny Committee shall include in its membership the following statutory voting representatives:
- 6.1.1 Church of England Diocese representative;
 - 6.1.2 Roman Catholic Diocese representative;
 - 6.1.3 Parent Governor, representatives (three).
- 6.2 When dealing with issues other than education the representatives at 6.1.1, 6.1.2 and 6.1.3 above shall not vote though they may stay in the meeting and speak.

7. CHAIR AND VICE-CHAIR OF SCRUTINY COMMITTEES

The Chair and Vice-chair of each Scrutiny Committee will be appointed by full Council and will be drawn from amongst the County Councillors sitting on each committee.

8. MEETINGS OF SCRUTINY COMMITTEES

There shall be six ordinary meetings of each Scrutiny Committee in each municipal year.

9. Extraordinary meetings of Scrutiny Committees (may be called by the:
- 9.1 Chair of the relevant Scrutiny Committee;
 - 9.2 At least one quarter of the Scrutiny Committee membership signing a notice to the Chief Executive; or
 - 9.3 The Chief Executive
 - 9.4 The Monitoring Officer

10. QUORUM

- 10.1 A meeting of a Scrutiny Committee cannot take place unless the greater of three or one-quarter of the whole number of its members who have voting rights are present;
- 10.2 Members appointed under Scrutiny Procedure Rule 6 shall not be counted as part of the quorum except in relation to business where they have voting rights.

11. WORK PROGRAMMES

- 11.1 The work programme for each Scrutiny Committee will be drawn up by each committee taking into account the wishes of the members including the co-opted Members. The work programme should also include any requests from the full Council and the Cabinet for advice on particular issues.
- 11.2 If there is a dispute over which Scrutiny Committee should consider a particular issue, the Corporate Overview and Scrutiny Committee will determine who should look at the issue.

12. AGENDA ITEMS

Any member of a Scrutiny Committee shall be entitled to give notice to the Chief Executive that they wish an item relevant to the functions of the committee to be included on the agenda for the next available meeting of the committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

13. COUNCILLOR CALL FOR ACTION

- 13.1 Any Member of the Council shall be entitled to give notice to the Statutory Scrutiny Officer in accordance with the Council's Gateway process that they wish a local government matter relevant to the functions of a Scrutiny Committee to be included on the agenda for and discussed at the next available meeting of the relevant Scrutiny Committee.
- 13.2 A local government matter is one relating to a local government function affecting the electoral area of the Member or any person who lives or works in the area, unless it is an excluded matter. An excluded matter is a planning or licensing matter, one relating to an individual where a right of appeal exists or any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussed at a meeting of a Scrutiny Committee.
- 13.3 If the Scrutiny Committee decides not to accept a referral from a Member under 12.1 the committee must notify the Member of their decision and the reasons for it. In considering whether or not to accept a referral the committee may have regard to the representations made by the local Member as to why it would be appropriate for the committee to consider the matter and also the extent to which the provisions of the Council's Gateway process have been observed.

14. POLICY REVIEW AND DEVELOPMENT

- 14.1 The role of the Scrutiny Committees in relation to the development of the Council's Policy Framework and budget is set out in the Policy Framework and Budget Procedure Rules.
- 14.2 A scrutiny committee can, additionally, at the request of the Cabinet, assist in the development of policy options that lie outside the Policy Framework and budget.

- 14.3 Scrutiny committees may within their annual work programme review the success of policy and its implementation over time and make recommendations.

15. REPORTS FROM SCRUTINY COMMITTEES

- 15.1 Where a Scrutiny Committee makes a report to Council or Cabinet, it may publish the report or recommendations.
- 15.2 The committee must by notice in writing require Council or Cabinet as appropriate, within two months of the date on which it receives the report or recommendations, or (if later) the notice, to
- 15.2.1 Consider the report or recommendations;
 - 15.2.2 Respond to the Scrutiny Committee indicating what (if any) action the Council or Cabinet propose to take;
 - 15.2.3 Where a Scrutiny Committee has published the report or recommendations, publish the response;
 - 15.2.4 Where the Scrutiny Committee provided a copy of the report or recommendations to a Member, provide a copy of the response to the Member
- 15.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in paragraphs 3 and 4 of the Rules on Access to Information.
- 15.4 Reports from Scrutiny Committees relating to executive matters will normally be submitted to the Cabinet for consideration. Reports relating to non-executive matters can be submitted by a Scrutiny Committee to any other Council body or to any external body. In exceptional circumstances (which shall be specified in the minutes), a Scrutiny Committee may make a report direct to full Council.
- 15.5 If the report proposes a departure from or change to the agreed Policy Framework or budget, the full Council will consider the matter having regard to advice, if any, received from, the Cabinet.
- 15.6 If a Scrutiny Committee cannot unanimously agree on one single final report to the Cabinet, to any other Council body or exceptionally, to the full Council, then one separate report may be prepared and submitted for consideration along with the majority report.
- 15.7 The Cabinet, the other Council body or, exceptionally, the full Council, shall consider the report(s) from the Scrutiny Committee at the next available meeting unless the matter which is the subject of the report(s) is scheduled to be considered by the Cabinet within two months from the date the report(s) was adopted by the Scrutiny Committee. In such cases the report(s) of the Scrutiny Committee shall be

considered by the Cabinet when it considers the matter. The Cabinet may refer the Scrutiny Committee report(s) to the Leader of the Council or a Cabinet Member for consideration and response.

- 15.8 This rule does not apply to the call-in of Cabinet decisions: reports that result from call-ins are dealt with under the Cabinet Procedure Rules.

16. MEMBERS AND OFFICERS GIVING ACCOUNT

- 16.1 Any Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function within the area of its terms of reference. As well as reviewing documentation, in fulfilling its scrutiny role, it may require any Member of the Cabinet, the Chief Executive or any Officer to attend before it to explain in relation to matters within its remit:

- Any particular decision or series of decisions;
- The extent to which the actions taken implement Council policy; or
- Their performance;

and it is the duty of those persons to attend if so required.

- 16.2 Where any Member or Officer is required to attend a Scrutiny Committee under this provision, the Chair will inform the Chief Executive who shall, in turn, inform the Member or Officer in writing giving, where practical, fifteen days notice of the meeting. The notice to the Member/Officer will state the nature of the item on which they are required to attend to give account and whether any papers are required for production for the Committee. Where it is necessary to produce a report then the Member or Officer concerned will be given sufficient time to allow preparation of that report.
- 16.3 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date then an alternative date for attendance may be arranged following consultation with the Chair of the relevant Scrutiny Committee.
- 16.4 A Scrutiny Committee may not scrutinise a decision of an Officer acting under delegated powers, unless the decision is a key decision.

17. ATTENDANCE BY OTHERS

A Scrutiny Committee or a Director (in consultation with the Chair and other political groups' Lead Members) may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and may invite such people to attend. Attendance is, of course, entirely optional.

18. CALL-IN AND REVIEW AND SCRUTINY OF DECISIONS

- 18.1 All executive decisions, whether made by the Cabinet, the Leader of the Council, a Cabinet Member and key decisions by an Officer under delegated powers, but which have not been implemented may be called-in under the Call-In Procedure Rules.
- 18.2 Subject to Scrutiny Procedure Rule 16.4, all executive and non-executive decisions, whether made by the Cabinet, Leader of the Council, a Cabinet Member or an Officer under delegated powers and whether implemented or not, may be reviewed and scrutinised by the relevant Scrutiny Committee which may then report on such review and scrutiny to the Cabinet or, in exceptional circumstances (which shall be determined by the committee and recorded in the minutes), to the full Council. For the avoidance of doubt, review and scrutiny in accordance with this Scrutiny Procedure Rule 17.2 shall not be affected by the Call-In Procedure Rules or affect implementation of any decision.

19. PROCEDURE AT SCRUTINY COMMITTEE MEETINGS

Scrutiny committees may plan and conduct their business in the manner that they determine is most likely to result in the effective, efficient and accountable discharge of their functions.

20. SCRUTINY TASK GROUPS

The Scrutiny Task Groups will work within the operating principles set out in the Panel Operating Principles set out in Part 4 of the Constitution.

CALL-IN PROCEDURE RULES

1. SCOPE

- 1.1 All decisions which are the responsibility of the Cabinet (which includes all executive decisions made by the Leader of the Council, a Cabinet Member, or key decisions made by Officers, under delegated powers) are subject to these rules. Any decision which is the responsibility of the Cabinet, but not yet implemented, can be called-in within the timescale set out in 2.3 below.
- 1.2 Call-in should only be used in exceptional circumstances and be invoked only when there is evidence to suggest one or more of the conditions referred to in paragraph 3 below have been satisfied.
- 1.3 Recommendations to full Council in respect of matters which are not within the policy or budget of the Council are not executive decisions and therefore are not subject to these rules.

2. PUBLICATION OF CABINET DECISIONS AND IMPLEMENTATION

- 2.1 All decisions taken by the Cabinet, the Leader of the Council or a Cabinet Member and any key decision taken by Officers under delegated powers will be published and shall be made available at Shire Hall as soon as reasonably practicable after being made.
- 2.2 All County Councillors will also be sent copies of the decisions at the same time by the Chief Executive.
- 2.3 The notification of decisions will bear the date on which it is published and will state that the decisions will come in to force, and may be implemented, after five working days, unless the decision has been called-in under this procedure.
- 2.4 Subject to paragraph 10 below, no decisions taken by the Cabinet shall be implemented until expiration of the period referred to in 2.3.

3. GROUNDS FOR CALL-IN

A decision may only be called-in if one or more of the following conditions are satisfied:

- 3.1 The decision would conflict in whole or in part with any existing policy that has been formally approved or adopted by the Council;
- 3.2 The decision would not be wholly in accordance with the Council's budget;
- 3.3 In making the decision, the Cabinet, the Leader of the Council or a Cabinet Member or Officer under delegated powers took account of an irrelevant matter or failed to take account of a relevant matter, which in the opinion of the Chief Executive, had (or would have had) a significant bearing on that decision;

- 3.4 The Cabinet, the Leader of the Council or a Cabinet Member or Officer under delegated powers acted contrary to the Cabinet Procedure Rules, the Access to Information about the County Council's Formal Business and/or the principles of decision making set out in Part 2, Article 7.02 of the Constitution.

4. CALL-IN PROCEDURE

A Cabinet decision or decision by the Leader of the Council or a Cabinet Member and a key decision taken by Officers under delegated powers, may be called in before the expiration of the period referred to in Call-In Procedure Rule 2.3 if:

- 4.1 At least five Members of the Council give notice in writing to the Chief Executive of their desire to effect a call-in;
- 4.2 That notice, which shall be substantially in accordance with the template set out at the end of these Call-in Procedure Rules:
- 4.2.1 Is delivered to the Chief Executive before the end of the fifth working day after the day on which the decision was published; and
 - 4.2.2 Specifies the decision that is the subject of the call-in; and
 - 4.2.3 Specifies under which of the grounds mentioned in paragraph 3 of these rules the call-in is made and gives full particulars of the facts and matters relied upon.
- 4.3 In the event the only ground for call-in is as specified in Call-In Procedure Rule 3.3, the Chief Executive has signified in writing that in their opinion, the particulars of the facts and matters relied upon and specified in the notice had (or would have had) a significant bearing on that decision

5. CALL-IN AND DEFERRING IMPLEMENTATION

If a decision has been called-in, in accordance with these rules, it will not be implemented until either:

- 5.1 The matters of concern have been resolved to the satisfaction of persons signing the notice and they have signified in writing to the Chief Executive their wish to withdraw their call-in; or
- 5.2 The process set out in Call-In Procedure Rule 7 has been followed.

Note: As soon as is practicable, the Chief Executive will send a copy of the call-in notice to all members of the relevant Scrutiny Committee and all political group leaders.

A Political Group Leader may request clarification from and/or discussion with one or more of the five Members giving notice and other Political Group Leaders.

The matters referred to in this note will not affect the validity or process of the call-in.

6. CONSIDERATION BY THE RELEVANT SCRUTINY COMMITTEE

- 6.1 Decisions called-in will be placed on the agenda for the next available meeting of the relevant Scrutiny Committee.
- 6.2 In exceptional circumstances, an earlier meeting of the relevant Scrutiny Committee (if necessary) can be called by the Chief Executive in consultation with the Chair of the Scrutiny Committee and the Leader of the Council or relevant Cabinet Member as appropriate.
- 6.3 In the event a call-in is withdrawn in accordance with Scrutiny Procedure Rule 5.1, it will not be placed on the agenda of the relevant Scrutiny Committee or, if that has already occurred, it will not be considered.
- 6.4 If the Leader of the Council or Cabinet Member as appropriate has, at least three days before the meeting, sent to members of the relevant Scrutiny Committee a report responding to the call-in, they shall be entitled to address the Scrutiny Committee. In the absence of such a report, the Leader of the Council or Cabinet Member as appropriate may address the Scrutiny Committee if the Chair agrees.

7. ACTION BY THE RELEVANT SCRUTINY COMMITTEE

- 7.1 Having considered the decision called-in, the relevant Scrutiny Committee will either:
 - 7.1.1 Support the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the Cabinet, Leader of the Council or Cabinet Member); or
 - 7.1.2 Make adverse comments regarding the process when set against the guiding principles for decision-making, but no adverse view on the decision itself (in which case it can be implemented immediately, with the committee's comments being set out in a report and considered by the Cabinet, Leader of the Council or Cabinet Member); or
 - 7.1.3 Propose modifications to the decision or an alternative to the decision to achieve the same effect (in which case the implementation is delayed until the Cabinet, Leader of the Council or Cabinet Member has received and considered a report by the relevant Scrutiny Committee and decided how to proceed); or
 - 7.1.4 In exceptional circumstances (which shall be determined by the relevant Scrutiny Committee and recorded in the minutes) arrange for the full Council to review or scrutinise a decision and decide whether or not to recommend the Cabinet, Leader of the Council or Cabinet

Member to reconsider the decision and/or consider an alternative decision recommended by full Council. If full Council does not recommend the Cabinet, Leader of the Council or Cabinet Member to reconsider the decision and/or consider an alternative decision, the called in decision may be implemented immediately. If full Council does recommend the Cabinet, Leader of the Council or Cabinet Member to reconsider the decision and/or consider an alternative decision the called in decision shall not be implemented until the Cabinet, Leader of the Council or Cabinet Member has considered the recommendation of full Council and decided how to proceed.

- 7.2 The full Council has no power to make final decisions in respect of matters which are the responsibility of Cabinet unless the decision in question is contrary to the Policy Framework or budget.

8. ACTION BY THE CABINET, LEADER OF THE COUNCIL OR CABINET MEMBER

- 8.1 A report of the relevant Scrutiny Committee (and full Council in the event Call-In Procedure Rule 7.1.4 is invoked) will be submitted to the Cabinet, Leader of the Council or Cabinet Member who will consider the views of the Scrutiny Committee (and full Council if appropriate) and either:

8.1.1 Confirm the called in decision without modification; or

8.1.2 Confirm the called in decision with modification; or

8.1.3 Rescind the called in decision, take the alternative decision recommended by full Council or (if considered appropriate) propose a new one.

- 8.2 In each case, the reasons must be given, particularly if the action is not as proposed by the Scrutiny Committee.

- 8.3 The outcome of the Cabinet's, Leader of the Council's or Cabinet Member's consideration of the views of the Scrutiny Committee will be published by the Chief Executive.

9. RESPONSE TO THE RELEVANT SCRUTINY COMMITTEE

The Cabinet's, Leader of the Council's or Cabinet Lead Member's response will be reported to the next available meeting of the relevant Scrutiny Committee.

10. CALL-IN OF URGENT DECISIONS AND URGENT IMPLEMENTATION

- 10.1 On rare occasions, decisions will need to be implemented so urgently that pre-implementation review is not appropriate.

- 10.2 The implementation of a decision will be urgent if any delay, likely to be caused by the process, would seriously prejudice the interest of the County Council or of the public or the interests of any person to whom the decision relates.
- 10.3 The record of the implementation of the decision and notice by which it is made public must contain an explanation as to why the implementation of the decision needs to be treated with such urgency.
- 10.4 The Chair of Council and of the relevant Scrutiny Committee must agree that the implementation of the decision is urgent and cannot reasonably be deferred. If either is unavailable then the Vice-Chair of that body must agree on their behalf.
- 10.5 Where these circumstances arise at least five County Councillors may signify in writing to the Chief Executive their wish for a post-implementation review of the decision and its urgent decision. Reasons must be given.
- 10.6 In these circumstances, call-in has no effect on the implementation of the decision and relates to reviewing the nature of the decision and the circumstances behind it. The outcome of the Scrutiny Committee review will be reported to the Cabinet.

11. CALL-IN DECISIONS OUTSIDE THE POLICY FRAMEWORK AND BUDGET

These provisions are set out in the Policy Framework and Budget Procedure Rules.

Notice of call-in

To: Chief Executive

We, the undersigned five Members, give notice of our desire to call-in the following executive decision, notice of which was published on

[Insert date and decision wording, in the Cabinet Decision Statement]

The grounds for the call-in are that the following condition(s) are satisfied for the reasons specified:

[Delete the conditions not relied upon]

*[*If the condition is relied upon, this must be completed]*

1. The decision would conflict in whole or in part with any existing policy that has been formally approved or adopted by the Council.

The policy with which the decision conflicts and the date of approval or adoption by the Council are *

The wording within the policy with which the decision conflicts is *

The decision conflicts with the policy in the following way(s) *

2. The decision would not be wholly in accordance with the Council's budget

The decision expenditure is *

The Council's budget [does not make provision for any of this expenditure]
[approved by the Council on * only makes provision for
expenditure of £ *] *[delete as necessary]*

3. In making the decision, the Cabinet, Leader of the Council or Cabinet Member took account of an irrelevant matter or failed to take account of a relevant matter

The irrelevant matter taken into account is *

The relevant matter not taken into account is *

4. The Cabinet, Leader of the Council or Cabinet Member acted contrary to the Cabinet Procedure Rules, the Access to Information about the County Council's Formal Business and/or the principles of decision making set out in Part 2, Article 7.02 of the Constitution.

The matter contravened is * *[insert wording from the relevant part(s) of the Council's Constitution]*

The above matter was contravened in the following way(s) *

Dated

Signed

- 1.).....
- 2.).....
- 3.).....
- 4.).....
- 5.).....

PANEL OPERATING PRINCIPLES

Referred to in Cabinet Procedure Rule 13 and Scrutiny Procedure Rule 20

References to Panels includes references to Scrutiny Task Groups and Working Groups

1. Panels may be established by the Cabinet, Leader of the Council, Cabinet Member or Officer acting under delegated powers or a committee to undertake standing or task-based work in support of the Cabinet, Leader of the Council, Cabinet Member or a committee. Panels may also be established jointly by the Cabinet, Leader of the Council, Cabinet Member or a committee. The full Council will not establish panels and may instead call upon the Cabinet, Leader of the Council, Cabinet Member and/or a committee to support its work. Occasionally full Council may wish to set up a working group outside of the scrutiny arrangements and these will follow the panel operating principles where appropriate.
2. Panels will not have any decision taking powers.
3. If appropriate the task to be undertaken by the Panel will be scoped and defined beforehand, together with the timeframe within which the work of the Panel is to be completed and the reporting time for the outcome of the Panel's work. Each Panel will operate on a time limited basis unless otherwise agreed by the Cabinet, Leader of the Council, Cabinet Member and/or committee.
4. Panels will be politically balanced where possible, unless otherwise agreed by Cabinet, the Leader of the Council, Cabinet Member or committee.
5. All members, except Members of the Cabinet, may serve on Scrutiny Task Groups.
6. Cabinet Panels will be chaired by the Leader of the Council or Cabinet Member as appropriate.
7. Other panels will be chaired as they determine.
8. Panel meetings may be conducted informally. In consultation with other Panel members, the Chair of the Panel will determine whether any meetings of the Panel should be held in public. In the event the Chair of a Panel is not a County Councillor, the majority of those members of the Panel who are County Councillors will determine whether any meetings of the Panel should be held in public.
9. Panels may request the attendance of relevant County Councillors and Officers at meetings to assist in the issues under discussion. People from outside the Council may be invited to attend also for particular issues as appropriate.
10. Each Panel will appoint a Lead Officer who will seek to ensure effective progress and communication in respect of the work of the Panel.
11. The administration of Panels will be supported by Democratic Services.

FINANCIAL PROCEDURE RULES

General Introduction

Part A: Financial management

- Virement and Year end Balances A.1
- Accounting Policies A.3
- Accounting Procedures and Records A.4
- Annual Statement A.5

Part B: Financial planning

- Budget Approval B.1
- Budget Preparation B.4
- Budget Monitoring and Control B.7
- Capital Programme B.13
- Treatment of year end Under Spend B.19

Part C: Risk management and control of resources

- Risk Management C.1
- Audit and Internal Control C.5
- Preventing Fraud and Corruption C.9
- Security of Assets C.10
- Banking and Treasury Management C.12

Part D: Systems and procedures

- General D.1 Income D.5
- Expenditure D.8
- Payments to Employees and Members D.11
- Taxation D.12
- Trading Accounts D.14

Part E: External arrangements

- Partnerships E.1
- External Funding E.4
- Grants to Outside Bodies E.5

DEFINITIONS

- 1.1 The Chief Financial Officer/S151 Officer is that person designated for the purpose of Section 151 Local Government Act 1972 and Section 114 Local Government Finance Act 1992.
- 1.2 Budget Heads are those cost and income headings recorded in the Council's Budget Book.

- 1.3 Advice and guidance issued by the Chief Financial Officer includes the Finance Manual , which provide detailed guidance on financial control, audit, accountancy, financial management matters and the design and use of controlled stationery.
- 1.4 A Service is defined as a discrete area of the County Council's activity managed by a Director or Head of Service as defined in Part 5 of the Constitution.
- 1.5 A Scheme in the context of the capital programme may be a single scheme or a package of smaller schemes being carried out in a defined geographical area of works of a similar type.

GENERAL INTRODUCTION

- 2.1 These Finance Procedure Rules are that part of the Constitution approved by the Council, which provide the framework for managing the Authority's financial affairs. They apply to every Member and Officer of the Authority and anyone acting on its behalf with the exception of Schools to which Schools' Finance Procedure Rules apply.
- 2.2 The Constitution and Scheme of Delegation identify the financial responsibilities of the full Council, Cabinet and Scrutiny Members, the Head of Paid Service, the Monitoring Officer, the Chief Financial Officer and other Directors.
- 2.3 All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.
- 2.4 The Chief Financial Officer is responsible for maintaining a continuous review of the Finance Procedure Rules and submitting any additions or changes necessary to full Council for approval following consideration by the Cabinet or Leader of the Council or Cabinet Members and Audit and Governance Committee.
- 2.5 Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the Authority's Finance Procedure Rules and other internal regulatory documents (including the Finance Manual) and that they comply with them.
- 2.6 The Chief Financial Officer is responsible for issuing advice and guidance (e.g. the Finance Manual) to underpin the Finance Procedure Rules that Members, Officers and others acting on behalf of the Authority are required to follow.

FINANCE PROCEDURE RULE A: FINANCIAL MANAGEMENT

INTRODUCTION

Financial management covers all financial accountabilities in relation to the running of the Authority, including the Policy Framework and budget.

Actions that are "contrary to the budget" include:

- Initiating a new policy;
- Committing expenditure in future years to above the budget level;
- Incurring interdepartmental transfers above virement limits;
- Causing the total expenditure financed from Council Tax, grants and corporately held reserves to increase beyond the budgeted level.

Virement and year end balances:

- A.1** The Chief Financial Officer is responsible for the administration of the scheme of virement as set out below:

The Cabinet, Leader of the Council and Cabinet Members are responsible for taking in-year decisions on resources and priorities and can therefore approve virement between services provided:

- It does not involve a new policy or policy change;
- It does not involve an increasing commitment in future years that cannot be contained within existing approved budget allocations.

Directors may effect virement between Budget Heads provided:

- It does not involve a transfer of resources between services (*Note: A service is defined by reference to a particular Budget Head in the Budget Book*);
- It does not involve a new policy or policy change;
- It does not involve an increasing commitment in future years that cannot be contained within existing approved budget allocations;
- That the Chief Financial Officer is notified in respect of all virements over £50,000.

- A.2** Unless otherwise determined by the Cabinet, Leader of the Council or a Cabinet Member any service under-spending or overspending will be carried forward to the following financial year and the approved budget adjusted accordingly.

Accounting policies:

- A.3** The Chief Financial Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.

Accounting procedures and records:

- A.4** The Chief Financial Officer is responsible for determining the accounting procedures and records for the Authority.
- A.5** The Chief Financial Officer can choose to delegate day-to-day responsibilities to an appropriate representative(s). Where this is the case the delegation and officer responsibilities must be clearly documented and be kept under regular review by the Chief Financial Officer.

The annual statement of accounts:

- A.6** The Chief Financial Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The Audit and Governance Committee is responsible for approving the annual statement of accounts.

FINANCE PROCEDURE RULE B: FINANCIAL PLANNING

- B.1** The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the Policy Framework and for determining the circumstances in which a decision will be deemed to be contrary to the Policy Framework or budget. Decisions that appear contrary to the Policy Framework or budget should be referred to the full Council by the Monitoring Officer.
- B.2** The full Council is responsible for setting the level at which the Cabinet, Leader of the Council or a Cabinet Member may reallocate budget funds from one service to another. The Cabinet, Leader of the Council or a Cabinet Member is responsible for taking in-year decisions on resources and priorities in order to deliver the budget Policy Framework within the financial limits set by the full Council.

BUDGETING

Budget:

- B.3** The resource allocation, budget process and general format of the budget will be proposed by the Cabinet, Leader of the Council or a Cabinet Member on the advice of the Chief Financial Officer.

Budget preparation:

- B.4** The Chief Financial Officer is responsible for ensuring that an annual revenue budget, capital programme and medium term financial strategy is prepared for consideration by the Cabinet, Leader of the Council or a Cabinet Member before submission to the full Council. The full Council may amend the budget or ask the Cabinet, Leader of the Council or a Cabinet Member to reconsider it before approving it.
- B.5** The Cabinet, Leader of the Council or a Cabinet Member is responsible for issuing guidance on the general content of the budget in consultation with the Chief Financial Officer as soon as possible following approval by the full Council.
- B.6** It is the responsibility of Directors to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet, Leader of the Council or a Cabinet Member and that these estimates are prepared in line with guidance issued by the Chief Financial Officer and/or Cabinet.

Budget monitoring and control:

- B.7** Subject to these Regulations, Directors have the authority to incur expenditure provided in the revenue budget or capital programme approved by the full Council.
- B.8** Expenditure may not be incurred if it is contrary or not wholly in accordance with the Policy Framework or budget.

- B.9** Directors must undertake regular monitoring of revenue and capital expenditure and, subject to these Regulations, where there is an overspending, investigate and take appropriate action to bring spending back into line with the budget.
- B.10** Executive Directors have overall budget responsibility and can delegate the day-to-day management to Budget Managers and Budget Holders as appropriate for their service.
- B.11** The Chief Financial Officer is responsible for providing advice to Directors to enable budgets to be monitored effectively. The Chief Financial Officer must report to the Cabinet, Leader of the Council or a Cabinet Member and Scrutiny on the overall financial position on a regular basis.
- B.12** It is the responsibility of Directors to control income and expenditure within their area and to monitor performance, taking account of advice provided by the Chief Financial Officer. They should report to Cabinet, Leader of the Council or a Cabinet Member and Scrutiny on variances in both capital and revenue spending within their own areas, take action where necessary to avoid exceeding their budget allocation and alert the Chief Financial Officer to any problems.

Resource allocation:

- B.13** The Chief Financial Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's Policy Framework.

The Capital Programme:

- B.14** The Chief Financial Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Cabinet, Leader of the Council or a Cabinet Member before submission to the full Council. No scheme shall be included in the capital programme unless it has been through the appraisal and prioritisation process approved by the Cabinet. The following are exceptions to this process which would need Council agreement:
- B.15** The Cabinet shall have the power to:
- transfer resources between capital schemes, and
 - allocate resources within a capital fund to specific projects providing they are consistent with the purpose for which that fund was established, and
 - increase gross capital spending during the course of a financial year, providing it can also identify corresponding funding sources (except the use of the Council's general fund balances) such as a new grant, s106 agreement, capital receipt, and after having taken advice from the Chief Financial Officer and relevant Executive Director(s) and the future revenue costs can be met from existing resources or future year's resources identified in the Medium Term Financial Forecast.

B.16 Full Council approval shall be required if a change to the Capital Programme involves:

- Initiating a new policy;
- Committing capital expenditure in the current or future years to a level above the approved budget levels;
- Transferring resources between revenue and capital budgets except as Revenue Contribution to Capital Outlay (RCCO);
- Entering a capital commitment if it involves a material change to the nature of the project as set out in the agreed project appraisal.

B.17 Directors are responsible for ensuring that variations in capital project costs that occur during the course of a contract are contained within the resources allocated to that service.

B.18 No lease, hire, rental or similar agreement that may involve a charge against the County Council's approved borrowing or credit limit may be entered into without advice from the Chief Financial Officer.

Guidelines:

B.19 Guidelines on budget preparation are issued to Members and Directors by the Cabinet, Leader of the Council or a Cabinet Member following agreement with the Chief Financial Officer. The guidelines will take account of:

- Legal requirements;
- Medium-term planning prospects;
- The corporate strategy;
- Available resources;
- Spending pressures;
- Best value and other relevant government guidelines;
- Other internal policy documents;
- Cross-cutting issues (where relevant).

Maintenance of reserves and balances:

B.20 It is the responsibility of the Chief Financial Officer to advise the Cabinet, Leader of the Council or a Cabinet Member and/or the full Council on prudent levels of reserves and balances for the Authority.

Treatment of Year-end Under/Overspends:

B.21 Any underspend at the finance year-end on a service area's revenue budget will not be carried forward to the following financial year but will be transferred to General Reserves unless approved as detailed below.

B.22 The Chief Financial Officer may approve a budget carry forward of a ring-fenced grant or where a grant has conditions or expectations attached, where the related expenditure is not expected to be incurred in the current financial year. Cabinet will

approve all other budget carry forward requests through the outturn report, taking advice from the Chief Financial Officer.

FINANCE PROCEDURE RULES C: RISK MANAGEMENT AND CONTROL OF RESOURCES

Risk Management

- C.1** Directors are responsible for ensuring the development and monitoring of effective and comprehensive systems for identifying, evaluating and controlling significant business risks in their directorates.
- C.2** The Chief Financial Officer is responsible for the development, monitoring and review of the Council's risk management policy statement and strategy, which is approved by Cabinet and for reviewing the effectiveness of risk management. The Chief Financial Officer is also the Council's principal risk management adviser and co-ordinator.
- C.3** The Chief Financial Officer will assess the Council's overall insurance requirements and will be responsible for arranging all insurance cover. The Chief Financial Officer will review insurance cover on an annual basis and will consult with Directors prior to arranging cover where appropriate. Directors are responsible for providing timely and accurate information to the Chief Financial Officer in relation to any insurance claims.
- C.4** Each Director shall be responsible for identifying, assessing and controlling risks within their directorate taking into account any advice that the Chief Financial Officer may have issued.

Audit and Internal Control Requirements:

- C.5** The Chief Financial Officer is responsible for advising on effective systems of internal control.
- C.6** The Council has determined that the Chief Financial Officer is responsible for conducting a continuous internal audit in accordance with the Accounts and Audit (England) Regulations 2011.
- C.7** Directors are expected to co-operate and supply information lawfully required to external auditors and to other external agencies undertaking audit, investigation or inspection such as HMRC. Directors are also expected to co-operate and supply information reasonably required to internal auditors.
- C.8** The Chief Financial Officer and the Monitoring Officer must be notified immediately of all instances of financial irregularity.

Preventing Fraud and Corruption:

- C.9** The Chief Financial Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.

Security of Assets

- C.10** Directors should ensure that records and assets (including stocks and stores) are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
- C.11** Directors must maintain an inventory of furniture, equipment and stock/stores and check at least annually that all items are accounted for. Directors may write off inventory items with a value up to £5,000. Write off of items with a value above this limit require the approval of the Cabinet, Leader of the Council or a Cabinet Member.

Banking and Treasury Management:

- C.12** The Chief Financial Officer is responsible for arranging the Council's banking arrangements including opening and closing of all accounts.
- C.13** All electronic transfers of funds will only be made by the Chief Financial Officer or their nominated signatory.
- C.14** All other payments made by the Council, with the exception of those made from imprest accounts, will be made by electronic transfer or other payment instrument, bearing the manuscript or facsimile signature of the Chief Financial Officer or their nominee.
- C.15** The Authority has adopted CIPFA's Code of Practice for Treasury Management in Public Services. Under the Code the following four clauses are adopted:
1. The Council will create and maintain, as the cornerstones for effective treasury management:
 - a treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities
 - suitable treasury management practices (TMPs), setting out the manner in which the organisation will seek to achieve those policies and objectives and prescribing how it will manage and control those activities

The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this organisation. Such amendments will not result in the organisation materially deviating from the Code's key principles.
 2. The Council's Audit and Governance Committee will receive reports on its treasury management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
 3. The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to the Audit and

Governance Committee and for the execution and administration of treasury management decisions to the Chief Financial Officer, who will act in accordance with the organisation's policy statement and TMPs and, if they are a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

4. The Council nominates the Audit and Governance Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

- C.16** The Council is responsible for approving the Treasury Management Policy Statement as required by CIPFA's Code of Practice for Treasury Management in Public Services. The policy statement is proposed to the full Council by the Cabinet, Leader of the Council or a Cabinet Member. The Chief Financial Officer has delegated responsibility for implementing and monitoring the statement.
- C.17** The Chief Financial Officer is responsible for reporting to the Cabinet, Leader of the Council or a Cabinet Member a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- C.18** All executive decisions on borrowing, investment or financing shall be delegated to the Chief Financial Officer, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Public Services.

FINANCE PROCEDURE RULE D: SYSTEMS AND PROCEDURES

General:

- D.1** The Chief Financial Officer is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by Directors to the existing financial systems or the establishment of new systems must be approved by the Chief Financial Officer. However, Directors are responsible for the proper operation of financial processes in their own departments.
- D.2** Changes to agreed procedures proposed by Directors to meet their own specific service needs must be agreed with the Chief Financial Officer.
- D.3** Directors must ensure that staff are aware of their responsibilities under data protection and access to information legislation, for example Freedom of Information and Environmental Information legislation.

Income and Expenditure:

- D.4** It is the responsibility of Directors to ensure that where a scheme of delegation has been established within their area, it is operating effectively. The scheme of delegation should identify staff authorised to act on the Director's behalf in respect of payments, income collection and placing orders together with the limits of their authority.

Income:

- D.5** Directors are responsible for reviewing and implementing changes to all fees and charges within their services on an annual basis. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering and collecting debts.
- D.6** Any proposed new or variation to an existing fee or charge, which involves a policy change, requires the approval of the Council.
- D.7** In order to comply with Money Laundering Regulations 2017, the Council will not accept cash income for the purchase of goods if it exceeds £5,000. Further details of the council's Money laundering Policy can be found in the Finance Manual.
- D.8** The Chief Financial Officer shall issue guidance on the write off of debtor accounts. Periodically, a report of the cumulative amount must be made to the appropriate Scrutiny Committee. An annual report should be made to the relevant Scrutiny Committee on the management of debtor accounts. Significant individual debts will be referred to Cabinet, Leader of the Council or a Cabinet Member for approval.

Expenditure:

- D.9** All payments made on behalf of the Council, with the exception of payments from imprest accounts, will be made by the Chief Financial Officer relying, where necessary, on the certification of authorised employees.
- D.10** All orders for works, supplies and services shall comply with the Council's Contract Procedure Rules. Procedures covering orders/contracts under £50,000 are detailed in the Finance Manual.
- D.11** The Chief Financial Officer will authorise such imprest accounts that they consider appropriate to allow authorised employees to defray petty cash and similar expenses.

Payments to Employees and Members:

- D.12** The Chief Financial Officer is responsible for all payments of salaries and wages to all staff, including payments for overtime and for payment of allowances to Members.

Taxation:

- D.13** The Chief Financial Officer is responsible for advising Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.
- D.14** The Chief Financial Officer is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

Trading Accounts/Business Units:

- D.15** It is the responsibility of the Chief Financial Officer to advise on the establishment and operation of trading accounts and business units.

FINANCE PROCEDURE RULE E: EXTERNAL ARRANGEMENTS

Partnerships:

- E.1** The Chief Financial Officer must ensure that accounting arrangements adopted relating to partnerships and joint ventures are satisfactory and that the overall corporate governance arrangements are satisfactory when contracts are arranged with external bodies. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. The Chief Financial Officer must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.2** The Monitoring Officer must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.
- E.3** Directors are responsible for ensuring that appropriate risk assessments are undertaken and approvals are obtained before any negotiations are concluded relating to work with external bodies and that all agreements and arrangements are properly documented, including details of the County Council's financial and physical commitment to the arrangements which are to be in accordance with the Council's procedures.

External Funding:

- E.4** The Chief Financial Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

Grants to outside Bodies:

- E.5** Directors are authorised to approve grants and annual assistance to external bodies, subject to the scheme of delegation, rules concerning key decisions and other requirements of the Finance Procedure Rules and related guidance and this approval being formally recorded. Grants to Academies and Voluntary Aided Schools follow different rules.
- E.6** Where the Council is using grant monies itself or passing it on to a third party, the application of that money shall be subject to the requirements of the relevant grant funding body.
- E.7** In considering the award of a grant, Directors shall have regard to the law on state aid/subsidy control and best value.
- E.8** Before entering into any arrangement where the Council takes on accountable body status, appropriate advice must be sought from the Director of Finance and the Assistant Director of Legal Services.

CONTRACT PROCEDURE RULES

1. Background

- 1.1 The purpose of these Contract Procedure Rules (CPRs) is to ensure that all Council contracts are demonstrably made:
- a) in compliance with the law and best practice;
 - b) to maximise fairness, transparency and competition;
 - c) to improve quality and value for money;
 - d) to enable the Council to develop and deliver its Commercial Strategy; and
 - e) in compliance with the Council's Financial Procedure Rules.

2. Scope

- 2.1 These CPRs are made in accordance with section 135 of the Local Government Act 1972 and apply to all relevant contracts made (including all orders placed) by, for or on behalf of the Council, or where the Council is acting on behalf of other public bodies in relation to relevant contracts. Relevant contracts include arrangements for:
- a) the supply or disposal of goods;
 - b) the hire, rental or lease of goods or equipment;
 - c) the provision of works and the supply of works materials;
 - d) the provision of services, including health care services and consultancy services;
 - e) the granting of works concessions or services concessions;
 - f) the selection of sub-contractors by the Council, where these are nominated under a main/prime contract;
- 2.2 Relevant contracts include contracts between the Council and any other contracting party, including:
- a) Other public bodies, including other local authorities
 - b) Voluntary and community sector organisations acting as suppliers to the Council
 - c) Private sector suppliers to the Council.
- 2.3 Relevant contracts do not include:
- a) agreements regarding the acquisition, disposal, or transfer of land, pre-existing property leases, and licenses; or
 - b) the award of grants and/or subsidies by the Council

The rules governing these are covered by separate procedural guidelines approved (from time to time) by the Cabinet, Leader of the Council or a Cabinet Member.

- 2.4 These CPRs apply to Council Maintained Schools except where the Council Scheme for Financing Schools (from time to time under Section 48 of the School Standards and Framework Act 1998) applies.

3. Accountability and Responsibility

- 3.1 These CPRs apply to all Councillors, Officers of the Council and any persons or organisations that are responsible for the conduct of procurement or contract management activity on behalf of the Council. Officers must therefore ensure that any agents, consultants and contractual partners acting as procurement agents on behalf of the Council also comply with these CPRs.
- 3.2 Councillors are not permitted to participate in any procurement exercise once the procurement exercise has commenced and must ensure that their actions do not compromise or impact on the implementation or completion of the exercise.
- 3.3 It is a disciplinary offence for Officers not to comply with these CPRs.
- 3.4 Directors must ensure that their staff comply with these CPRs.
- 3.5 Directors must ensure that appropriate Officers (“Authorised Officers”) have received delegated authority under the Council’s Scheme of Delegation which authorises them to:
- a) make orders on behalf of the Council for the supply of goods, services, health care services and works;
 - b) award contracts (including concession contracts) on behalf of the Council for the supply of goods, services, health care services and works;
 - c) pay invoices received from suppliers in respect of goods, services, health care services and works provided to or on behalf of the Council;
 - d) approve tender and quotation procedures and all related documentation;
 - e) approve contract terms and conditions;
 - f) receive, retain and open tender submissions (CPR 12.4); and
 - g) manage contracts in accordance with the Council’s Contract Management Framework from time to time.
- 3.6 An Authorised Officer must not seek or accept technical advice regarding the preparation of a request for quotation or an invitation to tender from any party which may have a commercial interest in the procurement if this could prejudice the equal treatment of all potential suppliers or distort competition.
- 3.7 Authorised Officers may award contracts (including concession contracts) and place orders and requisitions that comply with these CPRs provided that:
- a) the financial values and commitments are within approved budgetary estimates and within their delegated responsibility;
 - b) they are within the Council’s legal powers;
 - c) where the contract involves the transfer of Council staff, or former Council staff who have previously been the subject of an outsourcing of service, the Authorised Officer is acting in accordance with the Direction made by the Secretary of State under section 102 of the Local Government Act 2003 (pension provision) or any replacement.

- 3.8 Directors must ensure that Authorised Officers have the necessary skills, competencies, and knowledge to undertake procurement and/or contract management related duties of the scope, risk and complexity assigned to them. This should include attendance at appropriate relevant training courses, both internal and external, on areas such as procurement, finance, risk, business continuity and GDPR.

4 Principles and Law

4.1 **Principles:** All purchasing and disposal activities must:

- a) achieve Best Value for public money spent in accordance with the duty on local authorities under Part I of the Local Government Act 1999 to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council;
- b) support the Council's corporate aims and policies;
- c) be consistent with the highest standards of integrity;
- d) ensure fairness and transparency in allocating public contracts;
- e) comply with these CPRs;
- f) produce and maintain adequate records and a clear audit trail;
- g) be consistent with any procedures or guidance set out in accounting instructions and procurement guidance and toolkits issued by the Head of Strategic Procurement.

4.2 **Law:** When procuring and managing contracts, the Council must comply with all relevant law. This may include, but is not limited to:

- a) The Procurement Act 2023 (PA23) where the procurement process for the relevant contract commenced on or after 24th February 2025;
- b) The Procurement Regulations 2024 (PR24) where the procurement process for the relevant contract commenced on or after 24th February 2025;
- c) The Health Care Services (Provider Selection Regime) Regulations 2023 (PSR23);
- d) The Public Contracts Regulations 2015 (PCR2015) where the procurement process for the relevant contract commenced before 24th February 2025;
- e) The Concession Contracts Regulations 2016 (CCR2016) where the procurement process for the relevant contract commenced before 24th February 2025;
- f) The Equality Act 2010.

(together "**UK public procurement legislation**").

5 Exemptions to these CPRs

Direct contract awards

5.1 Direct Contract Awards made outside a framework agreement (ie, contract awards without competition) are prohibited in respect of:

- a) contracts for the supply of health care services procured under PSR23 irrespective of their Estimated Total Contract Value;
- b) contracts (including concession contracts) for the supply of goods or services (other than health care services) which have an Estimated Total Contract Value of £30,001 (including VAT) or more; or
- c) any contracts (including concession contracts) for the supply of works irrespective of their Estimated Total Contract Value,

unless authorised in writing by the Director of Policy, Performance and Governance after considering a written report by the appropriate Director which confirms that:

- (i) all other procurement strategies have been considered and rejected due to their unsuitability; and
- (ii) the direct contract award would not give rise to a breach of UK public procurement law; and
- (iii) in respect of contracts (including concession contracts) for the supply of goods, services (other than health care services) and works which have an Estimated Total Contract Value of between £30,001 and the relevant UK public procurement threshold, that:

(iii.1) the direct contract award represents value for money based upon, for example, market research, price/cost benchmarking, social value factors etc; and

(iii.2) the direct contract award approach is justified. For example, there is genuinely only one supplier, or the requirement is urgent, brought about by events unforeseeable by the Council and not attributable to it.

5.2 A register of all Direct Contract Awards authorised pursuant to CPR 5.1 will be maintained by the Director of Policy, Performance and Governance and will be reported to the Audit and Governance Committee on an annual basis.

Appointment of legal counsel or other experts

5.3 Any requirement under these CPRs to seek more than one tender or quotation shall not apply where arrangements are being made for the appointment of counsel or other experts by the Assistant Director of Legal Services, who must be satisfied that the fee to be paid is relative to the level of advice and expertise required.

6 Requirement to consult the Director of Policy, Performance and Governance and the Assistant Director of Legal Services

- 6.1 It is a mandatory obligation on Authorised Officers to consult with the Director of Policy, Performance and Governance or (as appropriate) the Assistant Director of Legal Services:
- a) If the Council, subject to CPR 12.4, intends to consider any quotation, expression of interest or tender that has been received by it after the date and time specified in the original invitation/advertisement for a contracting opportunity offered by the Council. In such circumstances the relevant Authorised Officer must obtain the prior approval of the Assistant Director of Legal Services.
 - b) If the Council intends to use any third party to conduct a procurement exercise on the Council's behalf. In such circumstances the Authorised Officers must obtain the prior approval of the Director of Policy, Performance and Governance.
 - c) If the Authorised Officer becomes aware that any significant dispute or claim has occurred or is reasonably likely to occur in relation to a contract or procurement exercise. In such circumstances the Authorised Officer shall immediately notify and consult with the Assistant Director of Legal Services before taking any action in relation to the dispute or claim.

Contract variations/modifications

- 6.2 Minor contract variations can be undertaken by an Authorised Officer if the variation would result in small administrative such as contact name changes, address changes, minor service changes or minor specification changes. All major contract variations (i.e. anything more than a minor change) that would result in changes in price, changes to contract length or changes to contract terms and conditions must be referred to the Director of Policy, Performance and Governance for prior approval provided that such variations would not give rise to a breach of UK public procurement legislation.

7 Procuring via Frameworks, Collaborative Procurements, Dynamic Purchasing Systems (only until 23rd February 2029) and Dynamic Markets

- 7.1 Before carrying out a procurement process, Authorised Officers shall establish whether there is a suitable dynamic purchasing systems ("DPS") (only until 23rd February 2029), framework agreement, dynamic market or existing contract to which the Council is a party that provides a mechanism for ordering goods, services and works and, if so, consider whether the use of such framework agreement, DPS, dynamic market or existing contract is appropriate and that it adheres to the principles of Best Value, whilst noting that health care services cannot be procured using a dynamic market.

- 7.2 Without prejudice to CPR 7.3, where a collaborative contract, DPS (only until 23rd February 2029), dynamic markets or framework agreement has been let by another public authority or central buying organisation through competition, and in accordance with its own contract procedure rules and legal requirements, such contractual agreement shall be deemed to comply with the Council's CPRs.
- 7.3 Before using any collaboratively procured contract, an Authorised Officer must first verify that:
- a) the contract was procured in accordance with UK public procurement legislation; and
 - b) the contract was advertised in a way that enables the Council to use it; and
 - c) the contract contains appropriate terms and conditions which protect the Council's interests; and
 - d) the contract offers, or is reasonably likely to offer, better overall value for money, or benefit to the Council than the Council could achieve by conducting its own procurement exercise.

The Contracting Process

8. Competition Requirements

Goods, Services, Health Care Services and Works

- 8.1 Calculating the Estimated Total Contract Value of any contract for goods, services, health care services and/or works (the "Estimated Total Contract Value")

The Estimated Total Contract Value of such contracts (including concession contracts) shall be calculated as follows:

- a) the Estimated Total Contract Value of a contract for goods, services, health care services and/or works shall be calculated inclusive of VAT and shall include the estimated value of any options (including extension options), lots or renewals under the relevant contract;
 - b) the Estimated Total Contract Value of a framework agreement or dynamic market shall be the total estimated value of all of the contracts that may be awarded under that framework agreement or dynamic market inclusive of VAT.; and
 - c) the Estimated Total Contract Value of a works concession contract or a services concession contract shall be the maximum estimated amount inclusive of VAT that the supplier could expect to receive under or in connection with the contract.
- 8.2 The rules when calculating the Estimated Total Contract Value are:
- a) purchases of the same or similar type of goods, services, health care services and/or works must be aggregated, and the Estimated Total Contract Value

shall not be calculated with the intention of excluding it from the scope of these CPRs or UK public procurement legislation;

- b) where there is a common requirement for goods, services, health care services and/or works across the Council, the Estimated Total Contract Value shall be the aggregate of all purchases across the whole Council in respect of such goods, services, health care services and/or works;
- c) a contract for goods, services, health care services and/or works shall not be sub-divided or its Estimated Total Contract Value artificially underestimated or disaggregated into two or more separate contracts with the intention of avoiding the scope of these CPRs or UK public procurement legislation; and
- d) the Estimated Total Contract Value of a contract for goods, services, health care services and/or works shall be the value as determined when the advertisement in respect of that contract is issued or when the Council commences its procurement procedure, in respect thereof, whichever is earlier; and
- e) the Estimated Total Contract Value of a works concession contract or a services concession contract shall be determined when the advertisement in respect of that contract is issued or when the Council commences its procurement procedure, whichever is earlier.

Competition requirements - Goods or Services (other than Health Care Services) Contracts

8.3 Contracts (including concession contracts) for the supply of goods and/or services (other than health care services) that have an Estimated Total Contract Value:

- a) that is less than £6,000 (including VAT) shall be procured either by obtaining at least one quotation from a suitable supplier (a quote received by email is sufficient) or sourcing a pre-determined price from a supplier's catalogue or similar.
- b) that is £6,000 (including VAT) or more but less than £30,000 (including VAT) shall be procured by obtaining at least one written quotation using the Council's e-procurement system.
- c) that is £30,000 (including VAT) or more but less than £120,000 (including VAT) shall, subject to CPR 5.1 be procured by obtaining at least three written quotations using the Council's e-procurement system and in compliance with UK public procurement legislation requirements (to the extent they apply to notifiable below-threshold contacts (as defined in section 87(4) PA23)) and the content of procurement guidance and toolkits issued by the Head of Strategic Procurement.
- d) that is £120,000 (including VAT) or more but less than the relevant threshold prescribed by UK public procurement legislation shall, subject to CPR 5.1 be procured by undertaking a competitive tender process using the Council's e-

procurement system and in compliance with UK public procurement legislation requirements (to the extent they apply to notifiable below-threshold contracts (as defined in section 87(4) PA23)) and the content of procurement guidance and toolkits issued by the Head of Strategic Procurement.;

- e) that is equal to or exceeds the relevant threshold prescribed by UK public procurement legislation must be procured by undertaking a competitive tender process using the Council's e-procurement system and in compliance with UK public procurement legislation requirements.

Competition requirements - Health Care Services Contracts

- 8.4 Contracts for the supply of health care services under PSR23 shall, irrespective of their Estimated Total Contract Value, be procured in accordance with the requirements of PSR23 and procurement guidance and toolkits issued by the Head of Strategic Procurement.

Competition requirements - Works Contracts

- 8.5 Contracts (including concession contracts) for the supply of works that have an Estimated Total Contract Value:
 - a) that is less than £300,000 (including VAT) shall, subject to CPR 5.1, be procured by obtaining at least three written quotations using the Council's e-procurement system and in compliance with UK public procurement legislation requirements (to the extent they apply to notifiable below-threshold contracts (as defined in section 87(4) PA23)) and the content of procurement guidance and toolkits issued by the Head of Strategic Procurement.
 - b) That is £300,000 (including VAT) or more but less than the relevant threshold prescribed by UK public procurement legislation shall be procured by undertaking a competitive tender procurement process using the council's e-procurement system and in compliance with UK public procurement legislation requirements (to the extent they apply to notifiable below-threshold contracts (as defined in section 87(4) PA23)) and the content of procurement guidance and toolkits issued by the Head of Strategic Procurement.
 - c) that is equal to or exceeds the relevant threshold prescribed by UK public procurement legislation must be procured after having undertaken a competitive tender procurement process using the Council's e-procurement system and in compliance with UK public procurement legislation requirements.

Contract Period Extensions

- 8.6 Contract period extensions may, subject to CPR 6.2, be considered only if the relevant contract contains an extension option or if there are legitimate grounds for an extension as provided by UK public procurement legislation. Any such extension must be authorised in accordance with the Council's Scheme of Delegation.

9. Localism

- 9.1 When seeking quotes for a contract or concession contract for the supply of goods or services with an Estimated Total Contract Value of £30,000 (including VAT) and over, Authorised Officers should use reasonable endeavours to seek at least one quote from a Gloucestershire based supplier. For goods and services contracts (including concession contracts) whose Estimated Total Contract Value is less than £30,000 (including VAT), Authorised Officers may wish to consider obtaining two quotes one of which is from a Gloucestershire based supplier.

10. Framework Agreements and Dynamic Markets

- 10.1 Framework agreements may be procured by the Council, or by other public bodies or public sector buying consortia as arrangements under which named public bodies (including the Council) may award contracts.
- 10.2 The procurement by the Council of a new framework agreement must be in accordance with the content of procurement guidance and toolkits issued by the Head of Strategic Procurement.
- 10.3 The term of a new framework agreement must not exceed the maximum term set out in section 47 or (as appropriate) section 49 of PA23.
- 10.4 Dynamic markets may be procured by the Council, or by other public bodies, or public sector buying consortia, as arrangements under which named public bodies (including the Council) may award contracts. The Council may continue to procure goods, services, health care services and works under an existing DPS until 23rd February 2029.
- 10.5 Direct contract awards under a dynamic market or DPS are not permissible.
- 10.6 Additional suppliers may be admitted to a dynamic market or DPS throughout its term.
- 10.7 The term of a dynamic market shall be a period that is proportionate to the nature of the goods, services or works to be procured under it.
- 10.8 The procurement by the Council of any new dynamic market must be in accordance with the content of procurement guidance and toolkits issued by the Head of Strategic Procurement.

11 The Quotation Process

- 11.1 The process of seeking quotations from suppliers in respect of contracts (including concession contracts) for goods, services (other than health care services) or works must be carried out in accordance with procurement guidance and toolkits issued by the Head of Strategic Procurement.

12 Tendering Exercises

- 12.1 All competitive procurement exercises must be conducted electronically using the Council's e-procurement system unless the use of an alternative process has been previously approved in writing by the Director of Policy, Performance and Governance.

12.2 Receiving Expressions of Interest

All expressions of interest submitted by prospective tenderers in response to procurement opportunities advertised by the Council must be received by the Council no later than the date and time specified in the original advertisement. An Authorised Officer may consider exceptions to this CPR in situations where a late submission is genuinely outside the control of the supplier concerned, but only with the prior agreement of the Assistant Director of Legal Services.

12.3 Issuing Invitations to Tender

- a) Where a tendering process involves a conditions of participation/selection stage, an Authorised Officer shall only issue an invitation to tender to those suppliers that have met the required conditions of participation/basic selection criteria, including any minimum standards set. Suppliers may be shortlisted to be invited to tender on the basis of marks awarded against conditions of participation/basic selection criteria.
- b) An Authorised Officer shall ensure that an invitation to tender is based on a robust procurement strategy and model instructions for tendering approved by the Head of Strategic Procurement.
- c) Suppliers shall be allowed sufficient time to complete their tenders in accordance with UK public procurement legislation requirements whilst also taking into account the complexity of the requirement and contract, and the time required for suppliers to prepare their response.
- d) All suppliers that have been invited to tender by the Council must be issued with the same information at the same time and subject to the same conditions. Any clarification, supplementary information, or changes to the content or detail of the invitation, must be provided to them on the same basis.
- e) All communications with suppliers in relation to the procurement of contracts must be through the Council's e-procurement system.

12.4 Receiving Tenders

- a) Where in accordance with CPR 12.1 tenders are submitted electronically, Authorised Officers shall ensure that they are stored securely in the Council's e-procurement system and remain unopened until the specified date and time,, after which they shall be opened by an officer who has been authorised to do so by the Assistant Director of Legal Services in accordance with a procedure agreed by the Director of Policy, Performance and Governance.
- b) If any tenderer has not followed the instructions issued within an invitation to tender detailing how their tenders should be delivered, packaged, marked and referenced, such tenders should be excluded from further participation in the tender process to which such instructions related. However, in exceptional

circumstances, the Assistant Director of Legal Services may permit an occurrence of minor non-compliance with such instructions provided that the principle of equal treatment of tenderers and the integrity and confidentiality of the tendering process would not be compromised.

- c) Any tender that does not comply with the instructions set out in the relevant invitation to tender (save for incidences of minor non-compliance of the type described in CPR 12.4(b), shall be rejected and returned to the tendering supplier together with an explanation for its rejection.
- d) Any tender received by the Council after the published tender submission deadline shall not be opened or considered unless, in the opinion of the Assistant Director of Legal Services or Principal Lawyer or Legal Services Business Partner, after considering relevant evidence provided by the Authorised Officer, the failure to meet the deadline was due to:
 - (i) the Council's fault;
 - (ii) an act of God, flood, drought, earthquake or other natural disaster;
 - (iii) epidemic or pandemic;
 - (iv) terrorist attack, civil war, civil commotion or riots, war, threat of or preparation for war, armed conflict, imposition of sanctions, embargo, or breaking off of diplomatic relations;
 - (v) nuclear, chemical or biological contamination or sonic boom;
 - (vi) any law or action by government;
 - (vii) the collapse of buildings, fire, explosion or accident; or
 - (viii) an interruption or failure of utility service in circumstances which are beyond the control of the tenderer (but only in circumstances where such tender was submitted electronically).

12.5 Award

- a) All contract (including concession contracts) for the supply of goods, services (other than health care services) or works advertised via the Council's e-procurement system shall be awarded to the supplier(s) that submits the most advantageous tender (assessed from the point of view of the Council) as determined with reference to the published award criteria.
- b) All contracts (including concession contracts) for the supply of goods, services or works (other than health care services) whose Estimated Total Contract Value exceeds the relevant UK public procurement legislation threshold shall be awarded according to award criteria that is set in accordance with section 23 of PA23.
- c) An Authorised Officer shall apply only award criteria that is linked to the subject matter of the contract.
- d) If, having completed a tender evaluation exercise in respect of a contract or concession contract for the supply of goods, services (other than health care

services) or works, a tenderer has been identified by the Council as offering the most advantageous tender, a contract may be awarded to them.

- e) When awarding any contract or concession contract for the supply of goods, services or works (other than health care services) whose Estimated Total Contract Value exceeds the relevant threshold prescribed under the PA23, an Authorised Officer shall issue an assessment summary to all suppliers that submitted an assessed tender and then adhere to the mandatory eight (8) working days Standstill Period (beginning on the day on which a contract award notice is published) before entering into such contract
- f) The award process in respect of any contract for the supply of health care services shall comply with the applicable requirements set out in PSR23 and the content of procurement guidance and toolkits issued by the Head of Strategic Procurement

13. Contracts Register

- 13.1 In accordance with The Local Government Transparency Code 2015, Authorised Officers must:

“Publish details of any contract awards, commissioned activity, purchase order, framework agreement and any other legally enforceable agreement with a value that exceeds £5,000 (excluding VAT)” which must comply with the requirements set out in any guidance issued by the Director of Policy, Performance and Governance.

14. Conditions of Contract and Contract Formalities

- 14.1 All contracts (including concession contracts) must, subject to CPR 14.3, be formally concluded in writing before the supply of goods, services, health care service or works begins.
- 14.2 All contracts (including concession contracts) shall, subject to CPR 14.3, be written in plain language and shall adopt either:
- a) conditions of contract produced by professional bodies that have been approved by an officer in the Council’s Legal Services department; or
 - b) conditions of contract developed by an officer in the Council’s Legal Services department for use in relation to specific types of procurement or specific procurement projects; or
 - c) conditions of contract within collaborative contracts let by other public contracting authorities; or
 - d) exceptionally, and where unavoidable, conditions of contract requested by suppliers but only where the use of these conditions has been agreed in advance by an officer in the Council’s Legal Services department.
- 14.3 CPRs 14.1 and 14.2 do not apply to low value, one-off retail purchases where a purchasing card is used.

14.4 Contract minimum requirements:

- a) All contracts (including concession contracts), irrespective of their Estimated Total Contract Value, shall as a minimum:
 - i. contain a full description of the deliverables to be supplied (including any works, materials, services or other things to be furnished, received or completed);
 - ii. identify the required quantity of deliverables;
 - iii. set out provisions relating to the invoicing and payment of charges (i.e. the price to be paid and when);
 - iv. set out the time(s) and location(s) for delivery or performance;
 - v. set out provisions which enable the Council to terminate the contract;
 - vi. set out appropriate liability for indemnity and insurance requirements;
 - vii. set out the contract period or, as appropriate, the required timeframe delivering milestone deliverables;
 - viii. set out such other terms and conditions as may be agreed between the parties which shall include, where relevant, a reference to continuous improvement in accordance with the Best Value legislation.
- b) All contracts (including concession contracts) for the supply of goods, services or works procured under PA23 that have an Estimated Total Contract Value that is more than £5 million (including VAT) shall, in addition to the minimum requirements set out in CPR 14.4(a):
 - i. set at least three key performance indicators in respect of the contract;
 - ii. reserve a right for the Council to publish a redacted version of the contract; and
 - iii. reserve a right for the Council to publish a copy of any modification(s) to the contract.

14.5 Where contracts (including concession contracts) are awarded which involve the transfer of Council staff, or of former Council staff who were previously the subject of an outsourcing of service, such contracts shall include provisions which ensure that the relevant legislation is complied with and that the Council is appropriately indemnified. Where the Council is a third party to any staff transfer, the contract shall in addition ensure that the Council is provided with access to the supplier's staff and employee information on request.

14.6 Every relevant contract must provide for the Council to terminate the contract and recover any resulting losses if the supplier or their employees or agents, with or without their knowledge:

- a) does, or has done, anything improper to influence the Council to give them the contract;
- b) commits an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972

or if the supplier is an excluded supplier for the purposes of section 57 of PA23

- 14.7 In appropriate cases, after consultation with the Assistant Director of Legal Services, the supplier shall be required to give sufficient security for the due performance of their contract.
- 14.8 Where the value of a relevant contract or variation agreement exceeds:
- a) £100,000 (excluding VAT) in total but is less than £500,000 (excluding VAT) it must be signed by at least two Officers of the Council, being the relevant Authorised Officer and one other Officer above salary scale point 33; or
 - b) £500,000 (excluding VAT) in total it shall be executed under the common seal of the Council.
- 14.9 Unless otherwise agreed by the Assistant Director of Legal Services, a contract or variation agreement must be executed under the common seal of the Council where:
- a) the Council wishes to reserve the right to enforce the contract or variation agreement more than six years after its end; or
 - b) there is any doubt as to whether valid consideration is being created under the contract or variation agreement.
- 14.10 The process of affixing of the Council's seal to contract documents shall be carried out by the Assistant Director of Legal Services or those persons who have been given authority to do so from time to time.

Other Requirements

15. Prevention of Corruption & Declaration of Interests

- 15.1 Officers shall comply with the Council's Code of Conduct for Employees and the Anti-Fraud and Corruption Policy Statement and Strategy. In particular:
- a) no Officer shall use or be seen to use their position to obtain any personal or private benefit (including benefit accruing to connected third parties) from any contract entered into by the Council;
 - b) Officers' attention is drawn to the provisions of the Code of Conduct relating to the separation of roles during tendering.
- 15.2 With regards to any contract or concession contract that has been proposed or entered into by the Council, Officers must disclose in writing to their Director any instances:
- a) where they have any direct or indirect personal relationship with a supplier; or
 - b) where they have any direct or indirect personal interest (financial or non-financial) which could reasonably be considered to conflict with the Council's interests and compromise its impartiality and independence in its procurement activities.

16. Procurement Guidance and Toolkits

- 16.1 In support of these CPRs, the Head of Strategic Procurement shall issue guidance, procedures and standard documents in the form of procurement guidance and toolkits. Authorised Officers shall comply with the content of such procurement guidance and toolkits when undertaking procurement activities and contract management.

OFFICER EMPLOYMENT PROCEDURE RULES

1. RECRUITMENT AND APPOINTMENT

1.1 Declarations:

- (a) The Council will require any candidate applying for an appointment as an employee of the Council to declare on the Council's standard application form whether they are related to an existing County Councillor, an employee of the Council or the partner of such persons;
- (b) No candidate so related to a County Councillor or an Officer will be appointed without the authority of the relevant Director or an Officer nominated by them.

1.2 Seeking support for Appointment

Subject to paragraph (b) below:

- (a) The County Council will disqualify any applicant who directly or indirectly seeks the support of any County Councillor for any appointment with the County Council. This rule will be included in any recruitment information as well as the County Council's standard application form;

No County Councillor or Officer will seek support for any person for any appointment with the County Council;

- (b) A request for, and the provision of, a written reference will not constitute seeking support for the purposes of this rule.

2. THE CABINET'S RIGHT TO BE CONSULTED ABOUT THE APPOINTMENT AND DISMISSAL OF SENIOR OFFICERS

2.1 By law, the Cabinet must be consulted before the Head of Paid Service, a statutory chief officer, a non statutory chief officer or a deputy chief officer (all as defined in section 2 of the Local Government and Housing Act 1989) is appointed or dismissed.

2.2 Upon determining who should be appointed to or dismissed from such a post, whether by the Appointments Committee or otherwise, the Chief Executive will write to every Member of the Cabinet giving notice of who it is intended should be appointed to, or dismissed from employment with the Council giving notice of:

- (a) The name of the person it is intended should be appointed or dismissed;
- (b) Any other particulars relevant to the appointment or dismissal

Note: Detailed requirements are set out in the Local Authorities (Standing Orders) Regulations 1993 (SI 1993/202), the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 2001/3384) and the Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015.

2.3 The Leader of the Council must inform the Chief Executive in writing within five days of receiving written notice of an intended appointment or dismissal under these rules whether any Member of the executive objects to that appointment or dismissal.

2.4 On the sixth day after the Chief Executive gave written notice of an intended appointment or dismissal, the Head of Paid Service will transmit any objection received from the Leader of the Council to the Appointments Committee or to the officer making the appointment or dismissal under delegated powers.

- 2.5 The Appointments Committee or the officer making the appointment or dismissal under delegated powers will consider whether any objection received by the Chief Executive from the Leader is material and well founded and will then proceed to decide whether to confirm the decision that an Officer be appointed or dismissed (or, where that decision rests with County Council to recommend to Council that an Officer be appointed or dismissed).

3. APPOINTMENT OF POLITICAL ASSISTANTS

- 3.1 Each of the three largest political groups may (whilst they remain “qualifying groups” in accordance with the requirements of S.9 Local Government and Housing Act 1989 and regulations made thereunder) appoint one Officer to act as a political assistant. Such appointments will be made in accordance with the wishes of the political group making the appointment but will be on terms as to remuneration and period of office that comply with S.9 of the 1989 Act.
- 3.2 Appointments of political assistants may only be made in accordance with wishes of the relevant political group making the appointment and no arrangements will be made to allocate a political assistant to a non-qualifying group or to allocate more than one political assistant to any political group.

4. OTHER APPOINTMENTS

The appointment of officers other than to posts mentioned at item 2 of Table 3.02 in Part 3 of the Constitution (Duties of the Appointments Committee) and paragraph 3 above (Appointment of Political Assistants) will be the responsibility of the Head of Paid Service or Director concerned or their nominee and may not be made by County Councillors.

5. DISCIPLINARY ACTION

The Chief Executive, Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer)

- 5.1 The Chief Executive, The Head of Paid Service, Monitoring Officer or Chief Finance Officer Section 151 Officer may not be dismissed by the Authority unless full council has approved that dismissal and the procedure set out in the following paragraphs has been complied with.
- 5.2 The Authority must invite independent persons appointed pursuant to section 28(7) of the Localism Act 2011 to form a Panel for the purpose of advising the Authority on matters relating to the dismissal of the Chief Executive, Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (Section 151 Officer).
- 5.3 The invitation may be extended to independent persons appointed by another Authority.
- 5.4 The Authority must appoint to the Panel those independent persons who accept the invitation in the following priority order-

- an independent person who has been appointed by the Authority and is a local government elector;
- any other independent person who has been appointed by the Authority;
- an independent person who has been appointed by another Authority or Authorities.

- 5.5 The Panel may consist of more than two persons but need not do so.
- 5.6 The Panel must be appointed at least 20 days before the meeting of full council to consider the disciplinary action against the Chief Executive, the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer (Section 151 Officer).
- 5.7 Before taking a vote at the full council meeting whether or not to approve a dismissal the Authority must take into account, in particular-
- any advice, views or recommendations of the Panel;
 - the conclusions of any investigation into the proposed dismissal; and
 - any representations from the relevant Officer.
- 5.8 Any remuneration, allowances or fees paid by the Authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as an independent person under the Localism Act 2011.
- 5.9 County Councillors may not be involved in the disciplinary action against any officer save as part of the duties of the Appointments Committee, or as referred to in Table 3.01 above or the Disciplinary Appeals Committee (Table 3.04) or in these Officer Employment Procedure Rules.

This page is intentionally blank

PART 5

CODES AND PROTOCOLS

- Protocol on Public Address at Planning Committee
- Members' Code of Conduct
- Code of Conduct for Employees
- Protocol on the relationship between Members and Officers
- Members' Protocol on Gifts and Hospitality
- Members' Allowances Scheme
- Members' Parental Leave Scheme
- Protocol on decisions to be taken by Executive Members
- Petition Scheme

PROTOCOL ON PUBLIC ADDRESS AT PLANNING COMMITTEE

This Protocol is designed to allow the public to express their views, either in support of, or objecting to particular planning applications being considered by the Planning Committee. There will be a period for members of the public to address the Committee for up to a maximum of 40 minutes in total. This will include 20 minutes for objectors and 20 minutes for supporters in relation to each application. There is a limit of five people from each side, each speaking for four minutes.

This Protocol does not give an open invitation to raise matters not on the Committee agenda. However, the Constitution of the County Council includes the right to submit written questions to the Committee and ask oral questions (at the discretion of the Chair) about matters that are covered by the Terms of Reference of the Committee but the period allotted for this purpose is a maximum of 30 minutes. The Protocol does not impinge on that right.

In order to assist the administration of the meeting, people wishing to address the Planning Committee will need to contact the Senior Democratic Services Officer on 01452 324206 or email andrea.griffiths@gloucestershire.gov.uk at least 24 hours before the relevant meeting. Details of how to do so are set out below:

1. Notification of the wish to speak

- 1.1 The County Council advertises planning applications received by a variety of methods, such as newspaper advertisements, site notices and letters to individuals. Anyone who responds to the Authority about an application will be notified of their right to address the Committee. District Councils and Parish/Town Councils/Meetings will be notified that only the relevant District or Parish local Councillor (or their pre-stated representative) is invited to speak on an application being considered by the Committee.
- 1.2 The local Councillor of the relevant District and/or Parish/Town Council/Meeting will be allowed a separate five minutes to address the Committee. The local Councillor will not be invited merely to allow the other Authority an additional forum in which to comment. The Councillor must be that Councillor representing the ward within which the application is situated or their pre-stated representative.
- 1.3 Anyone wishing to address the Committee must have registered with the relevant Democratic Services Officer (01452 324206 or email andrea.griffiths@gloucestershire.gov.uk) at least 24 hours before commencement of the Committee. Any person wishing to address the Committee must leave their name, address and telephone number to allow others wishing to speak to contact them (this is to ensure not everyone is wishing to make the same points). You must tell the Democratic Services Officer which application you wish to speak about.
- 1.4 The Democratic Services Officer will list the date and time each notification was received, including details of all persons who have asked to address the Committee and indicate which speakers fall within the allotted time period. The list will be available at the meeting.

2. Speaking Limits

- 2.1 People who have registered to speak (“Permitted speakers” see below) will be able, if they wish, to nominate another person to speak on their behalf or to combine their individual four minute slots to enable one person to speak for a longer period. Any individual will only be allowed to address the Committee for four minutes within the full 20 minutes allocated to objectors or supporters unless they are co-operating with another(s) permitted speaker. Where a number of individuals have co-operated and appointed a spokesperson and, where those individuals are also on the list of approved speakers, they may combine time.

For example:

The following 5 people have asked to address the Committee in respect of the same application:

Slot 1	0-4 minutes	>	A N Other
Slot 2	4-8 minutes	>	B N Other
Slot 3	8-12 minutes	>	C N Other
Slot 4	12-16 minutes	>	D N Other
Slot 5	16-20 minutes	>	E N Other

BAR

F N Other

The “**Permitted speakers**” are those in Slots 1-5. The names of any other people who indicate they wish to address the Committee will be held in case any of the “Permitted speakers” are unable to attend the meeting.

F N Other is unable to speak but they might contact another of the speakers and have some of their views incorporated by that person **BUT** the other speaker will not get extra time.

However, if **B N Other, C N Other and D N Other** decided that B N Other can speak for all three, this time would then become 12 minutes (3 x 4 minutes) and the list would then be:

Slot 1	0-4 minutes	>	A N Other
Slot 2	4-16 minutes	>	B N Other
Slot 5	16-20 minutes	>	E N Other

- 2.2 “Permitted speakers” may not introduce or refer to new written material, plans or photographs or audio/video recordings, which have not been in the public arena and supplied to the Authority at least three working days before the meeting. **The Chair has discretion to suspend any public speaking which introduces material evidence or is repetitious of previous speeches after giving warning to the individual concerned of the potential consequences.**

- 2.3 “Permitted speakers” may not record the meeting with any audio or video equipment. The only true record is that recorded as minutes by the Democratic Services Officer and ratified by County Councillors.
- 2.4 “Permitted speakers” may not ask direct questions of County Councillors or Officers. [Standing Orders already allow the submission of written and oral questions to the Committee. This Protocol does not affect your right to submit written questions before the meeting and ask oral questions at the start of the meeting by that route].
- 2.5 No person other than the County Councillors forming the Committee has the right to vote or enter into the debate.
- 2.6 No person should approach a Member of the Committee whilst it is in session to discuss with or pass information to a County Councillor.
- 2.7 There will be an aggregate time limit of 20 minutes for all persons to speak in support of the proposal and an aggregate time limit of 20 minutes for all persons speaking against the proposal [total time 40 minutes plus that allowed for any local District or Parish Councillor and the Applicant or their Agent].
- 2.8 For the purposes of this Protocol and assessing times within it, the basis of the Protocol is to allow up to 10 speakers four minutes each on a first come basis. The limiting factor of 40 minutes on public speakers is to ensure that the Committee is not unduly delayed. Therefore, 10 people addressing the Committee for only two minutes each will satisfy the spirit of the Protocol and would not mean that a further 10 minutes remains to be allocated to others.
- 2.9 In exceptional circumstances and where a matter has proved controversial to a large number of members of the public and those people have requested to address the Committee, an extension of time allowed may only take place where such is agreed by the Chair stating the additional period that is available and the reason for the deviation from this protocol recorded in the minutes of the Planning Committee.

3. Speaking in Sequence

Items will normally be addressed as follows:

- (i) The Planning Officer will describe the application, exceptional factors, any report from Sites Inspection meeting and the recommendation of the Planning Unit Manager;
- (ii) Objecting [“Permitted Speakers”] will address Committee for up to 20 minutes;
- (iii) Supporting [“Permitted Speakers”] will address the Committee for up to 20 minutes;
- (iv) The Applicant or their Agent will (if they wish) address the Committee for up to five minutes;

- (v) County Councillors will then ask questions of the Planning Officer who will respond and may also clarify any matters arising from the public address;

THERE IS NO FURTHER INVOLVEMENT OF “PERMITTED SPEAKERS” AFTER THIS POINT IN THE PROCEEDINGS

- (vi) Town/Parish Council representatives (if any) will address the Committee for five minutes;
- (vii) Relevant District Councillors will (if they wish to) address the Committee for five minutes;
- (viii) The Local County Councillors will (if they wish to) address the Committee; **AND**
- (ix) Members of the Committee will then debate and determine the application.

4. Requirements for “Permitted Speakers”

- 4.1 Permitted Speakers should try to arrive at the Council Chamber 15 minutes before the start of the meeting and they should make themselves known to the Democratic Services Officer. Where it is seen that there is substantial interest in one application, the Chair will often suggest to Committee, that item is taken early.
- 4.2 A list of “Permitted Speakers” will be displayed within the Chamber.
- 4.3 If a “Permitted Speaker” has nominated another person to speak for them that person should make the circumstances known to the Democratic Services Officer.
- 4.4 If a number of “Permitted Speakers” have elected a spokesperson to speak for them they should inform the Democratic Services Officer of this and whether they intend to use the full, aggregated time.
- 4.5 Having addressed the Committee, “Permitted Speakers” should take no further part in the proceedings; they should not attempt to contact/pass information to individual County Councillors or do anything, which could be construed as disruptive to the Committee or disruptive to other persons addressing or attending the Committee.

Gloucestershire County Council

CODE OF MEMBERS' CONDUCT

**Adopted on 9 November 2022 taking effect on
10 November 2022**

Contents

- I Introduction
- II Scope of the Code of Conduct
- III General Principles of Members' Conduct
- IV Rules of Conduct
- V Registration of Interests
- VI Declaration of Interests and Restrictions on Participation
- VII Duties in respect of the Code of Conduct
- VIII Dispensations
- IX Gifts and Hospitality
- X 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 Gloucestershire County Council, including;
 - (a) when engaged in the business of Gloucestershire County Council including when acting as a local member or representing the Council externally;
 - (b) when behaving so as to give a reasonable person the impression of acting as a representative of Gloucestershire County 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.⁹

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:-

⁹ Section 34 Localism Act 2011
Issue No. 61 July 2026
Page | 213

General Requirements

- (1) **Do** treat everyone with respect.
- (2) **Do not** bully any person.
- (3) **Do not** harass any person
- (4) **Do** promote equalities and **do not** discriminate unlawfully against any person.
- (5) **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.
- (6) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- (7) **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.

- (8) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- (9) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.
- (10) **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 Policies.
- (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 division(s) 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:-

- (1) **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.
- (2) **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
associate

or

- (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) above

and 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(2) 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.

- (3) **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(2) 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 Code of Conduct

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 Council'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. A Member may be granted 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 to 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 £25 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.

X. 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 Council.
"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 Gloucestershire County 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.

11. “The Act” is the Localism Act 2011.

12. “The Council” is Gloucestershire County Council.

13. “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

14. "Well-being" means general sense of contentment and quality of life.
15. "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 out 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 £25 or more.

CODE OF CONDUCT INCLUDES CONFIDENTIAL REPORTING PROCEDURE (WHISTLE- BLOWING) FOR EMPLOYEES OTHER THAN FOR STAFF IN EDUCATIONAL ESTABLISHMENTS (FOR WHOM A SEPARATE CODE EXISTS)

1. This Code also applies to all people working within or on behalf of the County Council regardless of the contractual basis of the engagement, including: -
 - Direct employment by the council under a contract of employment
 - Secondments (both to and from the County Council);
 - Temporary assignments (both to and from the County Council), including Agency Workers, employees engaged through the council's Temporary Staff Service, Work Placements, Apprentices and Trainees;
 - Office holders
 - Employees acting on behalf of the council as members of companies or voluntary organisations.

References to “employee” and “staff” throughout this Code are taken to include all of the above categories and any similar working arrangements.

The Code also extends to additional and dual employment that has been secured as a result of working for local government.

Inevitably some of the issues covered by the Code will affect senior, managerial and professional employees more than others – but the basic principles apply to everyone.

INTRODUCTION

2. The purpose of this Code is to give all employees guidance on how the County Council and the public in general expect them to behave. If the Code is followed then staff should not find themselves in a situation where their conduct could create an impression of conflict of interest or corruption in the minds of the public. If staff are unsure of the

standards expected of them guidance should be sought from their Director. In the case of Directors, guidance should be sought from their Executive Director and in the case of Executive Directors, from the Chief Executive.

3. The areas covered by this Code are as follows:

- Standards;
- Personal Appearance;
- Use of the Council's Facilities and Equipment;
- Fraud and Corruption;
- Gifts, Hospitality and Sponsorship;
- Register of Gifts and Hospitality;
- Disclosure and Use of Information;
- Political Neutrality;
- Relationships;
- Appointments and Other Employment Matters;
- Undertaking Additional Outside Work;
- Arrest or Conviction on Civil or Criminal Charges;
- Membership of Clubs, Societies and other Organisations;
- Equality Issues;
- Health and Safety Issues;
- Breaches of the Code of Conduct.
- Confidential Reporting Procedure (Whistle-blowing);

STANDARDS

4. Employees are expected to give the highest possible standard of service to the public and to provide advice to Councillors and fellow employees with impartiality. The highest standard of probity must apply and employees must report any suspected unlawfulness, maladministration, impropriety or breach of procedure of which they are aware to their Director. (See also paragraph 95 and Appendix 1 of this Code) or via informal authorised escalation procedures, such as the information security incident process.
5. The Council, for its part, considers it has a duty to protect employees against unjustified allegations of wrong doing.

PERSONAL APPEARANCE

6. Although the Council has not adopted a formal dress code for the majority of its staff, it does expect employees to observe a standard of personal hygiene and appearance which is appropriate to the nature of the work undertaken. Staff are expected to wear their official Gloucestershire County Council identity badge on Council premises and when on official business out of the office.

USE OF THE COUNCIL'S FACILITIES AND EQUIPMENT

7. Employees must exercise reasonable care and skill in their use of the Council's facilities and equipment. The Council is entitled to expect at least the same standard of care of its property as employees give to their own property. Any facilities, property or equipment provided by the Council should only be used in connection with official duties except where the Council has agreed to private use. There are arrangements for the use of some services for private purposes on the payment of approved charges e.g. private telephone calls and photocopies, etc. You should always ensure that there is either general or specific agreement to private use of any facility or equipment.
8. When an employee ceases working for the Council all paper and electronic records (and copies), equipment and any other property of the Council must be returned.

FRAUD AND CORRUPTION

Culture of the Organisation

9. Although the Council believes that Members, employees and organisations associated with the Council will act with honesty and integrity it recognises that occasionally this will not be the case. The Council's culture is one of honesty and zero tolerance in respect of fraud and corruption.
10. Employees must make themselves aware of and comply with the following key documents which set out various standards of behaviour and procedures which must be adopted in addition to those mentioned in this Code: -
 - Financial Procedure Rules/Accounting Instructions;
 - Powers of Committees and Officers;
 - Information Management and Security policies, procedures and standards;
 - Standing Orders;
 - Commercial Services Procurement Guidance
 - [Anti-Fraud & Corruption Policy & Strategy](#)

- Internet and Digital Communications Policy
- Employee Handbook and
- Social Media Policy.

11. Employees must use public funds entrusted to them in a responsible and lawful manner and ensure that value for money is achieved. They must comply at all times with the Council's Financial Procedure Rules, Contract Procedure Rules and associated Accounting Instructions.
12. It is a criminal offence for employees to give or receive any gift, loan, fee, reward or advantage for doing, or not doing anything, or showing favour or disfavour to any person, company or contractor, with a corrupt intention. If an allegation is made it is for the employee to demonstrate that any rewards received have not been corruptly obtained.
13. Although there may be no corruptive intention in the act of giving or receiving of gifts, it is important to avoid any grounds for suspicion of corruption. For example, where contracts are being negotiated employees should not negotiate with a potential contractor, supplier or purchaser (of land for example) on a one -to- one basis. All steps in the contract negotiations should be recorded and in accordance with the Council's Constitution and scheme of delegation. Standing Orders, Financial Procedure Rules, the Procurement Guidance and the policies of the Council must always be followed; an adequate audit trail must be maintained.
14. The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish the previous record of potential employees in terms of their propriety and integrity. Employees responsible for applying the Council's recruitment procedures should ensure that they are followed in respect of all appointments and that written references are obtained regarding known honesty and integrity. (See also paragraph 68-72).

Your Interests

15. Any personal interests, financial or otherwise, must be registered (see paragraph 19) when they could reasonably be deemed to potentially conflict with any work undertaken by employees in the course of their duties. The Chief Executive and each Executive Director and Director will be responsible for ensuring that their personal interests are registered in accordance with this Code and that all of their employees are aware of the need to register personal interests. In certain circumstances even though a conflict of

interest is not anticipated (e.g. acting as a School Governor, involvement with an organisation receiving grant aid from the Council, involvement with an organisation or pressure group which may seek to influence the Council's policies) employees should register their interests.

16. Section 117 of the Local Government Act 1972 requires all employees to give written notice of any contract or proposed contract in which the Council is involved and in which the employee has a financial interest (either direct or indirect) as soon as the employee becomes aware of it. Failure to declare an interest is a criminal offence and may result in prosecution.
17. A direct financial interest arises where an employee or their partner, family member or close friend has a financial interest in a contract or proposed contract whether to their advantage or disadvantage, in which the Council is involved. An indirect financial interest may arise where an employee or their nominee or employee's partner holds securities or shares in a company which exceeds £5,000 or 1/100th of the nominal issued share capital of a company which has a direct financial interest, whichever is the lesser amount.
18. An 'other' interest may occur when an employee or their partner, family member or close friend has membership or association in a company, society, club or other body, trade union or voluntary body, or is employed by another person or company which has direct financial interests in any matter which is the subject of discussions/negotiations with the Council; or when dealing with the Council on a personal matter relating to them or their family.
19. Details of interests must be made in writing and sent to the Monitoring Officer who will record it in a register and acknowledge receipt of the declaration. Employees should ensure that they receive an acknowledgement back from the Monitoring Officer. The declaration must be made as soon as the employee is aware of the interest and/or the contract or proposed contract to which the interest relates. All contracts or proposed contracts are covered by this requirement, including contracts for the regular supply of goods and services. A standard form is [available](#) via this link.
20. In addition to the above requirements:
 - Employees at Head of Service Level or above (Executive Reward Bands 3 and above) must submit a register of their interests at least once every 3 years or as soon as is reasonably practicable when any change to their interests occurs. This

includes a requirement to submit a 'nil return' where applicable in order to confirm that they have no registerable interests. Page 42.

- Employees at Director Level or above (Executive Reward Bands 8 and above) must submit a register of their interests at least annually, or as soon as is reasonably practicable when any change to their interests occurs. This includes a requirement to submit a 'nil return' where applicable in order to confirm that they have no registerable interests.

21. Employees with a financial or non-financial interest in any matter should not only declare that interest but also seek to distance themselves from involvement in that matter. Employees must be open and up front about their interest in all associated dealings. In particular, any such interest must be stated at meetings, whether Council meetings or other meetings, public or private. Notes taken at the time should be placed in the appropriate file concerning the interest(s) and how it has been handled.
22. Employees involved in the award or management of contracts shall declare in writing to their Director any association or friendship with any contractor and should take no part in a tender process involving the contractor without written approval. Any employees engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent must declare to the Director any association with any person or body who is an applicant in the field of work in which that employee is engaged. In the case of Directors, such declarations should be made to their Executive Director and in the case of Executive Directors, the Chief Executive.
23. The Director, Executive Director, or Chief Executive to whom any such interest, association or friendship is declared shall consider whether to take steps to ensure the employee concerned is not placed in a position where private interests and official duties may conflict.

Rules Governing Purchasing by Employees

24. Employees must follow Financial Procedure Rules, Standing Orders, the Council's procurement and contract management guidance and Accounting Instructions whenever any goods or services are purchased.
25. Employees may not order, in the name of the Council, equipment or goods, whether with a discount or not, from official Council suppliers for their own personal use even if the cost is reimbursed in full to the Council.

26. Employees undertaking procurement or contract management activities should ensure they have the necessary skills and knowledge to do so or should seek appropriate advice and support from the Commercial Service.

Separation of Roles during Tendering

27. Employees involved in the tendering process and dealing with contractors should understand the separation of client and contractor roles within the Council. Senior employees who have both client and contractor responsibilities must be aware of the need for accountability and openness.
28. Employees who are privy to confidential information in respect of tenders or costs for either internal or external contractors must not disclose that information to any unauthorised person or organisation or use it for any unauthorised purposes.
29. Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
30. Employees must not use their position and knowledge of the Council to gain access to and provide information which puts a particular contractor or anyone else in a better position than any other contractor tendering to undertake work or to provide services or supplies.

Reporting a Concern

31. “Whistleblowing” by employees of the Council is fully supported and encouraged. Where concerns arise these should be brought to the attention of management at all times. In Appendix 1 of this Code a procedure is described for employees who wish to report serious concerns relating to any suspicions or allegations of fraud and corruption or any mal-practice or maladministration.

Investigation

32. Allegations and concerns relating to fraud or corruption will normally be investigated by the Head of Internal Audit and a report issued to the Chief Executive, the Monitoring Officer and the Executive Director of Corporate Resources (s.151 Officer).

33. The Executive Director of Corporate Resources in consultation with the Monitoring Officer, will then decide whether there are sufficient grounds for the matter to be reported to the Police. The Chief Executive is also to be informed of any (potential) referrals. The Council will normally wish the Police to be made aware of, and investigate independently, offences where financial impropriety appears to have been discovered.
34. The Council's Disciplinary and Dismissal Procedure will be used where the outcome of an audit investigation indicates improper behaviour or other misconduct by an employee.

GIFTS, PRIZES HOSPITALITY AND SPONSORSHIP

35. Staff should not accept gifts or hospitality over a minimal value (£25). Any offers of gifts, prizes hospitality or sponsorship should be submitted for the Council's Register of Interests, Gifts & Hospitality held by the Monitoring Officer. The register must include all offers of gifts, etc. whether accepted or declined. Permission should be sought from the Directors before any gift, hospitality or sponsorship is accepted (see paragraph 53 below). When in doubt the employee should always refuse such gifts. A standard form is available via this [link](#).
36. An employee should not personally receive a gift, prize, hospitality or sponsorship that:
- could compromise their judgment
 - could appear to be a conflict of interest
 - could damage relationship with others; or
 - could indicate any favoritism or prejudice in relation to any particular person or group of people
 - bring the council into disrepute
37. When hospitality, prizes or gifts have to be declined, the person making the offer should be informed of the procedures and standards operating within the Council, in relation to gifts, prizes, hospitality and sponsorship.

Gifts (including bequests)

38. Gifts offered by persons who are providing, or seeking to provide, goods or services to the Council, or who are seeking decisions from the Council, should be refused and returned, as should gifts (other than those of a trivial nature e.g. calendars, diaries, desk sets) offered by those receiving services from the Council.

39. In all cases relating to the receipt of gifts it is wise to err on the side of caution: an obviously expensive gift must be tactfully declined or, if appropriate, donated to the Council for official use, and the relevant Director or the Chief Executive should be advised of the action taken. If a gift is simply delivered it must be returned to the donor or, if appropriate, be donated to the Council for official use, and the relevant Director or the Chief Executive must be advised of the action taken. All such gifts must be registered in accordance with paragraph 53 of this Code.
40. On occasions an employee may become a beneficiary of a will of a service user; this may be the way a service user wishes to express gratitude for the service they have received.
41. Those teams/services which provide personal services to service users have written policies concerning the receipt of bequests by employees. Such policies have been drawn up to protect the interests of both service users and members of staff. Staff should ensure that they have read and comply with such policies.

Hospitality

42. Employees may only accept offers of hospitality if there is a genuine need to exchange information or represent the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community within Gloucestershire and where the Council should be seen to be represented. All such hospitality must be properly authorised by Directors or, in the case of Directors the Chief Executive, and submitted for recording in the Register of Interests, Gifts and Hospitality held by the Monitoring Officer. Exceptions to this rule must be properly authorised and recorded by the relevant Director. In the case of Directors, consent must be obtained from the Executive Director, or in the case of Executive Directors, the Chief Executive
43. Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where the hospitality is corporate rather than personal, or where the Directors (or Chief Executive in the case of Directors) gives consent in advance and where it is clear that any purchasing decisions are not compromised.
44. An offer of hospitality to individual employees calls for special caution particularly if the host is undertaking, or applying to do business with the County Council or hoping to

obtain a decision from it. It is very important to avoid any suggestion of improper influence.

45. A working lunch of modest standards to allow the parties to discuss business would normally be acceptable; this is a case where the hospitality is secondary to a specific working arrangement. On the other hand, it would not be acceptable conduct for an employee to accept such things as: -
- a holiday
 - tickets for concerts, theatre or sporting events
 - the use of a company flat or hotel suite
 - expensive meals or entertainment
46. Hospitality must not be accepted unless the acceptance can be readily acknowledged in public or is similar to that which the Council would provide in the same circumstances.
47. There are occasions when an offer of hospitality of any kind must be declined e.g. when the person offering the hospitality has a current issue with the Council such as a tender under consideration or is involved in a contract dispute.
48. Offers of hospitality accepted or rejected must be registered with the Monitoring Officer. The details to be registered must be in accordance with those shown in paragraph 53 of this Code.

Sponsorship

49. Where outside organisations, contractors or potential contractors wish or seek to sponsor a Council activity, the basic conventions concerning acceptance of gifts or hospitality apply (see paras 34-47 above).
50. Where the Council acts as a sponsor for an event or service, neither an employee or any partner or relative must benefit from such sponsorship without there being full disclosure to an appropriate manager of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Bribery Act 2010

51. The Bribery Act 2010 provides a modern legal framework to combat bribery in the UK and internationally. Staff need to be aware of their obligations under this Act, which sets out the criminality of accepting and giving of bribes. This applies to both individual staff and the Council corporately.

52. The Bribery Act 2010 creates the following offences:

- Active bribery: promising or giving a financial or other advantage;
- Passive bribery: agreeing to receive or accepting a financial or other advantage;
- Bribery of foreign public officials; and
- The failure of commercial organisations to prevent bribery by an associated person (corporate offence).

The penalty under the Bribery Act 2010 is an unlimited fine and/or imprisonment up to a maximum of 10 years.

Full details of the Act can be found at: <http://www.legislation.gov.uk/ukpga/2010/23/contents>

REGISTER OF GIFTS AND HOSPITALITY

53. A register will be maintained by the Monitoring Officer. The following information will be recorded, based on information reported by employees:-

- the person or body making the offer;
- the member of staff to whom the offer was made;
- the gift or hospitality offered;
- the circumstances in which the offer was made;
- the action taken by the member of staff concerned; and
- the action taken (if any) by the Directors (or in the case of Directors, the Chief Executive).

A standard form is available via this [link](#).

Where a suspected breach has been reported a formal investigation will be undertaken and recorded.

DISCLOSURE AND USE OF INFORMATION

54. The Council believes that, subject to the content of paragraphs 54 to 60 below, information should normally be disclosed unless it is in the public interest not to do so. Staff must comply with Data Protection, Freedom of Information and Environmental Information legislation and the associated council policies, procedures and authorisation process. In terms of information for elected members ("County Councillors"), the legal requirements are set out in the Rules on Access to information, set out in the Constitution. If in doubt, seek advice from your manager.
55. Many employees obtain information which has not been made public and/or is confidential. Employees may also have access to personal information about other employees or clients. This information must only be disclosed to a third party where there is a legal responsibility to provide it, or where the employee or client provides a written authority for the information to be provided.
56. The restrictions in paragraph 55 to 61 apply equally to information which an employee may obtain from their employment about a contractor, debtor, or creditor of the Council.
57. No employee, unless specifically authorised by their Director to do so, may communicate to the public or press any information about the discussions or decisions of the County Council or any of its committees or bodies following the exclusion of the public and press, with the exception of information which is required to be published by law. All media interaction must be managed through the Communication Team.
58. As a general rule employees must not enter into any public correspondence or debate on a matter related to their official duties, or in respect of which they hold official information, unless this is done with the consent of their Chief Officer. Further guidance on related matters is contained in the Social Media Policy and Expression of Employee Views documents (both of which are in the Employment Handbook on Staffnet) to which employees should also refer.

Similar considerations exist covering the position of employees invited to participate in press interviews, radio or television programmes, etc., where the subject relates directly or indirectly to their work for the Council. Employees invited to take part in such programmes should discuss the position with their Director and the Communication Team before replying to the invitation.

59. Employees must adhere to the Council's published rules and requirements relating to personal and/or sensitive information, as covered by current Data Protection legislation. In particular, information must not be disclosed to unauthorised people or organisations.

60. Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.
61. Employees must make themselves aware of and comply with published Information Management and Security policies, procedures and standards relating to the protection of information and secure use of ICT systems which are published on Staffnet or the Council's website. A serious breach of the rules is likely to lead to disciplinary action.

POLITICAL NEUTRALITY

62. A protocol on the relationship between officers and members of Gloucestershire County Council gives more information. (Appendix 2)
63. Employees must serve all Councillors and not just those of a single or controlling group, and must ensure that the individual rights of all Councillors are respected.
64. Employees of the County Council are not eligible to stand for office as an elected member of the County Council. Employees, whether or not politically restricted under the terms of the Local Government and Housing Act 1989, must follow every policy of the Council and must not allow their own personal or political opinions to interfere with their work.

Politically Sensitive Posts

65. The Local Government and Housing Act 1989 has the effect of imposing restrictions on public political activity by certain staff of local authorities in politically sensitive posts. Political assistants employed pursuant to Section 9, Local Government and Housing Act 1989 are not wholly bound by these restrictions.
66. The effect of the inclusion of a post in a list of sensitive posts is that the postholder will be prevented from becoming a member of a local authority (except a Town or Parish Council), or a member of the House of Commons or the European Parliament. In addition, regulations prevent them from:-
- holding office in a political party
 - canvassing at elections
 - speaking or writing publicly on matters on party political lines

RELATIONSHIPS

Councillors

67. Mutual respect between employees and Councillors is essential to good local government. However, close personal familiarity can possibly damage working relationships and cause embarrassment. Please refer to the Member/Officer protocol for further advice (Appendix 2).

Contractors

68. All relationships of a business or private nature with external contractors, or potential contractors, must be made known to the employee's immediate line manager. Orders and contracts must be awarded on merit, through fair competition, and no special favour should be shown to businesses run by, for example, friends, partners or relatives. No part of the local community should be discriminated against.
69. Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had, or currently have, a relationship in a private or domestic capacity with such contractors, must declare that relationship to their Director. In the case of Directors, that relationship must be declared to their Executive Director, and in the case of Executive Directors to the Chief Executive.
70. No employee shall purchase for private purposes goods or services from a firm which has dealings with the Council where the firm is offering preferential terms to the individual employee (directly or indirectly) because of a contractual, business or other relationship with the Council. This rule equally applies to the ordering of extra supplies against a contract where the intention is to use the goods privately and pay for them at the Council's contract price, particularly if the employee is aware that the price is not available to the ordinary customer. It would also apply to the use of services of a contractor with whom employees have official contacts as part of their employment with the Council. It also precludes employees from using, for private purposes, any special trading cards which the Council may hold for council business. It does not, however, preclude employees benefiting from general discounts offered by suppliers to all Council employees or made available by the Council or trade unions on behalf of staff generally.

APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

71. It is contrary to the Council's HR policies for an employee to make an appointment/engagement which is based on anything other than the ability of the individual to undertake the duties of the post. Employees must not be involved in an appointment/engagement where they are related to an applicant, or have any personal or business relationship outside work with them.
72. Employees must not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close personal friend.
73. Employees of the Council shall inform their Director or, in the case of Directors the Chief Executive, of any relationship known to them to exist between themselves and a candidate for an appointment/engagement in which they are directly involved. If a candidate deliberately omits to disclose a relationship they will be disqualified. If the omission is discovered after appointment or engagement they shall be liable to dismissal.
74. Employees involved in appointments/engagements must, where practicable, ensure that references are obtained from the current and previous employer of the candidate to whom they wish to formally offer a post. Ideally both referees should be senior persons, one from the candidate's present employer and the other from their previous employer.
75. In the case of applicants leaving full-time education or not having worked since doing so, the Head of School, College, University etc. should be named as one of the referees.

UNDERTAKING ADDITIONAL WORK OUTSIDE OF THE COUNCIL

76. Full-time employees shall devote their whole time service to the work of the Council, and shall not engage in any other business, including self-employment, or take up any other additional appointment without the express written prior consent of their Directors, and in the case of Directors, the Chief Executive. The Director or the Chief Executive reserves the right to withdraw such consent at any time.
77. All prospective employees shall, prior to appointment, provide details on the Council's standard application form of any other employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job. (This information will be examined to see whether any other existing employment(s) is in conflict with the employment being sought with the Council and whether, in overall terms, the total hours of all the employments exceed 48 per week - as per the Working

Time Regulations 1998.) Also, part-time employees must declare any other employment to the Council in order that the latter can ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.

- 78. All employees – full time or part-time – must avoid situations where an actual or apparent conflict between work and personal interests may arise and must inform their manager as soon as possible in the event that any such conflict may arise
- 79. Undertaking unpaid activities outside Council employment may, on occasions, be detrimental to or otherwise conflict with the Council's interests. Employees should be mindful of any potential conflict of interests in such situations.
- 80. No personal business activity or outside work of any sort may be undertaken by an employee during their working hours for the Council.

Consultancy, Lecturing, Fee Paying Work

- 81. Where a request is received for any employee to make a presentation, speak at a seminar or lecture on a course, within their normal field of work and during their normal working hours, the work will be undertaken on behalf of the Council and any fee will be treated as income for the Council.
- 82. Where an employee is approached to undertake fee paying work, they must make sure they are authorised to express opinions on behalf of the Council and should avoid comments which could bring the Council into disrepute. The Council has determined that the fee is to be treated as income for the employee if all the work, including preparation, is undertaken outside normal work hours. In the case of activities which are prepared and/or take place partly during normal working hours, the Council has agreed that half the fee is to be treated as income for the employee, and the remainder paid to the Council. All consultancy, lecturing and other fee paying work must be approved by the employee's Director or, in the case of Directors the Chief Executive.

Intellectual Property

- 83. Intellectual property is a generic term that includes inventions, creative writings and drawings. If these items are created as part of an employee's normal course of employment then, as a general rule, they belong to the Council.

ARREST OR CONVICTION ON CIVIL OR CRIMINAL CHARGES

84. You must, as soon as practicable inform your line manager, at each stage, if you are arrested, charged, cautioned, refused bail, required to attend court, convicted or sentenced for any criminal or civil offence. This does not apply to traffic offences unless this involves a situation relating to the transport of service users, or the possible penalty includes imprisonment or disqualification from driving or involves an official vehicle. Failure to inform will be considered an act of gross misconduct.

MEMBERSHIP OF CLUBS, SOCIETIES AND OTHER ORGANISATIONS WHICH ARE NOT OPEN TO THE PUBLIC AND/OR WHICH HAVE SECRECY ABOUT RULES, MEMBERSHIP, ETC.

85. The intention of this Code and procedures is to ensure transparency and openness and that no reasonable person can question the integrity and motives in connection with your employment with the Council.
86. All employees must declare membership of any organisation which is not open to the public, where there is a commitment of allegiance, and /or which has secrecy about rules, membership or conduct. This declaration needs to be made through completing a form held by each Director.

CONFLICT OF INTEREST

87. Staff are expected to conduct themselves with integrity, impartiality and honesty. Staff should avoid circumstances where private or personal interests have the potential to give rise to allegations or partiality or impropriety which could bring the Council into disrepute.
88. Employees should not involve themselves in any decision or allocation of Council Services or resources from which they, their friends, their partners, persons to whom they are (or are owed) an obligation, or family might benefit.
89. Where employees belong to any club, society, charity or similar body and any person within it or the club, society or similar body itself may benefit from a decision or action employees may take in their work with the Council. All interests must be registered and discussed with their managers. A standard [form](#) is [available](#) via this link.

EQUALITY ISSUES

90. All employees must comply with the Council's policies on equal opportunities in employment and with those relating to service delivery. Employees must also have due regard to any requirements under the Public Sector Equality Duty.

HEALTH AND SAFETY ISSUES

91. Employees must receive and understand information to enable them to work safely and to ensure the health, safety and welfare of any others affected by their work. Employees have an obligation to follow local working practices so that workplace risks are mitigated.
92. No-one should be expected to work unsafely and managers have responsibilities to address workplace risks taking advice where appropriate.

BREACHES OF THE CODE OF CONDUCT

93. Any suspected breach of this Code must be: -
- (a) immediately reported to the appropriate Director or, in the case of Directors, the appropriate Executive Director or, in the case of Executive Directors, to the Chief Executive,
- OR
- (b) be reported through the confidential reporting procedure ("whistle-blowing") for employees, detailed at Appendix 1.
94. Where a suspected breach has been reported, a formal investigation into that suspected breach will be undertaken.

CONFIDENTIAL REPORTING PROCEDURE FOR EMPLOYEES (WHISTLE-BLOWING)

95. Appendix 1 of this Code provides procedures for employees to follow who wish to report, in strict confidence, their serious concerns about any aspect of the Council's work or the behaviour or standard of conduct of other employees or anyone associated with the work and services provided by the Council.

96. Failure to comply with any of the standards detailed in this Code may result in formal disciplinary action, under the council's Disciplinary and Dismissals Procedure, including dismissal in serious cases.

APPENDIX 1

Gloucestershire County Council

WHISTLEBLOWING POLICY

INTRODUCTION

All of us at one time or another have a concern about what is happening at work. Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger, sexual harassment, corruption or malpractice or maladministration (the term used when the council has done something wrong which affects a member of the public) that might affect others or the Council itself, it can be difficult to know what to do.

You may be worried about raising such a concern and may think it best to keep it to yourself, perhaps feeling it's none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the Council. You may decide to say something but find that you have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.

Elected Members and senior managers of Gloucestershire County Council are committed to running the organisation in the best way possible and to do so we need your help. We have updated this policy to reassure you that it is safe and acceptable to speak up and to enable you to raise any concern you may have about malpractice at an early stage and in the right way. **Any reported concern will be taken seriously.** Rather than wait for proof, we would prefer you to raise the matter when it is still a concern.

This policy applies to all those who work for us and with us, including Gloucestershire Fire and Rescue Service, whether full-time or part-time, employed through an agency or as a volunteer. If you work in a school, each school will have its own whistleblowing policy and this can often be found within the 'Code of Conduct and Confidential Reporting Procedure (Whistle-Blowing) for School Employees in Maintained Schools'. However if you do not have access to this policy and cannot raise it with the school governors, you can contact the Head of Education (details on page 3).

The Whistleblowing Policy is primarily for concerns where you witness something which **affects other people** – groups of colleagues, service users, members of the public or the organisation itself.

If, you wish to make a complaint about **your own employment or how you personally have been treated**, please use the grievance procedure or the Dignity and Respect at Work (Anti-Bullying) Policy - which you can get from Staffnet ([links](#)) in the Employee Handbook or your manager or the HR Adviser on Contact Us (01452 425888).

If you have a concern about financial misconduct or fraud, you can contact Internal Audit.

If you have a concern about a health and safety issue that has not been resolved using the steps explained in this policy, you can contact the Safety, Health and Environment (SHE) Team. E-mail: she@gloucestershire.gov.uk telephone: 01452 425350.

If something is troubling you which you think we should know about or look into, if you are not sure which is the right route, or if you want to speak to someone in confidence, please read on.

If in doubt - raise it!

OUR ASSURANCES TO YOU

Your safety

Elected Members and senior managers of Gloucestershire County Council are committed to this policy. Provided you are raising a genuine concern, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue.

If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of reprisal as a result. We will not tolerate the harassment or victimisation of anyone raising a genuine concern and we consider it a disciplinary matter to victimise anyone who has raised a genuine concern.

Your confidence

With these assurances, we hope you will raise your concern openly and at the first opportunity. However, we recognise that there may be circumstances when you would

prefer to speak to someone confidentially first. If this is the case, please say so at the outset. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. You should understand that there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we will discuss with you whether and how the matter can best proceed.

Please remember that if you do not tell us who you are (and therefore you are raising a concern anonymously) it will be much more difficult for us to look into the matter. We will not be able to protect your position or to give you feedback. Accordingly you should not assume we can provide the assurances we offer in the same way if you report a concern anonymously.

HOW TO RAISE A CONCERN INTERNALLY

Please remember that you do not need to have firm evidence of wrong-doing before raising a concern. However we do ask that you explain as fully as you can the information or circumstances that gave rise to your concern.

Step one

If you have a concern, we hope you will feel able to raise it first with your manager or team leader. This may be done verbally or in writing.

Step two

If you feel unable to raise the matter with your manager, for whatever reason, please raise the matter with:

- Your own Head of Service, Assistant Director, or Director or Executive Director
- Piyush Fatania, Head of Audit or Carolyne Wignall, Principal Auditor
- Eleanor Hutchinson, Head of HR
- Gillian Parkinson, Assistant Director of Legal Services
- For Schools: Kirsten Harrison, Director of Education

These people have been given special responsibility and training in dealing with whistleblowing concerns.

If you want to raise the matter confidentially, please say so at the outset so that appropriate arrangements can be made.

Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Robert Ayliffe
Director of Planning, Performance and Change and Monitoring Officer
Gloucestershire County Council
Shire Hall
Gloucester GL1 2TZ
Telephone 01452 328506
Email: <mailto:rob.ayliffe@gloucestershire.gov.uk>

The Monitoring Officer will refer all concerns in relation to possible financial impropriety or irregularity to the Chief Internal Auditor and/or the Chief Financial Officer.

You may wish to use our 24 hour “whistleblowing” answerphone service on 01452 427052 which is managed by Internal Audit or the on-line form [\(link\)](#) which goes direct to the and Monitoring Officer.
raise a concern about malpractice at work.

If you are a member of a trade union, you can contact them for advice.

CONCERNS ABOUT SAFEGUARDING ADULTS AND CHILDREN

The County Council is responsible for investigating concerns about safeguarding adults or children or child protection matters. These should be raised under separate procedures, details below:

If you think someone else is being abused, you must tell someone:

Call the Police

- Telephone 101
- In an emergency telephone 999

For adults, you can contact the Adult Help Desk

- Telephone 01452 426868
- You can also email: socialcare.enq@gloucestershire.gov.uk

For children, you can contact the Children's Helpdesk

- Telephone 01452 426565
- You can also email: childrenshelpdesk@gloucestershire.gov.uk

If you are worried or concerned about anyone under 18 who you think is being abused or neglected or that a child and their family need help and support please call 01452 426565.

HOW WE WILL HANDLE THE MATTER

We will acknowledge receipt of your concern within 10 working days. We will assess it and consider what action may be appropriate. This may involve an informal review, an internal inquiry or a more formal investigation. We will tell you who will be handling the matter, how you can contact them, and what further assistance we may need from you. We will write to you summarising your concern and setting out how we propose to handle it and provide a timetable for feedback. If we have misunderstood the concern or there is any information missing please let us know.

When you raise the concern it will be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, we do ask that you tell us at the outset. If we think your concern falls more properly within our grievance, bullying and harassment or other relevant procedure, we will let you know.

Whenever possible, we will give you feedback on the outcome of any investigation. Please note, however, that we may not be able to tell you about the precise actions we take where this would infringe a duty of confidence we owe to another person. If you have raised a concern anonymously we will not be able to write to you.

While we cannot guarantee that we will respond to all matters in the way that you might wish, we will strive to handle the matter fairly and properly. By using this policy you will help us to achieve this.

If at any stage you experience reprisal, harassment or victimisation for raising a genuine concern please contact the HR Advice Line via Contact Us on 01452 425888. Choose the HR option which is staffed by HR professionals. You may also wish to contact your trade union representative (if you are a trade union member).

There is also the Dignity at Work network which is a group of officers who are one of the first points of contact for any employee who believes they are experiencing unacceptable behaviour. You can email them on dignity@gloucestershire.gov.uk or an up to date list of officers can be found on the Dignity at Work network page on Staffnet [here](#).

Alternatively you can contact any of the people named within this policy , for confidential advice, or your trade union representative.

EXTERNAL CONTACTS

While we hope this policy gives you the reassurance you need to raise your concern internally with us, we recognise that there may be circumstances where you can properly report a concern to an outside body. In fact, we would rather you raised a matter with the appropriate regulator than not at all. The following organisations are possible contact points.

Organisation	Role	Contact details
Action Fraud	Report fraud and cyber crime.	Please refer to Internal Audit first. Tel: 0300 123 2040 Website: http://www.actionfraud.police.uk/report_fraud
Care Quality Commission	Contact them about matters relating to the provision of health and social care.	CQC National Customer Service Centre Citygate Gallowgate

		Newcastle upon Tyne NE1 4PA Tel: 03000 616161 Website: www.cqc.org.uk cqc - contact us - Report a Concern
Charity Commission	Contact them about: the proper administration of charities in England and Wales and of funds given or held for charitable purposes in England and Wales.	Tel: 0300 066 9197 Email: whistleblowing@charitycommission.gsi.gov.uk Website: www.gov.uk/charity-commission
Department for Work and Pensions	Central government department responsible for benefits and pensions	National Benefit Fraud Hotline Telephone: 0800 854 440 (English) Telephone: 0800 678 3722 (Welsh) Textphone: 0800 328 0512 Monday to Friday, 8am to 6pm Find out about call charges You can also report suspected benefit fraud online or by post. National Benefit Fraud Hotline Mail Handling Site A Wolverhampton WV98 2BP
Environment Agency	Contact them about: acts and omissions which	National Customer Contact Centre PO Box 544 Rotherham

	have an actual or potential effect on the environment or the management or regulation of the environment. This includes those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.	S60 1BY Tel: 03708 506 506 Website: www.gov.uk/environment-agency
Equality and Human Rights Commission	The Equality and Human Rights Commission (EHRC) monitors human rights, protecting equality across 9 grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. EHRC is an executive non-departmental public body, sponsored by the Department for Education.	http://www.equalityhumanrights.com/ Advice Line: 0808 800 0082

External Auditors (KPMG)	Objections to the council's accounts.	A guide to your rights can be found at https://www.nao.org.uk/code-audit-practice/wp-content/uploads/sites/29/2015/03/Council-accounts-a-guide-to-your-rights.pdf Objections should be addressed to the auditor, KPMG LLP, 66 Queen Square, Bristol, BS1 4BE.
Health and Safety Executive	Contact them about: •the industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998 •the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work	Tel: 0300 003 1647 Online form: www.hse.gov.uk/contact/raising-your-concern.htm Or contact GCC's Safety, Health and Environment (SHE) Team. E-mail: she@gloucestershire.gov.uk Telephone: 01452 425350.
HM Revenue and Customs	Contact them about: •the administration of UK taxes •the administration of national	HMRC Fraud Hotline Cardiff CF14 5ZN Tel: 0800 788 887 Website: www.gov.uk/government/organisations/hm-revenue-customs/contact/reporting-tax-evasion

	insurance and tax credits systems •customs and border-related functions •criminal investigations	
Information Commissioner's Office	Contact them about: compliance with the requirement of legislation relating to data protection and to freedom of information.	The Information Commissioner's Office Wycliffe House Water Lane Wilmslow SK9 5AF Tel: 0303 123 1113 Email: casework@ico.org.uk Website: www.ico.org.uk
Gloucestershire MPs		Gloucestershire MPs
Office for Environmental Protection	Contact them about public authorities' compliance with environmental law.	Tel: 03300 416 581 Email: enquiries@theoep.org.uk Website: www.theoep.org.uk
Ofsted	Ofsted is the Office for Standards in Education, Children's Services and Skills. We inspect and regulate services that care for children and young people, and services providing education and skills	Complaints about schools and childminders Contact form https://www.gov.uk/com... Complaints about other providers Ofsted inspects Contact form https://contact.ofsted... General enquiries Email enquiries@ofsted.gov.uk Contact form https://contact.ofsted...

	for learners of all ages.	General enquiries 0300 123 1231 Our helpline is open from 8 am until 6 pm, Monday to Friday. Contact Ofsted about concerns Email CIE@ofsted.gov.uk Contact Ofsted about concerns 0300 123 4666
Police	Gloucestershire Constabulary Waterwells HQ	• Telephone 101 • In an emergency telephone 999
Serious Fraud Office	Contact them about: serious or complex fraud, including bribery and corruption, in England, Wales or Northern Ireland and civil recovery of the proceeds of unlawful conduct.	Please refer to Internal Audit first. The Director of the Serious Fraud Office 2-4 Cockspur Street London SW1Y 5BS Website: www.sfo.gov.uk/contact-us/reporting-serious-fraud-bribery-corruption
Trade Union	Formal staff representation.	Gloucestershire County Council recognised list of Trade Unions: https://staffnet.gloucestershire.gov.uk/media/217487/trade-unions-and-professional-associations-may-2017.pdf

MONITORING / OVERSIGHT

The Monitoring Officer has overall responsibility for this policy and will review it annually with the Audit and Governance Committee. They will ensure that a record of concerns raised and the outcomes recorded is maintained in a form that does not breach confidentiality monitor the daily operation of the policy and if you have any comments or questions, please do not hesitate to let one of their team know.

APPENDIX 2

PROTOCOL ON THE RELATIONSHIP BETWEEN OFFICERS AND MEMBERS OF GLOUCESTERSHIRE COUNTY COUNCIL

Introduction

1. The County Council will not function effectively unless elected Members of the Authority and its paid Officers are able to establish and maintain a businesslike and harmonious working relationship that is based on trust and on mutual respect for each other. This is not always easy. The business of the Council touches upon many sensitive and emotive issues. Modernisation has placed Officers and Members under increased scrutiny, demanded many changes to working practices and raised public expectations about the quality of the Council's services. These pressures inevitably create stresses and tensions between Officers and Members, which can undermine good working relationships. It is therefore important to minimise the risk of misunderstandings and to ensure that when difficulties do arise, a framework exists within which they may be resolved.
2. The purpose of this protocol is, therefore, to help foster a clear understanding of Officers' and Members' roles, and to lay down guidelines on what each may expect from the other. The protocol does not and indeed, cannot, cover every eventuality; the sheer variety of the Council's work makes that impossible. Instead, it is intended to strengthen existing good practice and address issues that arise most often. The guidance also provides advice on how to deal with difficulties that do arise, fairly and swiftly, so that the level of trust and mutual respect that is required to enable the Council to function effectively is maintained.

The role of elected Members

The role of County Councillors as Members of full Council and Council bodies

3. Members perform a wide variety of roles. The full Council (which comprises all County Councillors) is responsible for determining the Council's overall policy and budgetary framework. When acting in this capacity, they assume the role of trustees, which means they must ensure the Council's functions are discharged in a sound and businesslike manner. The introduction of executive arrangements has, however, conferred responsibility for the formulation and implementation of

most detailed policies and proposals in the Cabinet. The Cabinet need not be politically balanced and it is therefore entitled to make decisions that reflect the ideology of the political groups who belong to it, since ultimately, the Cabinet is answerable to the electorate. The legitimate expression of political ideology by the Cabinet will often give rise to equally legitimate objection by other political groups, who may quite properly regard themselves as a formal “opposition”. Such opposition may be expressed in full Council or in Scrutiny Committees as constructive criticism that is reflective of political ideology.

The standing of County Councillors as individual Members of the Council

4. By virtue of their membership of Council bodies, some County Councillors may be able to exert more influence over certain kinds of Council business than others but they can only do so through a decision made by the committee or committees that they belong to. By law, the Leader is entitled to delegate functions to its Members. The Leader has determined that Cabinet Members (but not other Members) have power to make decisions that would bind the Authority to a particular course of action. It follows that in law, Members without decision making powers acting in their individual capacity as County Councillors are equals, each having the same rights and responsibilities.

Other roles of County Councillors

5. County Councillors’ activities are confined to their involvement in full Council and Council bodies. Members represent the interests of the people who live within their electoral division and will often be asked to solve day-to-day problems connected with services that are provided by the Authority. County Councillors might have business or other private interests that are affected by the work of the Authority. Members are also part of the local community in their own right and thus receive Council services as consumers.

The role of Officers

The role of Officers in the course of their employment

6. The role of Officers in the course of their day-to-day duties as paid members of staff is to give effect to the Council’s strategy and the policies and proposals of Council bodies, such as the Cabinet and thereby deliver services to the people of Gloucestershire. They do this by providing advice on the options that are

available to Members, planning, managing and actually delivering services to the community in accordance with the decisions that the Council or another Council body makes.

7. Since Officers have a duty to serve the whole Council and to carry out its decisions and those of particular Council bodies, they should act impartially and always do their best to give them effect irrespective of whether they agree with them.

Contact between Officers and Members other than in the course of Officers' employment

8. Officers may also come into contact with Members as constituents or in the course of consuming Council services. From time to time, Officers might also be consumers of services provided by County Councillors who are involved in business, voluntary or other activities. Members and Officers might also come into contact with each other socially, such as when they are members of the same club or some other interest group.

Sources of difficulty

9. The range of Members' legitimate perspectives when discharging their different roles and responsibilities and the potential for contact between Officers and Members in a variety of circumstances, creates a variety of situations that have the potential to cause both groups difficulties. There are three principal sources of conflict:
 - (i) Actual or apparent failure by Officers to act in accordance with the principle of political neutrality;
 - (ii) Unreasonable pressure by Members on Officers;
 - (iii) Blurring of Officers' and Members' public and private roles.

Political neutrality

Supporting the work of the Council

10. Officers (except political assistants) must always exercise great care to ensure they do not and may not reasonably be said to appear to act in a manner that favours one political group over another. This does not mean that Officers (including political assistants) may not implement the policies and proposals of the administration. To the contrary, under executive arrangements the Cabinet stands in the shoes of the Council for all “executive functions” and Officers are under a duty to do all they can to give effect to the Cabinet’s agenda and specific decisions. It follows that Officers should not act in a way that is calculated to deliberately frustrate or undermine a policy or decision of the Council or a Council body although political assistants may do so if expressly instructed by the political party in whose work they are engaged.

Lobbying Members

11. Sometimes, Officers may disagree with one another about how to deal with a particular matter. They should resolve such issues between themselves, consulting with their line managers, if necessary. Officers should **never** lobby Members privately to advance their own or their service’s interest relative to the interests of another Officer, service or the Council as a whole.

Giving advice and providing information

12. In recognising that individual Members and opposition groups have a legitimate right to scrutinise the work of the Authority, Officers should, however, provide **factual** advice to Members who wish to oppose particular policies or decisions. They should also provide any documentary information that is sought for this purpose in accordance with the Council’s Access to Information Procedure Rules. Members should not, however, seek to elicit advice from an Officer about how to undermine the Council’s or the Cabinet’s policies or decisions and, in the event an Officer receives such a request, they should decline to give such assistance. An Officer should **never** provide unsolicited advice to a Member that is calculated to undermine any policy or decision of the Council or a Council body. This paragraph shall not apply to political assistants to the extent that they are expressly instructed by the political party in whose work they are engaged.
13. In circumstances when an Officer is asked to provide advice or information to a Member and it is proper that it should be supplied, the Officer must ensure the advice that is given is **full** and **accurate** and that it is provided **promptly**. Officers should also avoid withholding advice or information that is plainly relevant to and

embraced by any request for assistance. In other words, Officers should always be **helpful** in the way they deal with any enquiry by a Member provided that in giving such help they comply with paragraphs 8 to 11 of this guidance. Officers must never fail to advise any Member about a risk that their conduct might break the law, breach Council policy, or be contrary to the budget if ever they become aware of such a risk.

Confidentiality

14. Information and advice should normally be provided to Members in confidence and should not, therefore, be copied to any other Member unless disclosure has been expressly authorised. If, however, an Officer who is asked to provide information believes it would, if disclosed more widely, be of benefit to the Council as a whole, they may provide the information to others. Before they do so, they should, however, consult the County Councillor who asked for the information and their Director or Head of Service.
15. Members must give due regard to Officer's advice on the sensitivity of any information or advice that they receive by virtue of their position. They should take care not to release any such information inappropriately, without good reason. In no case should any information, which is confidential or exempt in law, be disclosed. If Officers have concern about a County Councillor's action in this regard, they should inform their Director or Head of Service who will discuss the issue with the relevant Group Leader and the Monitoring Officer. Members and Officers should be aware that unresolved breaches of this duty may be referred to the Audit and Governance Committee of the Council.

Dealing with the Press

- 16 Particular care must be exercised in dealing with the media. Officers, including political assistants, must not criticise the policies of the County Council, any other Council body or a Member of the Council in the media in their capacity as employees of the Authority. Political assistants may prepare press releases on behalf of their groups that are critical of the County Council or any Council body or Member. All political group press releases must be issued in the name of the political group that produces the press release and include the name of the relevant County Councillor. The name and contact details of the political assistant may be included but only in order to obtain further information and it must be clear that the political assistant is not the author of the press release. If

a press release is prepared by a political assistant, that Officer must ensure, so far as is reasonably practicable, that the information it contains is factually correct.

Member pressure on Officers

17. Except in relation to political assistants, Members should respect Officers' political neutrality. They should not, therefore, ask an Officer (except political assistants) to act in any way that would cause an Officer to confer an improper advantage on their group or disadvantage another group or Member.
18. Members should also respect Officers' professional judgment. This does not mean Members are obliged to accept Officers' advice. Nor does it preclude Members' testing Officers' advice, robustly if necessary. If, however, an Officer does not share an opinion that is urged upon them by a Member, the Member should not insist or place an Officer under undue pressure to depart from their firmly held professional opinion.
19. Although Members are entitled to depart from Officers' advice, they should avoid criticising Officers or their advice in public. Complaints about the conduct of an Officer should be made privately to the Officer's Director of Service or another appropriate senior Officer.
20. Members should bear in mind that Officers are often obliged to balance very many tasks. They should, therefore, exercise reasonable restraint in making demands of Officers for advice or information. Thus, in responding to any request in accordance with paragraph 12 of this protocol, Officers should normally be allowed a reasonable period of time to provide advice and information. Members should also avoid, so far as is possible, making repeated or excessive requests for advice or information. If an Officer indicates that they can provide no further assistance in respect of a particular matter, that advice should normally be accepted or referred to the Officer's line manager. Particular care must be exercised when corresponding with Officers by email; excessive use of this tool can be extremely costly of both Members' and Officers' time.
21. In seeking information or advice, Members should take care to avoid placing undue pressure on junior or inexperienced Officers. Instead, the matter should be taken up with the Officer's Director of Service or another senior manager.

Blurring of Officers and Members public and private roles

22. Some Officers have specialist professional, technical or other qualifications or skills. Their contract of employment, however, usually forbids any other paid employment save that carried out for and on behalf of the Authority. Moreover, if Officers are to be and appear to behave politically neutral, they should avoid doing anything that might appear to indicate too close a relationship with the Member of any political group. A Member should not, therefore, ask or encourage an Officer and an Officer should not offer or agree to provide any service to that Member, whether or not for reward, for any purpose that is unconnected with the business of the Council.
23. The need to maintain Officers' political neutrality means that it will normally be inappropriate for them to maintain close social or private business relationships with a Member.
24. Members whose business interests bring them into contact with Officers in the latter's capacity as employees of the County Council must take care to ensure that they comply with the Council's Code of Conduct for Members and the law. For their part, Officers must ensure they comply with the Council's Contract Procedure Rules.
25. More generally, Officers and Members must not use any relationship they have formed with each other by virtue of their office to secure any kind of personal advantage. They must also take care not to give the impression or appearance that their formal relationship is or might be used for personal gain.

The role of Group Leaders and senior Officers

26. Sometimes, issues will arise that do not fit comfortably within this guidance. At other times, an Officer or Member may feel aggrieved by what they perceive to be a breach of this protocol. In each case an Officer (including a political assistant) should normally consult their Director of Service or another senior manager for guidance on how best to act. For their part, Members should normally seek advice from their Group Leader or any other person that their Group Leader nominates to advise on relationships between Officers and Members.

Conclusion

27. Although this protocol is not intended to lay down absolute or comprehensive guidance on the relationship between Members and Officers, it may be a relevant consideration in the determination of disciplinary action against an Officer under the Authority's disciplinary procedures. It may also be relevant to the determination of a complaint against a Member referred to the Monitoring Officer and/or the Council's Audit and Governance Committee alleging a breach of the Code of Conduct for Members.
28. Finally, it should be borne in mind that the foundation of harmonious and businesslike working relations between Members and Officers is built upon notions of mutual trust, respect and an overriding commitment to the best interests of the people of Gloucestershire. Provided Members and Officers strive to uphold these principles the Council is likely to remain focused on its primary goal, which is to provide high quality and continually improving services for the benefit of local people.

Protocol on Member and Officer attendance at meetings of other public authorities

This protocol is agreed by:-

Gloucestershire County Council
Cotswold District Council
Tewkesbury Borough Council
Cheltenham Borough Council
Forest of Dean District Council
Stroud District Council
Gloucester City Council

1. An Authority may request through its Head of Paid Service officers and/or members of another Authority to attend at a meeting or meetings of the Authority or any of its committees, subcommittees, boards, panels or other gatherings being held at its offices. The purpose of such attendance is limited to assisting that Authority in the conduct of its business including reviewing the effects of, but not scrutinising, decisions of another Authority.
2. All such requests shall be made in writing to the Head of Paid Service of the Authority, normally at least 10 working days before the date of requested attendance (although time limits in an Authority's constitution may affect this period of notice) and shall include the following information.
 - The date, time, location and anticipated duration of the attendance requested.
 - The name of the person(s) whose attendance is requested.
 - If a particular person's presence is requested the reason for selecting that person.
 - A summary of the matter in respect of which attendance is requested.
 - All questions which reasonably can be anticipated will be put to any person(s) attending (it is accepted that answers to questions may lead to further questions).
 - The names of the person(s) who will be putting questions.
 - A list of the names of all other persons expected to attend.
 - The name and telephone number of the responsible officer as a point of contact for the person attending.
3. The Head of Paid Service receiving such a request shall respond to the request within five working days stating:
 - Whether anyone will attend.
 - Whether attendance will be as requested or that alternative arrangements will be necessary.

- Whether the particular person(s) whose presence is requested will attend and/or whether in their place, or in addition, some other person will attend and who that person will be.
 - Whether the questions specified in the request will be answered either at all or to some limited extent (in which case reasons will be given) or fully. In the event that there will be no attendance, whether and if so how and when, the questions notified will be responded to.
4. All questions shall relate to facts and not opinion although the person attending may express opinions.
 5. The person(s) attending may only decline to answer any question on the grounds of competence or knowledge.
 6. All reasonable expenses relating to the attendance(s) will be met by the Authority responding to the request.
 7. All persons attending in response to a request shall at all times be treated with the highest standards of courtesy and respect and shall not under any circumstances be bullied, harassed or abused.

Members' Protocol on Gifts and Hospitality

1. Introduction

- 1.1 The Members' Code of Conduct provides, by way of guidance to Members of Local Authorities, recommended standards of conduct in carrying out their duties and in their relationship with the Council and the Council's Officers.
- 1.2 In relation to gifts and hospitality, the Code requires you to register with the Monitoring Officer any gift and hospitality worth £25 or more you have received.
- 1.3 This protocol is written to provide all County Councillors with guidance on issues regarding gifts and hospitality and to set out the arrangements for recording offers which Members receive in a register.

2. What types of gifts and hospitality should be registered.

- 2.1 All County Councillors should remember that what may seem perfectly acceptable to them when receiving gifts and hospitality may be construed differently by the public or their fellow County Councillors. Members should be aware of the importance of the perception of others and guard against the suspicion of misconduct.

2.2 Gifts

- 2.2.1 County Councillors must not accept significant gifts such as holidays, expensive jewellery, televisions, etc. from contractors, suppliers or anyone who may be affected by decisions made by the Council in any circumstances. Such gifts must be politely but firmly declined. Significant gifts from members of the public must be treated similarly.
- 2.2.2 When it is impossible to refuse gifts, e.g. if a gift is delivered and cannot be returned, then it should be passed to the Chief Executive for official use or transmission to a local charity.
- 2.2.3 If you are in any doubt about accepting a gift the offer should be declined.
- 2.2.4 All gifts, whether they are accepted or rejected, other than those accepted under paragraph 2.2.3 above, must be notified to the Council's Monitoring Officer and recorded in the register kept for that purpose.

- 2.2.5 In all cases relating to the receipt of gifts, it is wise to err on the side of caution, if there is any shadow of doubt in your mind, the safest answer is always "No".
- 2.2.6 It is recognised that there is the need to make exceptions for gifts of an insignificant nature which are given to County Councillors as a consequence of normal commercial practice.
- 2.2.7 It is arguable that small gifts, for instance advertisement material, calendars, diaries, pens and pencils, and other tokens sometimes given at Christmas, may be acceptable if they are part of a general distribution. Such items are those which are given to a wide range of people and are not personal only to the County Councillor. These may be accepted without the need for authority and recording. However, County Councillors must remember that they are responsible for determining whether a gift should be accepted and they may be called upon to justify their decision.

2.3 Hospitality

- 2.3.1 It is probably more difficult to provide definitive guidelines on hospitality than it is for gifts. It can be argued that a reasonable amount of entertainment is a normal part of the courtesies of public life and extreme strictness can give unnecessary offence to people and organisations with whom the Council's relationships should be cordial.
- 2.3.2 Hospitality of a reasonable degree may therefore be accepted in reasonable circumstances, provided no extravagance is involved. However, if the person offering is seeking, or is likely to seek, to do business with the Council or to gain some advantage which the Council can give, then extreme care needs to be taken. It is essential to avoid any suggestion of improper influence.
- 2.3.3 Rigid definitions of what is acceptable are difficult to provide. County Councillors are expected to exercise common-sense and judgement. If there is any doubt an offer must be declined and referred to the Monitoring Officer for recording in the register.
- 2.3.4 The following are examples of hospitality and general guidance on acceptability:

Conferences	As a general rule, you should not accept offers of hospitality when these are specific to you or only a small number of colleagues, e.g. whilst it would be acceptable to receive a free meal, which is offered to all
-------------	--

	delegates, it would not be acceptable for an individual to be wined and dined by a company representative.
Visits to suppliers /potential suppliers	Where visits to inspect products, equipment, etc. take place, then County Councillors should ensure that the Council meets the costs, to avoid jeopardising the integrity of subsequent purchasing decisions. Whilst a modest meal in such circumstances may be acceptable, expensive meals should not be accepted.
Travel	Free or discounted transport should not be accepted unless: 1. the offer is of a corporate nature open to all County Councillors; or 2. it is travel which involves legitimate participation by the County Council in promotional events and, in either case, it has been approved on behalf of the Council.
Meals	Where there is an ongoing working relationship between the County Councillor and an outside organisation or individual and the relationship occasionally involves hospitality such as working lunches, a working lunch to allow parties to discuss business would normally be acceptable if the hospitality is secondary to a specific working arrangement.
Sporting and social events	Sporting and social functions should only be accepted if they are part of the life of the local community and/or where the Council should be seen to be represented. Examples include: competitions involving local teams; representative gatherings of community interest groups; meetings of public organisations; and events organised to celebrate achievement affecting the County of Gloucestershire. Invitations to major sporting and social events, such as international or national sporting fixtures, golf days, theatre visits, social gatherings as a guest of a contractor/prospective contractor or other commercial body, must be declined.

2.3.5 When considering offers of hospitality, County Councillors should always remember that they should be in a position to readily acknowledge and justify acceptance in public. At the end of the day, it is important to remember that there is very little a local government County Councillor can properly accept in the way of gifts or hospitality.

3. The Register of Gifts and Hospitality

3.1 A register is to be maintained by the Council's Monitoring Officer detailing every offer of a gift or hospitality (other than those exemptions identified above) offered to all County Councillors.

3.2 The following information will be recorded and will be available for inspection:

- The Member to whom the offer was made;
- The person or body making the offer;
- The gift or hospitality offered;
- The circumstances of the offer;
- The action taken by the Member concerned.

4. Breach of Gifts and Hospitality Procedure

A breach of the Members' Code of Conduct may be regarded by the Local Government Ombudsman as incompatible with good administration and they may make a finding of maladministration against the Council in these circumstances.

Members Allowances Scheme 2026/27

The structure of the County Council's Members Allowances Scheme has been developed by a Panel independent of the County Council.

1. BASIC ALLOWANCE

All Members of the County Council are entitled to a Basic Allowance. The Allowance is intended to recognise the community representative role that all Members undertake which embraces:

- Being accessible and available to all individuals resident in the Electoral Division;
- Ensuring local views within the Division are fed into the decision-making structure of the Council;
- Undertaking individual case work;
- Representing the interests of the whole Council area;
- Attending meetings of any body of the County Council.

The Basic Allowance for 2026/27 is:

£ 12,964.84 per member

2. SPECIAL RESPONSIBILITY ALLOWANCES

The distribution of responsibilities and allowances for 2026/27 are as follows:

(a) Leader of the County Council:

Allowance: £ 39,632.60

(b) Group Leader (provided five or more group members):

Allowance: £7,552.69 each

(c) Group Leader of a group consisting of less than five members

Allowance: £1,510.01 per member of the Group, providing a minimum of two members.

(d)	Cabinet Member:	
	Allowance:	£22,170.17 each
(e)	Chair of Scrutiny Committee:	
	Allowance:	£7,552.69 each
(f)	Chair of Planning Committee:	
	Allowance:	£7,552.69
(g)	Chair of Audit and Governance Committee:	
	Allowance:	£7,552.69
(h)	Chair of Pensions Committee:	
	Allowance:	£7,552.69
(j)	Chair of the Council:	
	Allowance:	£11,317.35
(k)	Vice-Chair of the Council:	
	Allowance:	£3,395.54
(l)	Member of Fostering Panel:	
	Allowance:	£6,801.65

3. OTHER ALLOWANCES PAYABLE BY THE COUNTY COUNCIL FOR PERFORMING APPROVED DUTIES:

[Note 1: Regulation 8 of the Local Authorities (Members' Allowances) (England) Regulations 2003 states that payment of travel and subsistence can only be made for attendance at meetings within one or more of the following categories:

- (a) The attendance at a meeting of the Authority or of any committee or sub-committee of the Authority, or of any other body to which the Authority makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) The attendance at any other meeting, the holding of which is authorised by the Authority, or a committee or sub-committee of the authority, or a joint committee of the Authority and one or more Local Authority within the meaning of Section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that:
 - (i) Where the Authority is divided into two or more political groups it is a meeting to which Members of at least two such groups have been invited; or
 - (ii) If the Authority is not so divided, it is a meeting to which at least two Members of the Authority have been invited;
- (c) The attendance at a meeting of any association of authorities of which the Authority is a member;
- (d) The attendance at a meeting of the executive or a meeting of any of its committees, where the Authority is operating executive arrangements;
- (e) The performance of any duty in pursuance of any Standing Order made under Section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened;
- (f) The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorize the inspection of premises;
- (g) The performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at any school approved for the purposes of Section 342 (approval of non-maintained special schools) of the Education Act 1996; and

- (h) The carrying out of any other duty approved by the Authority, or the Chief Executive acting under delegated powers, for the purpose of, or in connection with, the discharge of the functions of the Authority or of any of its committees or sub-committees.”

Note 2: Members’ homes are regarded as their work base for the purpose of claims and a specified number of visits to Shire Hall each year for “contact” purposes should be regarded as an “approved duty” for the purposes of travel claims. Further advice will be issued from time to time listing activities for which travel and subsistence may be claimed.

Note 3: County Council has resolved that a travel allowance may be payable to County Councillors on journeys to and from parish and town council meetings within their division. This should apply to full town or parish council meetings only and the County Councillor should not be a member of that particular parish or town council.

(a) Travelling

1.1 By Public Transport Services

The actual fares paid supported by receipts. Members should be reimbursed for the actual cost of a rail ticket up to the cost of an open standard return. Train tickets can be arranged through Democratic Services.

Actual expenditure (receipts should be provided) incurred on:

- (a) Reservation of seats;
- (b) Porterage of baggage;
- (c) Sleeping accommodation on an overnight journey.

1.2 Taxi-cabs

Taxi-cab fares (including a reasonable gratuity) may be paid in cases of urgency or when no public service is reasonably available. Receipts should be provided.

1.3 Member’s Private Motor Vehicles

The rates of allowance shall be in accordance with the HMRC authorised mileage allowance rate.

1.4 Bicycles

An allowance of 20p per mile (all mileage) is payable on condition the bicycle is roadworthy, the rider wears protective headgear, appropriate high visibility clothing and has third party insurance.

1.5 Motor Cycles

24p per mile (all mileage)

1.6 Hired Cars

The rate for travel by a hired motor car vehicle other than a taxi cab shall not exceed the rate which would have been applicable had the vehicle belonged to the Member who hired it, provided that where the County Council so approves the rate may be increased to an amount not exceeding the actual cost of hiring.

1.7 Miscellaneous expenses

Actual expenditure on tolls, ferries and parking fees
Where possible, receipts should be obtained

(b) Subsistence Allowances

When attending meetings of the Council or of other bodies, for which Members are entitled to claim travel and subsistence costs, reasonable subsistence costs will be reimbursed (on presentation of receipts) if the meeting started or finished between 12.30 and 14.30 and no food was provided.

No subsistence costs will be reimbursed in relation to attendance at meetings within the Shire Hall complex.

(c) Carers' Allowance

A Member may claim a carer's allowance where they have incurred expenditure on engaging a carer for a dependant in order to attend a 'designated' meeting and/or carry out approved duties, subject to the following:

- For an allowance to be payable the dependant being cared for needs to be in one of the following groups:
- A child under 14 years of age;
- An elderly person;

- A person with a physical or mental disability;
- A person with a learning disability;
and live with the Member as part of the Members family and is unable to be left unsupervised.
- A carer (i.e., the person being paid to act as carer while the Member is carrying out their County Council duties) is defined as someone who does not normally live with the Member as part of the Members family and is not part of the extended family.
- Subject to the above, Carers Allowance claims can be made for the actual cost of providing dependent care, with no maximum amount, subject to appropriate auditing procedures being carried out.
- The claim should be included on the standard County Councillors claim form, with a receipt from the carer attached (see Section 4 below).

The Inland Revenue view the payment of carers' costs as a taxable benefit, so any payments will be subject to tax.

LOCAL GOVERNMENT ASSOCIATION (LGA)

County Councillors who are appointed to serve on the LGA or any of its Committees can claim for mileage/subsistence/fares for attending meetings of those forums.

4. HOW DO I CLAIM?

There is no need to claim basic and special responsibility allowances; these will be paid automatically each month.

Claims for travelling and subsistence expenses should be made monthly with all receipts attached. There is a three month time limit on expense claims being presented, with any claims submitted outside of that time limit, not being paid unless agreed by the Chief Executive that the delay was for good reason.

Members must use SAP Concur website to submit their expense claims. Support can be provided by Democratic Services.

(a) RECOVERY OF VAT ON SOME COUNTY COUNCILLORS' EXPENSES

HM Revenue & Customs have advised us that the VAT element of some types of County Councillors' expenses can now be recovered by the County Council. VAT can be reclaimed where the full cost of expenses are being reimbursed.

The following is a list of the most likely types of expenses where VAT could be reclaimed:

- Hotel accommodation and sundries;
- Full cost of meals, e.g. on trains;
- Car parking and tolls;
- Taxi fares (if driver is VAT registered).

To enable the County Council to recover the VAT, please obtain a VAT receipt/invoice, either made out to GCC or in your name and attach it to your monthly expenses claim form.

(b) INCOME TAX

At the end of the tax year, the Executive Director of Corporate Resources has to notify the Inspector of Taxes of the amounts paid during the tax year and a form P60 will be issued to each Member showing details of the information given to the Inspector. When a Member ceases to hold office, a form P45 is issued to the Member, a copy of which is sent to the Inspector.

As part of the Self Assessment arrangements for income tax the Inland Revenue do expect individuals to keep records of pay/allowances received and receipts for expenses, which should be obtained wherever possible.

(c) NATIONAL INSURANCE CONTRIBUTIONS

1. Irrespective of any involvement in other employment or office, contributions will be payable at the appropriate current rate.
2. Contributions are to be calculated by reference to the total gross earnings used for tax purposes paid in each pay period, irrespective of the period in which they are earned or relate. The pay period for this purpose will be one calendar month.
3. Members that are over State Pension age, currently 60 for women and 65 for men, do not have to pay employee's contributions. In order for the County Council not to deduct National Insurance, from the Members Allowance, the Member must provide a Certificate of Age Exception. This certificate can be obtained by applying to the National Insurance Contributions Office, a department of HM Revenue & Customs.
5. At the end of the tax year the Executive Director of Corporate Resources has to notify HM Revenue & Customs of the amounts of National Insurance deducted during the year. This will be reported along with the income tax deducted (see 4b above). It will also be included on form P60, with the deductions of tax that will be issued to each Member.

(d) SOCIAL SECURITY BENEFITS

H M Revenue & Customs will regard "Member allowances" as a gain from employment. It is important, therefore, that a Member in receipt of any State Benefits (e.g. Job Seekers Allowance or Disability Working Allowance) should inform the payer of the benefits irrespective of whether or not they claim the allowances payable by the County Council.

5. RENUNCIATION AND WITHHOLDING ALLOWANCES

- 5.1 A Member who is a County Councillor may by notice in writing to the Executive Director of Corporate Resources elect to forego all or any part of their entitlement to a basic or special responsibility allowance.

The election may be for an amount, which the Member can then require to be paid to a charity (or charities) under the "give as you earn" scheme. There is now no maximum limit which can be paid to charity.

6. REIMBURSING EXPENSES FOR NON-ELECTED REPRESENTATIVES

Non-elected representatives who are co-opted onto Council committees may claim travel subsistence and carers' allowances in the same way as elected members of the County Council. This includes but is not restricted to members of the Independent Remuneration Panel (IRP), the Gloucestershire Police and Crime Panel and Independent Persons (Standards).

In light of the time commitment required of the members of the IRP, as of June 2023, the following payments will be made on an annual basis:

Chair of the IRP - £1,060
Members of the IRP - £404

For subsequent years, the allowances will be index-linked to the employee pay award as negotiated nationally through the National Joint Council for Local Government Services ('Green Book') conditions of service (for employees attached to Grades 1- 11), and automatically increased accordingly.

7. FURTHER INFORMATION

Please contact Democratic Services at Shire Hall.

Members' Parental Leave Scheme

1 INTRODUCTION

- 1.1 This policy sets out members' entitlement to maternity, adoption and neonatal care leave allowances.

- 1.2 The objective of the policy is to ensure that members are able to take appropriate leave at the time of the child's birth or adoption, or when the child is receiving neonatal care, that both parents are able to take leave, and that reasonable and adequate arrangements are in place to provide cover for portfolio-holders and others in receipt of Special Responsibility Allowances (SRA) during any period of leave.
- 1.3 Improved provision for new parents will contribute towards increasing the diversity of experience, age and background of councillors. It will also assist with retaining experienced councillors, particularly women, and making public office more accessible to individuals who might otherwise feel excluded.

2 LEAVE PERIODS

- 2.1 Members giving birth are entitled to up to six months' maternity leave from the due date, with the option to extend up to 52 weeks by agreement with the relevant Group Leader or, where a member is a Group Leader or is not a member of a political group, the Chair of Council in consultation with the Monitoring Officer.
- 2.2 Members are entitled to take two weeks' paternity leave if they are the biological father or nominated carer of their partner/spouse following birth.
- 2.3 A member who adopts a child through an approved adoption agency shall be entitled to take up to six months' adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement with the relevant Group Leader or, where a member is a Group Leader or is not a member of a political group, the Chair of Council in consultation with the Monitoring Officer.
- 2.4 If a member is a parent of a baby who requires neonatal care for 7 consecutive days or more within the first 28 days of the baby's life, in addition to the above, they are entitled to up to twelve weeks of neonatal care leave.
- 2.5 Any member who takes leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six month period unless Council agrees to an extended leave of absence prior to the expiration of that six month period. The normal expectation is that Council will approve an absence period of more than six months.
- 2.6 Any member intending to take maternal, paternal or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements of the Council, both in terms of the point at which the leave starts and the point at which they return.

- 2.7 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.

3 BASIC ALLOWANCE

- 3.1 All Members shall continue to receive their Basic Allowance in full whilst on leave.

4 SPECIAL RESPONSIBILITY ALLOWANCES

- 4.1 In line with the GCC staff scheme, members entitled to a Special Responsibility Allowance (SRA) shall receive the following:
- Weeks 1 to 6 – 90% of SRA
 - Weeks 7 to 18 – 50% of SRA
 - Weeks 19 to 52 – no payment but retain the right to return to same position or an alternative position with equivalent status and remuneration.
- 4.2 SRAs for up to two weeks' paternity leave will be paid at the full rate.
- 4.3 SRAs for neonatal care leave will be paid at the full rate.
- 4.4 In the event of the political control of the Council changing and a member no longer holds the same position, the member's leave will end at that time.
- 4.5 Where a replacement is appointed to cover the period of absence that member shall receive an SRA for the period of the temporary appointment.

5 RESIGNING FROM OFFICE AND ELECTIONS

- 5.1 If a member decides not to return at the end of their leave they must notify the Council at the earliest opportunity. All allowances will cease from the effective resignation date.
- 5.2 If an election is held during the member's leave and they are not re-elected, or decide not to stand for re-election, their Basic Allowance and SRA if appropriate will cease from the Monday after the election date when they would have left office.

6 REPRESENTATIVE ROLE

- 6.1 Wherever possible, political groups will put arrangements in place to help with casework and related issues.
- 6.2 Democratic Services will provide help and advice where appropriate, and arrange for officers in service areas to respond to enquiries. For example, highways officers will be able to deal with enquiries relating to the condition of local roads or safety concerns.

7 REVIEW

- 7.1 This policy will be reviewed to ensure that it continues to reflect the provisions in the relevant policies for Council staff.
- 7.2 Should any dispute arise over the interpretation of this policy, reference will be to the relevant GCC staff policies and the Monitoring Officer, in consultation with the Section 151 Chief Finance Officer, will determine the position.

PROTOCOL ON DECISIONS TO BE TAKEN BY EXECUTIVE MEMBERS

1. INTRODUCTION

- 1.1 This Protocol provides a framework within which Executive Members personally will take decisions. The authority for them to do this is in the Scheme of Delegation set out in Part 3, Section 5 of the Council's Constitution.
- 1.2 It forms part of the Council's Constitution and therefore must be followed. Failure to comply with the Council's Constitution or this Protocol would undermine good corporate governance and the legality of decisions.

2. CONTEXT

- 2.1 The Rules on Access to Information about the County Council's Formal Business and the Call-in Procedure Rules set out in Part 4 of the Council's Constitution and the law require publication of information
 - 2.1.1 Before and after the Cabinet takes any decisions;
 - 2.1.2 Before and after any key decisions are taken by Executive Members or Officers;
 - 2.1.3 After non-key decisions are taken by Executive Members.
- 2.2 In addition to these publication requirements, information will normally be published in relation to non-key decisions before they are taken by Executive Members.
- 2.3 Key decisions are explained in the Rules on Access to Information about the County Council's Formal Business set out in Part 4 of the Council's Constitution

3. DECISION MAKING FRAMEWORK

3.1 Publication of information before decisions are taken by Executive Members

- 3.1.1 Where any decision is to be made by an Executive Member, the Chief Executive, Director or Head of Service will prepare a report about that decision. The information, which must, as a minimum, be included in the report, is specified in the Scheme of Delegation set out in Part 3, Section 5 of the Council's Constitution.
- 3.1.2 A copy of the report shall be sent to the Head of Democratic Services at the same time as it is sent to the Executive Member. Subject to the Rules on

Access to Information about the County Council's Formal Business, the Head of Democratic Services will publish the report as a "decision to be taken" by sending it to

- (a) Group Leaders;
- (b) Chairs of the relevant Scrutiny Committees;
- (c) Relevant Local Member(s);
- (d) The Chief Executive and all Directors;
- (e) Press;
- (f) County Council's web site;
- (g) Remaining Members of the Council by email;
- (h) Political Assistants by email.

3.1.3 Unless the Rules on Access to Information about the County Council's Formal Business set out in Part 4 of the Council's Constitution have been complied with, key decisions by Executive Members will not be taken until at least five days have elapsed after the report has been published by the Head of Democratic Services.

3.1.4 Non-key decisions by Executive Members will not normally be taken until at least five days have elapsed after the report has been published by the Head of Democratic Services. The Chief Executive will decide whether a decision may be taken before five days have elapsed. If it is, that fact and the reason for it, will be published with the report

3.1.5 Publication will normally take place on each Friday afternoon.

3.1.6 In taking the decision, the Executive Member will take into account any representations received since the "decision to be taken" was published.

3.2 Publication of information after decisions are taken by Executive Members

3.2.1 The report about a decision will form the formal decision record and an original signed by the Executive Member will be sent by the relevant Officer to the Head of Democratic Services immediately a decision is taken.

3.2.2 The Head of Democratic Services will, on a weekly basis, publish as a "decision taken", a list of all decisions taken by Executive Members since the last list was published.

3.2.3 Publication will normally take place on each Friday afternoon and will be undertaken in the same way as publication of the report.

- 3.2.4 Decisions taken by a Cabinet Member shall be reported to the next ordinary meeting of full Council.

3.3 Calling in executive decisions

The Call-in Procedure Rules set out in Part 4 of the Council's Constitution apply to all decisions taken by Executive Members. The call-in process starts from when the “decision to be taken” report is published.

3.4 Proformas

All stages of the Executive Member decisions process will be supported by standard proformas.

3.5 Confidential and Exempt Information

In accordance with the Rules on Access to Information about the County Council's Formal Business set out in Part 4 of the Council's Constitution confidential and exempt information will not be published

4. REVIEW

This Protocol will be reviewed from time to time by the Constitution Committee which will consider changes to reflect best practice and the highest standards of good governance.

Gloucestershire County Council Petition Scheme

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. In the first instance you should always try to speak to an officer in the relevant department or your local county councillor to discuss your particular concerns.

Anyone wishing to organise a petition should contact Democratic Services (Tel: Stephen Bace 01452 324202, email stephen.bace@gloucestershire.gov.uk) who will provide advice on the procedures that apply. It may be that in some instances it is more appropriate for issues to be raised in other ways – for example through your local councillor or the complaints process.

All petitions sent or presented to the Council will receive an acknowledgement from the Council within 5 working days of receipt, and within 20 working days of receipt of the petition, we will set out what we plan to do with the petition.

Paper petitions can be sent to the address below or be created, signed and submitted online.

Gloucestershire County Council
c/o Democratic Services
Shire Hall
Gloucester
GL1 2TG

You can also request that your local county councillor presents a petition at a full Council meeting. Dates and times can be found here (<https://glostext.gloucestershire.gov.uk/ieListMeetings.aspx?CId=333&Year=0>).

Please contact Democratic Services (tel: Stephen Bace 01452 324202, email stephen.bace@gloucestershire.gov.uk) at least 10 clear working days before the meeting and they will talk you through the process.

To come within the scheme and trigger a response a petition needs a minimum of 25 signatures from people who live, work or study in Gloucestershire. Petitions with fewer signatures can still be submitted but they will not be treated in accordance with this scheme.

If your petition has received 5,000 signatures or more it will be scheduled for a Council debate and, if this is the case, we will let you know when this will take place.

What are the guidelines for submitting a petition?

Petitions submitted to the Council should relate to a matter which is a function of the Council or relate to the economic, social or environmental well being of Gloucestershire. They should have at least 25 signatures and must include:

- A clear and concise statement covering the subject of the petition and include details of what action the petitioners wish the Council to take.
- The name, the address in Gloucestershire where they live work or study and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including an address for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the

reasons. The Council's statutory officers (Head of Paid Service, Chief Financial Officer or Monitoring Officer) will be responsible for determining the validity of a petition. In addition, the Monitoring Officer can accept signatures from people living, working or studying outside the county border where, for example, there is an issue which is relevant to Gloucestershire and also to an area that borders the county.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within five working days of receiving the petition. Within 20 working days we will provide a written response to the petition organiser.

If the petition affects a particular area the county councillors covering that area will be informed that a petition has been received.

If the petition has enough signatures to trigger a Council debate, then the acknowledgment will confirm this and tell you when and where the meeting will take place.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as a school admission appeal, other procedures apply.

If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will refer the petition to the relevant body and ask that they provide a response to you.

Full Council debates

If a petition contains more than 5,000 signatures it will be debated by the full Council. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. Petitions must be received by Democratic Services at least 10 clear working days ahead of the meeting.

The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for 15 minutes. This may be extended at the discretion of the Chair of Council up to a maximum of 30 minutes.

The options open to the Council are limited. The Council may simply decide to note the petition. Where the issue is one on which the Council executive is required to make the final decision, the Council will decide whether to make recommendations to inform that decision.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures.

If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within five working days and a formal response within 20 working days.

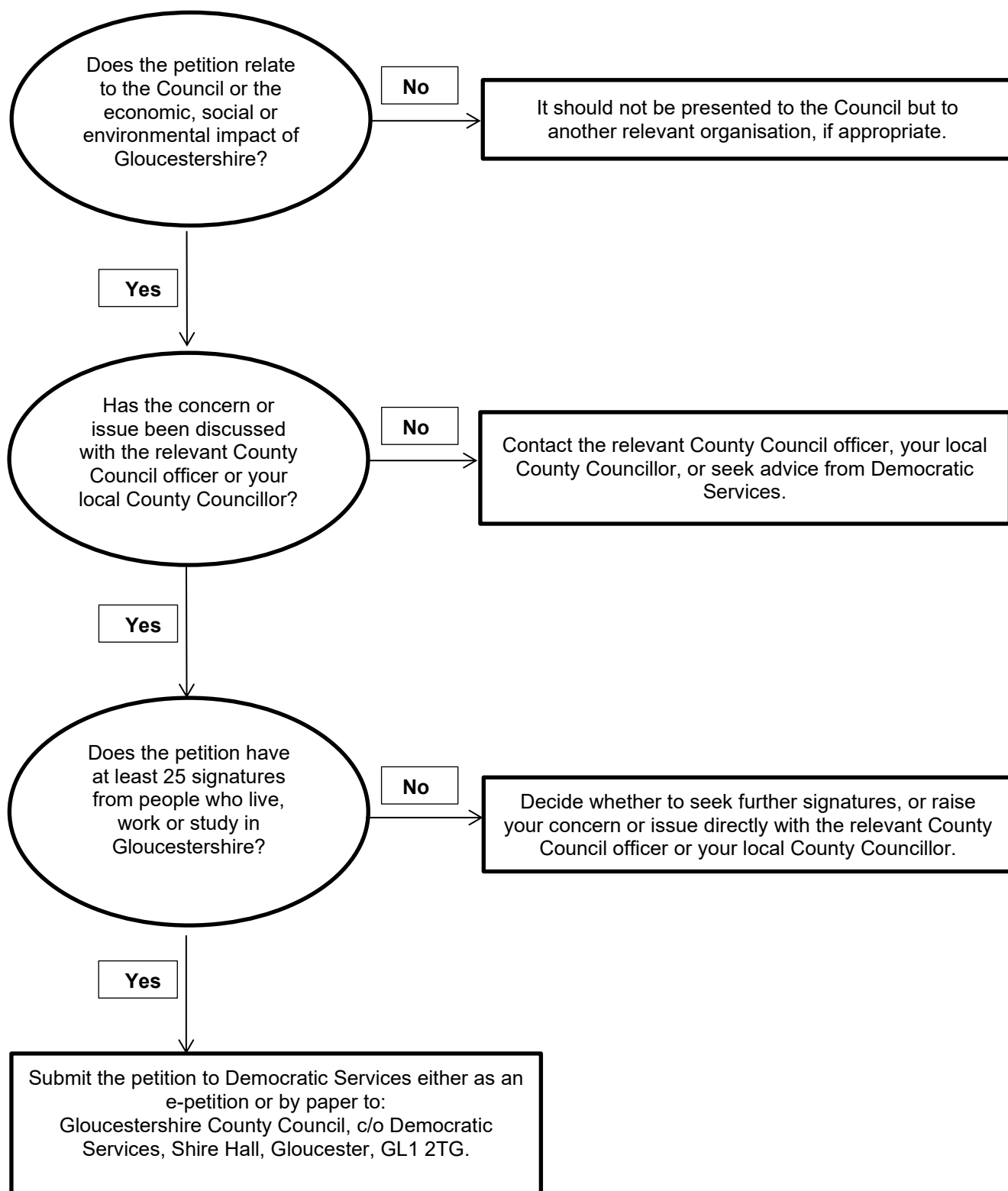
A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information.

E-petitions may be combined at the request of the petition organiser with paper petitions. The wording of both petitions must be the same if the petitions are being brought together to reach the 5,000 signatures required for a debate at full Council.

How do I sign an e-petition?

You can see all the e-petitions currently available for signature on the Council's website. When you sign an e-petition you will be asked to provide your name, the address in Gloucestershire where you live work and study and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

How do I submit a petition to the County Council?



What happens after a petition has been submitted to the County Council?

The petition will be acknowledged within 5 working days.
The petition organiser will receive a formal written response from the Council within 20 working days.

The petition will be scheduled for debate by the full Council.

At the full Council meeting, the petition organiser will be given 5 minutes to present the petition.