



FOREST OF DEAN DISTRICT COUNCIL

CONSTITUTION

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CONSTITUTION OF THE FOREST OF DEAN DISTRICT COUNCIL

PART 1 – GENERAL	8
Chapter 1: Summary and Explanation	9
Chapter 2: The Constitution	10
Chapter 3: Members of the Forest of Dean District Council	15
Chapter 4: Officers of the Council	17
Chapter 5: Citizens and the Council	20
New Council Procedure Rules Updated Feb 2021 Pages 23 - 43	
PART 2	44
COUNCIL, THE CABINET AND COMMITTEES	44
Chapter 1: Full Council	45
1.1 The role of Full Council	45
1.2 Meetings of Full Council	47
1.3 Appointment of the Chairman, Vice-Chairman & Leader of the Council	47
1.4 Appointment of Strategic Overview and Scrutiny Committee, regulatory committees and other committees and subcommittees	48
1.5 Appointment of the Cabinet	49
1.6 Appointment of substitute non-executive members	49
1.7 Extraordinary meetings of Full Council	50
1.8 Order of business at Full Council meetings	50
1.9 Framework and key policies	51
1.10 Members' questions at Full Council meetings	52
1.11 Variation of constitution and procedural rules	53
1.12 Public participation	53
1.13 Public question time	54
Chapter 2: The role of the Chairman of Council	56
2.1 The role of the Chairman of Council	56
2.2 Ceremonial role	56
2.3 Presiding role	56
Chapter 3: The role of the Cabinet	57
3.1 Executive Functions	57
3.2 Delegation	58
3.3 Principles of delegation	59

3.4	Delegation by the Leader of Council	60
3.5	Sub-delegation of Executive Functions	60
3.6	The Council's scheme of delegation and Executive functions	60
3.7	The Leader of the Council	61
3.8	The Cabinet	62
3.9	Conflicts of interest	63
3.10	Cabinet meetings	63
3.11	Quorum	63
3.12	Decisions of the Cabinet	63
3.13	Meetings of the Cabinet	63
3.14	Consultation	64
3.15	Cabinet agenda	64
3.16	Decisions by portfolio holders	65
3.17	Call-in	65
3.18	Publicity in connection with key decisions	66
3.19	Publicity in connection with exempt items	66
3.20	Cabinet Forward Plan	67
3.21	Cabinet Support Groups	67
3.22	Public questions at Cabinet	67
3.23	Scrutiny Question Time	68
Chapter 4: Committees Generally		69
4.1	Power of the regulatory committees	69
4.2	Discharge of functions	70
4.3	Attendance by a member who is not appointed to the committee	70
4.4	Order of business	71
4.5	Preparation and publication of agendas	71
4.6	Declaration of interests	72
4.7	Registration of gifts and hospitality	73
4.8	Admission of public	73
4.9	Voting	73
4.10	Attendance record	74
4.11	Conduct	74
4.12	Disturbance by the public	74
4.13	Officers' interests	74

4.14	Minutes	74
4.15	Notices of motion	75
4.16	Procedure regarding notices of motion.....	75
4.17	Rules of debate	76
4.18	Filming/Recording of proceedings	79
4.19	Inspection of documents	79
4.20	Limitation of members' authority.....	79
4.21	Urgent action	80
Chapter 5: The Strategic Overview and Scrutiny Committee		81
5.1	The general role of the Strategic Overview and Scrutiny Committee	82
5.2	The specific functions of the scrutiny and review committees	83
5.3	Powers of the Strategic Overview and Scrutiny Committee	84
5.4	Call-in of an Cabinet decision.....	85
5.5	Procedure at the Strategic Overview and Scrutiny meetings	86
5.6	Scrutiny Panels – Terms of Reference	87
5.7	Public Involvement in Scrutiny.....	88
5.8	Conduct.....	88
5.9	Public Involvement at scrutiny committees	89
5.10	Councillor Call for Action (CCfA)	92
Chapter 6: Licensing Committee		97
Chapter 7: Development Management Committee		104
Chapter 8: Audit Committee		117
Chapter 9: The Standards Panel		119
Chapter 10: Working groups		121
Chapter 11: Council Safety Panel		123
Chapter 12: Joint arrangements		124
Chapter 13: Decision making		126
Chapter 14: Finance, contracts and legal matters		129
14.1	Financial management.....	129
14.2	Contracts	129
14.3	Legal proceedings	129
14.4	Authentication of documents	129
14.5	The common seal of the Council.....	129
PART 3 – OFFICER SCHEME OF DELEGATION		130

Chapter 1: General delegated powers	131
Chapter 2: Specific Powers Delegated to the Head of Paid Service	134
Chapter 3: Powers Delegated to Senior Officers	136
Chapter 4: Powers Delegated to the Senior Officer with responsibility for Legal Services	137
Chapter 5: Powers Delegated to the Counter Fraud Unit.....	139
Chapter 6: Powers Delegated to the Monitoring Officer	140
Chapter 7: Powers Delegated to the Electoral Registration Officer and Returning Officer	143
Chapter 8: Powers Delegated to the Senior Officer responsible for Planning	144
Chapter 9: Powers Delegated to the Section 151 Officer	149
Chapter 10: Powers Delegated to the Senior Officer with responsibility for Environmental and Regulatory Services	151
PART 4 – PROCEDURE RULES.....	159
Chapter 1: Access to Information Procedure	160
Chapter 2: Budget and Policy Framework Procedure Rules.....	164
Chapter 3: Financial Procedure Rules	166
A: FINANCIAL MANAGEMENT.....	171
B:FINANCIAL PLANNING, BUDGET PREPARATION AND BUDGET MONITORING	179
C: SCHEME OF VIREMENT	185
D: RISK MANAGEMENT AND INSURANCE	188
E: INTERNAL CONTROLS AND AUDIT	191
F: ASSETS	196
G: TREASURY MANAGEMENT	204
H: FINANCIAL SYSTEMS AND ACCOUNTING PROCEDURES.....	209
I: INCOME	217
J: COUNCIL TAX AND NON-DOMESTIC RATES	222
K: COUNCIL TAX BENEFIT AND HOUSING BENEFIT	223
L: EXTERNAL ARRANGEMENTS	224
Chapter 4: CONTRACT PROCEDURE RULES.....	228
Chapter 5 Officer employment procedure rules	246
PART 5 – PROTOCOLS AND CODES	249
Chapter 1: Member Code of Conduct	250
Chapter 2. Member/Officer Protocol	264
Chapter 3. Protocol for the attendance of officers and members at meetings of another Public Authority	277
Chapter 4: Appointments of Members to Outside Bodies	279

Chapter 5: Protocol on the Use of Council facilities & resources by Councillors280

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PART 1 – GENERAL

Chapter 1: Summary and Explanation

- 1.1. The Forest of Dean District Council ('the Council') is the local authority for the administrative area of the Forest of Dean, which comprises an area of 52,577 hectares within Gloucestershire, situated between the River Severn in the east and south and the River Wye in the west. The district has a population of approximately 82,900.
- 1.2. On 21st June 2007 the Council decided to adopt a Leader and Cabinet structure and to enhance the community's involvement in local government.
- 1.3. This constitution sets out the processes and procedures of how the Forest of Dean District Council will govern itself and make decisions.
- 1.4. The Council appoints the Leader of Council, who may then appoint up to six executive members to form a cabinet. The functions for which the Cabinet will be responsible are identified in Part 2, Chapter 3 and it will be responsible for most decisions that affect the day-to-day operations of the Council.
- 1.5. The Development Management Committee and the Licensing Committee will undertake the regulatory functions of the Council relating to determining planning applications and applications for public licences, e.g. caravan sites, gambling, liquor and public entertainment licenses, hackney carriages, etc. Meetings of all committees will be in public except where personal or confidential information is discussed.
- 1.6. The Council has also appointed a Strategic Overview and Scrutiny Committee that supports the work of the Cabinet and the Council as a whole. The Strategic Overview and Scrutiny Committee may be consulted by the Cabinet on forthcoming decisions and on the development of policies. The Strategic Overview and Scrutiny Committee will allow citizens to have a greater say in Council matters by holding inquiries into matters of local concern, which can lead to reports and recommendations which advise the Cabinet and the Council. The Strategic Overview and Scrutiny Committee is able to 'call-in' certain categories of decisions made by the Cabinet but not yet implemented, and may recommend that the Cabinet reconsiders the relevant decision.
- 1.7. Citizens, without prejudice to other legal rights and remedies, may complain to the Local Government Ombudsman if they believe that the Council has not followed the procedures or processes properly, or to the Monitoring Officer if they believe that there is evidence which shows that a councillor has not followed the members' code of conduct. The Council has adopted a customer feedback policy that enables the citizen to seek remedies locally before involving the Ombudsman.
- 1.8. This document comprising the constitution contains mandatory provisions required by central government and other relevant provisions, which have been modified to suit the circumstances relating to the Council. A number of revisions have been made to the constitution since its initial adoption in 2007.

Chapter 2: The Constitution

- 2.1 This constitution, and all its appendices, is the **CONSTITUTION OF THE FOREST OF DEAN DISTRICT COUNCIL**.
- 2.2 The Council will exercise its powers and duties in accordance with the law and this constitution. The constitution has and will continue to evolve and where the constitution permits the Council to choose between different courses of action it will always choose that option which is closest to the purposes stated below. The Council will monitor and evaluate the operation of the constitution.
- 2.3 The purpose of the constitution is to:
- enable the Council to provide clear leadership to the community in partnership with its members of the public, business and other organisations;
 - confirm that its powers and duties will be exercised in accordance with law and with the procedures and processes of the constitution;
 - support the active involvement of the community in the process of local authority decision-making;
 - help members represent their constituents effectively;
 - create a powerful and effective means of holding decision-makers to public account;
 - ensure that no one will review or scrutinise a decision in which they were directly involved;
 - ensure that those responsible for decision-making are clearly identifiable to local people and that the decision-makers explain the reasons for the decisions; and
 - provide a means of improving the delivery of services to the community including the speed and efficiency of the decision making process.
- 2.4 This document also details how the organisation known as the Forest of Dean District Council is composed, how it is structured, the functions it discharges, how it discharges those functions, the responsibilities of members and officers and the rights, liabilities and obligations of the community, members and officers.
- 2.5 The constitution is divided into six parts covering themes, and each part is then subdivided into chapters to cover specific issues.
- 2.6 Part 6 (Appendices) of the constitution contains information and documents that are provided for guidance and completeness only. Generally they do not relate to matters of strategic relevance and in some instances relate to functions which

are the responsibility of the Cabinet or the Head of Paid Service. The very nature of these documents means that they are likely to be subject to more frequent change. As such they may be amended without the necessity of following the procedure required for changes to the constitution as set out below.

2.7 Review and revision of the constitution

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution, and to make recommendations for ways it could be improved and enhanced in order to better achieve the purposes of the constitution. They may:

- a) Observe meetings of members (other than political group meetings) and officers.
- b) Undertake an audit trail of a sample of decisions.
- c) Record and analyse issues raised with them by members, officers, the public and other relevant stakeholders.
- d) Compare practices in this authority with those adopted by other authorities, or national examples of best practice.

2.8 Changes to the constitution

- a) **Approval:** Only Full Council may approve changes to the constitution (save for those identified in this Constitution as not requiring such approval) after consideration of the proposal by the Head of Paid Service in consultation with the Monitoring Officer.
- b) **Change from Leader and Cabinet structure to mayoral style executive:** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum.
- c) **Minor corrections and amendments:** Where the changes to the constitution do not affect the substance of the content but identify changes in titles, responsibilities, typing or grammatical corrections, these may be undertaken by the Monitoring Officer and reported to all members.

2.9 Suspension, interpretation and publication of the constitution

2.9.1 Suspension of the constitution

- (a) **Limit to suspension:** The rules of procedure contained in this Constitution may only be suspended to the extent as detailed herein and within the law.
- (b) **Procedure to suspend:** A motion to suspend any rule of procedure or matter falling within this constitution will not be moved without notice unless at least one half of the membership of Full Council or the relevant committee are in attendance and present. The extent and duration of any suspension will be proportionate to the result to be achieved and in accordance with the purposes of the constitution.
- (c) **Rules capable of suspension:** The following matters may be suspended in accordance with the above provision:
 - the Council's procedural rules apart from those relating to quorums, declarations of interest, disturbances by the public and notices of motions
 - financial procedure rules

A motion to suspend a particular procedural rule shall state the particular purpose, and require a majority of at least half the total number of members appointed to that committee.

On occasions that rules relating to the three hour time limit for meetings are being waived, the duration of the suspension shall, at the discretion of the chairman, not exceed 1 hour and shall, if seconded, be put to the vote without discussion. These rules can only be suspended once per meeting.

2.9.2 Interpretation

The ruling of the Chairman of the Council as to the construction or application of this constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this constitution.

2.9.3 Key terms/references

In this Constitution the following words/terms shall have the following meanings:

Cabinet	At Forest of Dean District Council the Executive is the Cabinet and therefore references to the Executive and the Cabinet are one and the same
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Call In	The Cabinet's decision will be authority for officers to take a particular course of action unless, within TEN (10) working days of the decision being made, the decision is called in by FIVE (5) members for review by the Strategic Overview and Scrutiny Committee whereupon the decision will stand in abeyance. This rule only applies to 'key decisions' and will not apply to other decisions of the Cabinet or decisions by a regulatory or statutory committee or subcommittee
Chairman	includes both male and female persons who may be elected to that position.
Committee	The phrase 'committee', where the context permits shall include reference to subcommittees.
Corporate Leadership Team	Includes the Head of Paid Service, Chief Finance (Section 151) Officer and Monitoring Officer
Framework Policy	A framework policy is a policy strategy or plan, which will govern the operations and the discharge of functions of the Council. The 'policy framework' includes those plans and strategies required by the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and any similar legislation that may be enacted, to be adopted by the Council.
Key Decision	<p>A key decision is a decision that may be taken by the Cabinet, Leader of the Council, Cabinet Members or any Officer under powers delegated to them and which if implemented would be likely to: -</p> <ul style="list-style-type: none"> • Result in the Council incurring expenditure of more than £50,000 or • Be significant in terms of effects on communities living or working in an area comprising two or more wards in the District

Publica	Means Publica Group Limited a local authority company wholly owned by Cheltenham Borough Council, Cotswold District Council, Forest of Dean District Council and West Oxfordshire District Council
Senior Officers	Means the Head of Paid Service, Chief Finance (Section 151) Officer, Monitoring Officer and where the context permits the Executive Directors, Group Managers and Business Managers of Publica
Working days(s)	shall mean the hours between 0900 hours and 1645 hours Monday to Thursday and 0900 and 1630 of Fridays, except on any day which the Council offices are closed to the public.

Any period of notice shall exclude the day of publication and the day that the activity will be performed

2.9.4 Publication

- (a) The Head of Paid Service will ensure access to this constitution for each member of the authority and will identify where this constitution can be accessed upon delivery to them of an individual member's declaration of acceptance of office on the member being first elected to the Council.
- (b) The Monitoring Officer will ensure that copies are available for inspection at all Council offices and other appropriate locations.

Chapter 3: Members of the Forest of Dean District Council

- 3.1 The Council is made up of 38 elected members. Each member either represents a single ward of electors where the number of electors is small or may share the representation of one ward with one or more other councillors where the number of electors is large. The division of the district into electoral wards is undertaken by the Local Government Commission and approved by the Secretary of State. Details of individual members and their wards are contained in Appendix 1.
- 3.2 Persons who may be elected to the Council need not be a member of any political party but must satisfy the eligibility criteria of the Local Government Act 1972 as amended. It is also possible that persons may be co-opted to sit on the Council committees in special circumstances.
- 3.3 All members are elected for a period of four years and all the seats on the Council are contested at an election that is normally held on the first Thursday in May every fourth year beginning in 2019. The term of office of each member will start on the fourth day after being elected and will finish on the fourth day after the date of the next regulated election unless the member resigns during the Council period.

3.4 Key roles of members

- Collectively to be the ultimate policy-makers
- Effectively represent their communities and bring their views into the Council's decision making process.
- Provide community leadership.
- Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making.
- Deal with individual casework and respond to enquiries and representations fairly and impartially and act as an advocate for individual constituents in helping to resolve particular concerns or grievances.
- Balance different interests identified within the ward and represent the ward as a whole, responding to their constituents' enquiries and representations, fairly and impartially.
- Be involved in decision making having regard to the best interests of the whole community represented by the Forest of Dean District Council.
- Be available to represent the Council on other bodies.
- Maintain the highest standards of conduct and ethics in undertaking their roles and to promote the reputation of the Council in all their actions.

3.5 Rights and duties of members

- Members will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- Members will not make public information that is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a member or officer entitled to know it.
- For these purposes, 'confidential' and 'exempt' information is defined in the access to information rules in Part 4, Chapter 1 of this constitution.
- The Members will be entitled to receive training and development to enable them to better perform their roles in the Council and in the community. This will be provided in accordance with the councillor training and development strategy detailed in Appendix 3 of this constitution. Members of regulatory committees, (i.e. Development Management Committee and Licensing Committee), are required to undergo appropriate training in the specific discipline relevant to the committee before they can take part in deciding any application.
- Members will have the impartial support and advice from all officers of the Council but will not be able to direct the officers' actions or decisions save those directions to officers arising from Council, the Cabinet or committee decisions.

3.6 Members and political groups

- The Council has adopted a political groups' scheme (Appendix 2) and members may align themselves with a political group that will then be used for the allocation of seats on committees.
- Each political group will appoint a leader of the group.
- The political groups may appoint spokespersons on any theme, interest or committee who will be the media contact person if there is a request for a comment on any policy issue from the political group.

3.7 Use of Resources by Members

The Council has adopted a protocol on the use of facilities and resources by members. A copy of this protocol can be found in Part 5, Chapter 9.

Chapter 4: Officers of the Council

4.1 The Council may employ such staff (referred to as 'officers') as it considers necessary to undertake the day-to-day operations arising out of the functions for which the Council is responsible. However, the Council acknowledges that upon the transfer of services to Publica on 1 November 2017, Publica became the main body with responsibility for the employment of staff.

4.2 There are three officers which statute states must be appointed to the staff of the Council, namely the Head of Paid Service, the Chief Finance Officer (section 151 Officer) and the Monitoring Officer. These officers have special protection of employment rights.

4.3 Functions of the Head of Paid Service

- This officer is responsible as the employer of the salaried staff employed directly by the Council. The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if they are a qualified accountant.

4.4 Functions of the Chief Finance (Section 151) Officer

- This role has a personal responsibility, which requires the officer to act independently of the Council but in the best interests of the Council. They have the responsibility of ensuring the lawfulness and financial prudence of decision making. After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council and the Council's external auditor if they consider that any proposal, decision or course of action is likely to cause a loss or a deficiency or if the Council is about to enter an item of account unlawfully.
- They have responsibility for the administration of the financial affairs of the Council.
- They contribute to the corporate management of the Council, in particular through the provision of professional finance advice.
- They provide financial information to the media, members of the public and the community.

4.5 Functions of the Monitoring Officer

- This role has a personal responsibility, which also applies to the Deputy Monitoring Officer, and requires the officer to act independently of the Council but in the best interests of the Council.
- Their role is to promote and maintain high standards of conduct within the Council by officers and members.

- They must maintain an up-to-date version of the constitution and will ensure that it is widely available for consultation by members, officers and the public.
- They must ensure the lawfulness and fairness of decision-making. After consultation with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to Full Council if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being given effect until the report has been considered.
- They must promote ethical governance to parish councillors and the operation of the code of conduct for councillors.
- They contribute to the promotion and maintenance of high standards of conduct.
- They receive and act upon complaints made in respect of breaches of the Code of Conduct and undertake or arrange investigations where necessary.
- They manage the Standards regime and complaints into allegations of misconduct by councillors.
- They are the proper officer for access to information.
- The Monitoring Officer will ensure that decisions together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- They contribute to the corporate leadership team of the Council
- They provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity to all councillors and will support and advise councillors and officers in their respective roles.

4.6 Provision of sufficient resources to the Head of Paid Service, Chief Finance Officer and Monitoring Officer

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

The core roles of the Corporate Leadership Team shall be exercised in accordance with the principles of political neutrality and service to the whole Council, are as follows:

- Overall corporate and strategic management and ultimate operational responsibility (including overall management responsibility for all officers).
- Responsibility for regularly liaising with the Leader of Council to identify, review and prioritise the corporate agenda for the medium term of three years and specifically the key strategic and financial issues which the Council will be considering over each four month period.

- Responsibility for publishing regularly the key strategic policy issues and financial proposals, which the Cabinet will be deciding for the following four month period.
- Provision of professional advice to all parties in the decision making process (Full Council, Strategic Overview and Scrutiny Committee and policy and regulatory committees).
- Responsibility for ensuring the provision of sufficient resources to undertake the functions of the Council to the standard of service identified in corporate objectives.
- Responsibility for a system of record keeping for all the Council's decisions.
- Representing the Council on partnership and external bodies (as required by statute or the Council).

Officers will comply with Publica's Business Conduct Rules which apply to staff employed by Publica and the Council.

The recruitment, selection and dismissal of statutory officers will comply with the officer employment rules set out in Part 4, Chapter 5 of this constitution.

Chapter 5: Citizens and the Council

5.1 Voting and petitions

The electoral register for the area will contain those members of the public who are eligible to have the right to vote in the elections of councillors and to sign a petition to request a referendum for an elected mayoral form of constitution.

5.2 Information

Members of the public have the right to:

- (i) Attend meetings of the Council and its committees and subcommittees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private.
- (ii) Attend meetings of the Cabinet except where exempt information is likely to be disclosed, and the meeting is therefore held in private
- (iii) Be made aware through the Forward Plan what and when key decisions will be considered by the Cabinet.
- (iv) See reports and background papers, and any records of decisions made by the Council, the Cabinet and any Committees.
- (v) Obtain a copy of the constitution
- (vi) Inspect the Council's accounts and make their views known to the external auditor.
- (vii) Request disclosure of information in accordance with the provisions of the Freedom of Information Act 2000, Environmental Information Regulations 2005 and the Data Protection Act 2018 and any other legislation which is subsequently enacted to add to or replace this legislation.
- (viii) Raise questions at public meetings of the Council the Cabinet and Strategic Overview and Scrutiny Committee

5.3 Participation

Members of the public have the opportunity to participate in question time at Full Council meetings and may be invited to contribute to investigations and inquiries by the scrutiny and review committees. Interested persons in a planning application referred to Development Management Committee may request an opportunity to address the committee on the application in accordance with the adopted protocol but this does not give any one the absolute right to be heard by the committee.

5.4 Complaints

Members of the public have the right to complain to:

- (i) The Council itself, under its adopted customer feedback policy;
- (ii) The Commission for Local Government in England (the Ombudsman), although the Ombudsman may request that the Council's internal complaints process is exhausted first.
- (iii) The Council's External Auditor

5.5 Councillor Call For Action

Members of the public have the right to ask a local councillor to refer an issue to the Strategic Overview and Scrutiny Committee for consideration. This is called 'Councillor Call For Action' and details of how this operates are set out at Part 2, Chapter 5

5.6 Local Petition Scheme

The Council has agreed a local petitions scheme. This is set out in Appendix 5 of the Constitution. It provides details as to how the Council will respond to petitions.

Forest of Dean District Council

Constitution

Preface to Part 2

Council Procedure Rules

On 18th February 2021 Council approved a new comprehensive set of Council Procedure Rules which will apply to all meetings of Full Council from that date.

The new Rules incorporate and replace certain provisions which can be found in Part 1 Chapter 2 (pages 12-14), Part 2 Chapters 1 and 2 (pages 24-35) and Part 2 Chapter 4 (pages 48-59) of Constitution version 8.1 (June 2019).

The motion flow charts, which can be found at the end of the Council Procedure Rules, are intended as a guide only and, in the event of any conflict between the flow charts and the Rules, the Rules shall take precedence.

Committees Generally

The Rules in Chapter 4 'Committees Generally' of Constitution version 8.1 (June 2019) will continue to apply to Cabinet and committees but not to Full Council.

Other miscellaneous provisions

All other provisions in Parts 1 and 2 of Constitution version 8.1 (June 2019) and not incorporated in to the new Council Procedure Rules will continue to apply.

P Lewis
Monitoring Officer
22/3/2021

COUNCIL PROCEDURE RULES

RULE 1. GENERAL

Application and amendment of these Rules

- 1.1 These Procedure Rules shall apply to meetings of Council and may only be amended or revoked by resolution of Council.

Interpretation

- 1.2 The following definitions shall apply to these Rules:

“By Assent” means a vote taken by affirmation of the meeting if there is no dissent

“Chairman” means the Member elected as Chairman by Council under these Rules

“Clear Day(s)” means a period of time prior to the meeting or procedural event excluding both the day on which public notice is given of the meeting or procedural event and the day of the meeting or procedural event.

“District Council” means the Forest of Dean District Council

“Person Presiding” means the Member elected to take the chair at Council where the Chairman and Vice-Chairman are absent or unable to act

“Political Group” means a political group as defined in the Local Government (Committees etc.) Regulations 1990 as amended

“Proper Officer” means the Head of Paid Service or, in their absence or where they are unable to act, the Monitoring Officer

“Statutory Officer” means any of the Head of Paid Service, Chief Finance (Section 151) Officer or Monitoring Officer

“Vice-Chairman” means the Member elected as Vice-Chairman by Council under these Rules

“Without Debate” means, in relation to the proposing, seconding or putting of a motion, without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the Chairman) the effect of adopting the motion

“Working day(s)” means between 0900 hours and 1645 hours Monday to Thursday and 0900 and 1630 hours Friday except on any day which the District Council offices are closed to the public

- 1.3 The Chairman shall be guided in his/her construction and application of these Rules by the definitions in Rule 1.2 and by the advice of the Monitoring Officer.
- 1.4 The headings and sub-headings do not form part of these Rules.
- 1.5 The ruling of the Chairman at a Council meeting or otherwise as to the construction or application of any of these Rules shall not be challenged at any meeting of Council.

Service of notices and documents

- 1.6 Any notice or other document which under these Rules is required to be given or delivered to the Proper Officer may be sent by letter or e-mail but shall not have been properly given or delivered until it has been actually received by the Proper Officer.

Suspension of these Rules

- 1.7 These Rules, subject to Rules 1.8 to 1.10 below, may be suspended by resolution of Council but only to the extent permitted by law and only after the advice of the Monitoring Officer has been obtained.
- 1.8 The following Rules are not capable of suspension:
- Rule 1.7 Suspension of Council Procedure Rules
 - Rule 3 Quorum
 - Rule 5 Motions on Notice
 - Rule 14.6 Right to require individual vote to be recorded
 - Rule 15 Declaration of Interests
 - Rule 17 Prevention of Disorderly Conduct
- 1.9 A motion to suspend may be proposed by way of a Motion on Notice under Rule 5, a procedural motion in accordance with Rules 13.4.2 and 13.4.12 or a motion with or without notice from the Chairman that the Rules of Debate (Rule 13) be varied to allow for the efficient or expeditious consideration and dispatch of Council business.
- 1.10 The extent and duration of suspension must be proportionate to the result to be achieved, taking account of the purposes of the Constitution and shall only be for so long as is necessary to transact the particular item(s) of business necessitating the suspension.

RULE 2. MEETINGS OF COUNCIL

Date time and place of meetings

- 2.1 The dates of Annual and Ordinary Meetings of Council shall be fixed by the Chairman, provided that:
- (a) in a year when there is an ordinary election of councillors to the District Council, the Annual meeting shall take place within 21 days of the retirement of the outgoing councillors, and
 - (b) in any other year the Annual meeting shall be held in March, April or May.
- 2.2 The time and place of Council meetings will be determined by the Proper Officer after such consultations as he/she considers necessary and as notified in the summons for the meeting.
- 2.3 If there is insufficient business to be transacted at an Ordinary Meeting of Council and a summons for that meeting has not been issued, the Proper Officer may, after consulting such of the Chairman and the Group Leaders as can reasonably be contacted, cancel that meeting by notice to all Members.
- 2.4 An Extraordinary Meeting of Council may be called in accordance with Rules 2.10 to 2.12.

Annual Council meeting

Order of Business

- 2.5 The Annual Council meeting will:
- (a) appoint a Person Presiding if the Chairman and Vice-Chairman are absent;
 - (b) elect the Chairman for the ensuing year (who will then take the chair);
 - (c) elect the Vice-Chairman for the ensuing year;
 - (d) receive any declarations of interest from Members;
 - (e) approve as a correct record any minutes of the last or previous meetings of Council;
 - (f) receive any announcements from the Chairman or Head of Paid Service;
 - (g) in a year when there is an ordinary election of councillors to the District Council, elect the Leader for the ensuing four years;

- (h) establish at least one overview and scrutiny committee, an audit committee, a licensing committee and such other committees as Council decides including their size, terms of reference and the allocation of seats between the Political Groups;
- (i) appoint councillors, on the nomination of the Political Groups, to committees of Council;
- (j) appoint substitute members of committees as is permitted by Rule 10 of these Rules;
- (k) if it so decides, elect the chairmen and/or vice-chairmen of committees;
- (l) consider any item which, by reason of special circumstances to be specified in the minutes of the meeting, the Chairman considers should be considered at the meeting as a matter of urgency.

2.6 The Chairman or the Proper Officer may include on the agenda of an Annual meeting such other business as he/she determines should be included for the efficient despatch of District Council business.

Term of appointments

2.7 Council may by resolution decide that the period for which a person is elected or appointed under Rules 2.5 (i), (j) and (k) shall be more than one year provided that such period will not extend beyond the Annual meeting of Council which follows an ordinary election of councillors to the District Council.

Ordinary Meetings

Order of Business

2.8 Ordinary Meetings will:

- (a) appoint a Person Presiding if the Chairman and Vice-Chairman are absent;
- (b) approve as a correct record any minutes of the last or previous meetings of Council;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chairman and the Leader;
- (e) receive questions from, and provide answers to, members of the public and elected Members in accordance with these Procedure Rules;

- (f) deal with any business outstanding from the last Council meeting;
- (g) Receive any petitions and deal with any Petitions under the Council's petition scheme;
- (h) receive and consider reports and recommendations from the Cabinet, Leader or Cabinet Members, including consideration of proposals in relation to the Budget and Policy Framework ;
- (i) receive and consider reports, recommendations and minutes from Committees;
- (j) receive and consider reports from Statutory Officers;
- (k) consider motions;
- (l) consider any other business specified in the summons to the meeting;
- (m) consider any item which, by reason of special circumstances to be specified in the minutes of the meeting, the Chairman considers should be considered at the meeting as a matter of urgency.

Extraordinary Meetings

Calling Extraordinary Meetings

- 2.9 The Proper Officer may call an Extraordinary Meeting of the Council at any time when he/she considers it appropriate to do so.
- 2.10 The Proper Officer shall call an Extraordinary Meeting of the Council when requested to do so by:
 - (a) the Chairman;
 - (b) the Leader;
 - (c) Council by resolution; or
 - (e) a Statutory Officer.
- 2.11 An Extraordinary Meeting may also be called under Schedule 12 of the Local Government Act 1972 by any five Members if they have signed a requisition and presented it to the Chairman and he/she has either refused to call such a Meeting or has failed to do so within seven days after the requisition was presented to him/her.

Order of Business

2.12 An Extraordinary Meeting will:

- (a) appoint a Person Presiding if the Chairman and Vice-Chairman are absent;
- (b) receive any declarations of interest from Members;
- (c) receive questions from, and provide answers to, members of the public and elected Members in accordance with these Procedure Rules, but only in so far as they relate directly to the business for which the meeting was convened;
- (d) consider any business set out in the notice convening the meeting;
- (e) consider any item which, by reason of special circumstances to be specified in the minutes of the meeting, the Chairman considers should be considered at the meeting as a matter of urgency.

2.13 The Chairman or the Proper Officer may include on the agenda of an Extraordinary Meeting such other business as he/she determines should be included for the efficient despatch of District Council business.

2.14 An Extraordinary Meeting may, but need not, approve any minutes of the last or previous meetings of the Council.

Changes to the order of business at meetings

2.15 The order of business at Council meetings, other than items relating to appointment of Chairman/Person Presiding, approval of minutes, declarations of interests and answering of public and member questions, may be varied by:

- (a) the Proper Officer in preparing the agenda for the meeting or by the direction of the Chairman if he/she considers the variation to be desirable for the efficient despatch of the Council's business, or convenient, including so as to avoid duplication or repetition of matters under consideration; or
- (b) a resolution of Council proposed, seconded and put Without Debate.

RULE 3. QUORUM

3.1 The quorum of a meeting will be one third of the whole number of members on the District Council.

3.2 Where more than one-third of the whole number of members on the District Council become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the District Council, the quorum shall be determined by reference to the number of members of the District Council remaining

qualified instead of by reference to the whole number of members of the District Council.

- 3.3 During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then he/she must adjourn the meeting either temporarily for not more than 15 minutes or to a time and date fixed by him/her in consultation with the Proper Officer.
- 3.4 If the Chairman does not fix a date, the remaining business will be considered at the next Ordinary meeting of Council.

RULE 4. DURATION OF MEETING

- 4.1 Subject to Rule 4.2, any meeting that has sat for three hours in total will immediately adjourn and any remaining business will be considered at a date and time fixed by the Chairman in consultation with the Proper Officer. If the Chairman does not fix a date and time, the remaining business will be considered at the next Ordinary meeting.
- 4.2 The duration of a meeting may be extended for up to one additional hour by procedural motion under Rule 13.4.2. Where the duration of the meeting is so extended then, once the additional time for the meeting has elapsed, subject to Rule 4.3, the meeting will immediately adjourn and any remaining business will be considered at a date and time fixed by the Chairman in consultation with the Proper Officer. If the Chairman does not fix a date and time, the remaining business will be considered at the next Ordinary meeting.
- 4.3 If, at the moment of completion of a meeting as extended under Rule 4.2, an item remains under discussion, the Chairman shall have absolute discretion to further extend the meeting to allow time for that item to be concluded.

RULE 5. MOTIONS ON NOTICE

General

- 5.1 Except for procedural motions which can be moved without notice under Rule 13.4.2, written notice of every motion stating the names of proposer and seconder, must be delivered to the Proper Officer not later than midday on the sixth Working Day before the date of the meeting. A motion on notice will be open to public inspection.
- 5.2 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that he/she proposes to move it at a later meeting or withdraws it.
- 5.3 Motions must be about matters for which the District Council has a responsibility or which affect the Forest of Dean. The Proper Officer's decision on whether or not a motion meets these requirements will be final.

Dealing with Motions on Notice at meetings

- 5.4 The Chairman, having regard to the business to be conducted at the meeting, shall have discretion to schedule a motion or motions to another meeting of Council.
- 5.5 A motion under this Rule shall only be moved at Council by the Member by whom notice has been given or someone authorised in writing by such a Member.
- 5.6 The Chairman will allow questions to be put to the Member who is proposing the Motion.
- 5.7 If the motion relates in full or in part to an executive function, Council may discuss and vote on the motion, provided that any element of the Council decision that relates to an executive function is then referred to the Leader/Cabinet/an officer for consideration and final decision.
- 5.8 If the motion relates in full to an executive function, Council may, rather than discuss the matter itself, refer the motion for consideration and decision by Cabinet, either directly or via an overview and scrutiny committee.
- 5.9 If the motion relates to the functions of a District Council committee, Council may decide to refer the motion or parts thereof to that committee for consideration and decision.
- 5.10 Where a Council decision on a motion requires a communication to be made to an external body, person or government department the communication will be made in the name of the Leader of Council unless the Proper Officer advises that it should be made in their name or that of the Chairman.

RULE 6. OFFICERS REPORTING DIRECTLY TO COUNCIL

- 6.1 Where a Statutory Officer submits a report directly to Council:
 - (a) that report shall be treated as if it has been formally moved and seconded; and
 - (b) if an amendment is moved to the recommendation or recommendations in the report, the Statutory Officer shall have the right to reply to the amendment immediately before the vote is taken on the amendment.

RULE 7. CHAIRMAN / VICE-CHAIRMAN / PERSON PRESIDING

- 7.1 A member of the District Council's executive shall not be appointed as Chairman, Vice-Chairman or Person Presiding.

- 7.2 The Chairman shall preside at all Council meetings at which he/she is present. If he/she is absent, or has resigned, the Vice-Chairman shall preside. If both of them are absent a Person Presiding shall be appointed under Rule 8 and no business (other than the appointment of a Person Presiding) shall be transacted at that Council meeting unless there is a Person Presiding.
- 7.3 The Chairman shall at his/her discretion take all such steps as he/she considers necessary to ensure the proper and orderly conduct of Council meetings.
- 7.4 The ruling of the Chairman on any matter in relation to Rule 13 (Rules of Debate) shall be final.
- 7.5 Where the Vice-Chairman or a Person Presiding is presiding over the meeting pursuant to Rule 7.1 they will assume all powers and duties of the Chairman for control and regulation of the meeting including the right to a second or casting vote.

RULE 8. APPOINTMENT OF PERSON PRESIDING

- 8.1 For the purposes of appointing a Person Presiding under Rule 7.1, the Proper Officer shall call upon a Member present to move that a Member (who shall not be a member of the executive) be appointed and shall exercise the powers of the Chairman to regulate that discussion and to maintain order at the meeting, but shall not have a vote.
- 8.2 The motion, and any amendments, shall be put to the meeting as a procedural motion in accordance with Rule 13 (rules of debate) and, as appropriate, Rule 14.8 (voting on appointments).
- 8.3 In the event of an equality of votes, the Proper Officer regulating the discussion may adjourn the meeting for up to ten minutes to enable informal discussions to take place. If, after the meeting has reconvened, there is still an equality of votes after a further vote has been taken the Proper Officer regulating the discussion shall, unless the meeting resolves to adjourn to another time, determine the matter by lot.

RULE 9. PREVIOUS DECISIONS

Motion to rescind a previous decision

- 9.1 Subject to Rule 9.2, a motion or amendment to rescind a decision made at a Council meeting within the previous six months cannot be proposed unless the motion is submitted to the Proper Officer before the start of the meeting and is signed by at least half the membership of Council.

Exception

- 9.2 Rule 9.1 does not apply where the matter is placed before Council upon the recommendation of Cabinet or a committee or where the Monitoring Officer considers that for legal reasons or because of a material change of circumstances it is appropriate for Council to reconsider the matter.

RULE 10. APPOINTMENT OF SUBSTITUTE MEMBERS TO COMMITTEES

Appointment

- 10.1 Council may appoint substitute Members to committees and this may be done at the Annual Council meeting and at other Council meetings as vacancies arise.

Number

- 10.2 Council may, for each committee, appoint up to the same number of substitutes in respect of each Political Group as that Group holds ordinary seats on that committee.
- 10.3 Where the membership of a Political Group (which, in this instance, shall include non-aligned councillors) is three or fewer councillors then the appointment of substitutes to a planning or licensing committee may be from another Political Group provided that the political proportionality of the committee is not altered whereby the majority Political Group (or the administration if comprising an alliance of Political Groups) ceases to retain the majority of seats on the committee.

RULE 11. COUNCIL MINUTES

Approval and signing the minutes

- 11.1 The minutes of a Council meeting will be included with the agenda for the next suitable Council meeting where the Chairman will move, without the need for a seconder, that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy. Once the minutes are approved by Council the Chairman will sign them.

Extraordinary Council meetings

- 11.2 There is no requirement to approve the minutes of a previous meeting at an Extraordinary meeting of Council.

RULE 12. PUBLIC AND MEMBER QUESTIONS

General

- 12.1 Any Forest of Dean local government elector or a District Council elected Member may at an Ordinary Meeting ask written questions of:

- the Chairman;
- the Leader;
- a Cabinet Member;
- a Member who has been appointed to an outside body;
- Chairmen of committees

about any matter falling within the terms of reference of the Council, Cabinet portfolio, outside body or committee for which they are responsible other than, in relation to a planning or licensing matter, a question concerning an application or issue yet to be considered or determined by the District Council as planning or licensing authority.

- 12.2 With the consent of the Chairman, written questions may be allowed from visitors to the Forest of Dean or from persons under 18 years of age.

Order of questions

- 12.3 Questions will be divided in to public and Member questions and, subject to public questions always being listed first on the Council meeting agenda, questions will be listed in the order of being received by the Proper Officer (except where the Proper Officer decides to group together similar questions).

Notice of questions

- 12.4 Subject to Rule 12.18 below, a question may only be asked if notice has been given by delivering it to the Proper Officer no later than midday on the sixth Working Day before the day of the meeting. Each question must identify the Member to whom it is to be put. A question from a member of the public must give the name and address of the questioner and confirm whether they propose to attend the meeting in person or send a representative on their behalf (in which case they must, before the start of the meeting, notify the Proper Officer of the name of the representative).

Rejection of questions

- 12.5 The Proper Officer may reject a question if it:
- a) subject to Rule 12.2, is submitted by someone other than a Forest of Dean local government elector or an elected Member;
 - b) is about a matter which does not affect the District or for which the District Council does not have responsibility;
 - c) is frivolous, vexatious or defamatory;
 - d) is substantially the same as a question which has been put at a meeting of Council in the previous six months;
 - e) requires the disclosure of Confidential or Exempt information; or
 - f) subject to Rule 12.7, is inaccurate, unclear or unreasonably long.
- 12.6 The Proper Officer will inform the questioner, together with the Chairman and the Member to whom the question was to be put, of every question he/she rejects and the reasons for rejection.

Format of questions

- 12.7 The Proper Officer will endeavour to ensure that each written question is framed in such a way as to achieve the objectives of accuracy, clarity and brevity and will, as he/she sees fit, discuss and agree with the questioner any changes to the wording or format of the question to achieve those objectives.

Record of questions and answers

- 12.8 The Proper Officer will ensure that each written question is open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put.
- 12.9 Copies of all questions and written answers to them will be circulated to all Members and be available for public view not later than twenty-four hours before the start of the meeting.

Procedure at Council meeting

- 12.10 Written questions and answers shall not be read out at the Council meeting and there will be no discussion on them.

Supplementary question

- 12.11 A questioner who has put a written question may also put one supplementary question orally and without notice to the Member who has replied to his/her original question. A supplementary question must arise directly out of the original question or answer. The Chairman may reject a supplementary question on any of the grounds in Rule 12.5 above.

- 12.12 The supplemental question will be responded to by direct oral answer and there will be no discussion on the question or answer. A written answer, to be provided to the questioner following the Council meeting, will suffice where the questioner agrees an oral answer is not necessary or an oral answer cannot conveniently be given at the meeting.

Onwards reference to Cabinet or committee

- 12.13 Any Member may move that a matter raised by a written question be referred to the Cabinet or a committee. Once seconded, such a motion will be voted on Without Debate.

Time for questions

- 12.14 A period of 60 minutes (comprising a maximum of 30 minutes for public questions and a maximum of 30 minutes for Member questions) shall be set aside at a Council meeting for the putting and answering of questions under Rule 12.1.
- 12.15 If any questions or answers remain to be dealt with after the end of the respective 30 minute period in Rule 12.14, the Chairman may at his/her discretion extend that period if satisfied that the remaining questions or answers can be dealt with expeditiously and they are of sufficient urgency.
- 12.16 Any question or answer which cannot be dealt with during the time set aside for questions and answers, either because of lack of time or because of the non-attendance of the Member to whom it was to be put, will be dealt with by written answer to be sent to the questioner following the meeting.

Questions at Extraordinary meetings

- 12.17 Questions and answers in accordance with this Rule will be allowed at an Extraordinary meeting of Council but only in so far as they directly relate to the business for which the meeting was convened.

Questions on item under discussion

- 12.18 A District Council elected Member may ask the Leader, a Cabinet Member, a Member who has been appointed to an outside body or the chairman of a committee a question without notice regarding an item which relates to their responsibilities when that item is being received or is under consideration by Council subject to the Chairman (after consultation with the Proper Officer) being able to disallow a question if it falls within (b-e) of Rule 12.5.

RULE 13. RULES OF DEBATE

13.1 MEMBER SPEECHES

Members to address the Chairman

- 13.1.1 A Member shall speak only when called to do so by the Chairman. A Member shall address the Chairman only.

Members' speeches

- 13.1.2 Members shall address or refer to each other only as "Councillor".
- 13.1.3 When a Member is speaking other Members shall remain silent, unless raising a point of order or making a personal explanation.

Chairman standing

- 13.1.4 When the Chairman stands during a debate, any Member speaking at the time must stop and sit down. The meeting must be silent.

No speeches until motion seconded

- 13.1.5 No speeches may be made after a Member has proposed a motion and explained the purpose of it until the motion has been seconded.

Secunder's speech

- 13.1.6 When seconding a motion or amendment, a Member may reserve his/her speech until later in the debate.

Content of speeches

- 13.1.7 Speeches must be directed to the item under discussion or to a personal explanation or point of order.

Right to require motion in writing

- 13.1.8 Unless notice of the motion (including an amendment) has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

When a Member may speak again

- 13.1.9 When a Member has spoken on a motion they may not, without the consent of the Chairman, speak again during the debate, except:
- (a) To speak once on an amendment moved by another Member;
 - (b) To move a further amendment if the motion has been amended since they last spoke;
 - (c) If their first speech was on an amendment moved by another Member, to speak on the substantive motion, whether or not the amendment was carried;
 - (d) To exercise the right to reply;
 - (e) On a point of order;
 - (f) By way of personal explanation;
 - (g) To request clarification from the Chairman on any matter relating to the item under discussion.

Length of speeches

- 13.1.10 The proposer of a motion and the mover of an amendment may speak for no more than 5 minutes when:
- (a) proposing the motion or moving an amendment; and
 - (b) replying to the debate immediately before it is put to the vote
- unless the consent of Council is given Without Debate.

- 13.1.11 No other speech shall last more than 5 minutes unless the consent of Council is given Without Debate.

Right to reply

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

- 13.1.13 If an amendment is moved, the proposer of the original motion has the right to reply at the close of the debate on the amendment, but may not otherwise speak on it.

- 13.1.14 The proposer of an amendment has the right to reply to the debate on his/her amendment immediately before the final speech of the mover of the original motion.

Point of order

- 13.1.15 A Member may raise a point of order at any time and the Chairman shall hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been breached.

Personal explanation

13.1.15 A Member may, with the consent of the Chairman, make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by that Member which may appear to have been misunderstood in the present debate.

13.2 MEMBER QUESTIONS

13.2.1 Once a motion has been proposed and seconded the Chairman shall first allow questions to be put by Members. The Chairman may in the interests of the efficient despatch of business limit:

- (a) the total number of questions;
- (b) the number of questions to be put by one Member or by persons from a Political Group; or
- (c) the time to be allowed for questions under this Rule.

13.3 AMENDMENTS TO MOTIONS

13.3.1 An amendment to a motion must be relevant to the motion and will be:

- (a) to leave out words;
- (b) to leave out words and insert or add others; or
- (c) to insert or add words

provided that the effect is not to negate the motion by either being directly contradictory to it or by introducing a new motion.

13.3.2 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 disposed of, although notice of further amendments may be given.

13.3.3 If an amendment is not carried, further amendments to the original motion may be moved.

13.3.4 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments can be moved.

13.3.5 After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Withdrawal or alteration of motion by proposer

13.3.6 A Member may without notice move the withdrawal or alteration of a motion which he/she has proposed, provided that any alteration meets the requirements of Rule 13.3.1, with the consent of both the seconder and Council signified Without Debate.

Consent of proposer and seconder to 'friendly' amendment

13.3.7 The proposer and seconder of a motion may consent to an amendment being made to that motion in which case, provided the amendment meets the requirements of Rule 13.3.1, the amended motion will become the substantive motion to which further amendments can be put.

13.4 PROCEDURAL MOTIONS

Motions which may be moved during debate

13.4.1 When a motion is under debate, no other motion may be moved except a procedural motion under Rule 13.4.2.

Procedural Motions

13.4.2 The following procedural motions may be moved without notice and will, where applicable, be subject to the procedures set out in Rules 13.4.3 to 13.4.14:

- (a) to appoint, in the event of a vacancy, a Chairman or Vice-Chairman;
- (b) to appoint a Person Presiding for a particular meeting;
- (c) in relation to the accuracy of the minutes;
- (d) to change, Without Debate, the order of business on the agenda;
- (e) to refer, Without Debate, a matter raised by a public or Member question to the Cabinet or a committee,;
- (e) to refer something to an appropriate body or individual for consideration or re-consideration;
- (f) to establish a committee or appoint a Member arising from an item on the summons for the meeting;
- (g) to receive reports of or adopt recommendations of committees or officers and any resolutions following from them;
- (h) to make any decision arising out of or directly relevant to an item on the summons for the meeting;
- (i) to consent, Without Debate, to withdrawal or alteration of a motion under Rule 13.19;
- (j) to amend a motion;
- (k) to reject a motion;
- (l) to proceed, Without Debate, to the next business;
- (m) that, Without Debate, the question be now put;
- (n) to adjourn, Without Debate, the item under discussion;
- (o) to adjourn, Without Debate, the meeting;
- (p) that, Without Debate, the meeting continue for up to one additional hour;
- (q) to consent, Without Debate, to an extension of speech under Rule 13.1.10;
- (r) to suspend a Procedure Rule under Rule 1.7;
- (s) to exclude the public and press in accordance with access to information rules;
- (t) to, Without Debate, not hear further from a Member or to exclude him/her from the meeting under Rule 17.1
- (u) to give the consent of Council where its consent is required by the District Council Constitution.

Rules in respect of particular procedural motions

Motion to proceed to the next business

13.4.3 If a procedural motion "to proceed to the next business" is moved and, seconded the Chairman must give -

- (a) where the original motion is being debated, the mover of that motion: and
- (b) where an amendment to the original motion is being debated, both the mover of that amendment and the mover of the original motion

a right to reply and then put the procedural motion to the vote Without Debate. If the procedural motion is carried the original motion and any amendment thereto will lapse.

Motion that the question be now put

- 13.4.4 If a procedural motion "that the question be now put" is proposed and seconded and the Chairman considers that the item has been sufficiently discussed, he/she will put the procedural motion to the vote Without Debate. If the procedural motion is carried, the Chairman must give -
- (a) in the case of an original motion, the mover of that motion: and
 - (b) in the case of an amendment, both the mover of the amendment and the mover of the original motion

a right of reply and then put the motion to the vote Without Debate.

Motion to adjourn the item under discussion

- 13.4.5 If a procedural motion "to adjourn the item under discussion" is proposed and seconded and the Chairman considers the item has not been sufficiently discussed or cannot reasonably be so discussed on that occasion then, subject to Rule 13.4.7, he/she will put the procedural motion to the vote Without Debate.
- 13.4.6 If a motion to adjourn the item under discussion is carried the item shall stand over as uncompleted business to the next Ordinary meeting of Council.
- 13.4.7 If a motion to adjourn the debate of a particular item is rejected, a similar motion cannot be moved within 30 minutes, except with the consent of the meeting signified by vote Without Debate.

Motion to adjourn the meeting

- 13.4.8 Subject to Rules 13.4.10 and 13.4.11, if a procedural motion "to adjourn the meeting" is proposed and seconded and the Chairman considers the item under discussion and any subsequent items have not been sufficiently discussed or cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote Without Debate.
- 13.4.9 If a motion to adjourn the meeting is carried the item under discussion and remaining business shall stand over as uncompleted business to a Council meeting at a date and time fixed by the Chairman in consultation with the Proper Officer. If the Chairman does not fix a date and time, the item under discussion and remaining business will be considered at the next Ordinary meeting.
- 13.4.10 If a motion to adjourn the meeting is rejected, a similar motion cannot be moved within 30 minutes, except with the consent of the meeting signified by vote Without Debate.
- 13.4.11 A motion to adjourn the Meeting shall not be put where the Meeting has been continued for up to one additional hour in accordance with a procedural motion under Rule 13.4.2.

Motion to suspend a Procedure Rule

- 13.4.12 If a procedural motion "to suspend a Procedure Rule" is proposed and seconded it cannot be voted on unless at least one half of the whole number of Members entitled to be present at the Council meeting are present.

Motion that a Member be not heard further

- 13.4.13 If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may propose "that the Member be not heard further" for the item under discussion or the remaining items for discussion at that meeting. If seconded, the motion will be voted on Without Debate and, if approved by Council, the Member will not be heard further on the item under discussion or the remaining items for discussion as the case may be.

Motion that a Member leave the meeting

- 13.4.14 If the Member continues to behave improperly after a motion under Rule 13.4.13 has been carried, the Chairman may move “that the Member leave the meeting” for the item under discussion or the remaining items for discussion at that meeting. If seconded, the motion will be voted on Without Debate and, if approved by Council, the Member shall leave the meeting for the item under discussion or the remaining items for discussion as the case may be.

RULE 14. VOTING

Majority

- 14.1 Unless the law requires or the Constitution provides otherwise, all matters will be decided by a simple majority of those Members voting and present in the meeting at the time the question is put.

Casting vote

- 14.2 If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There is no obligation or restriction on how the Chairman chooses to exercise a casting vote.

Taking the vote

- 14.3 Unless a recorded vote is demanded under Rule 14.5, the Chairman will take the vote by one of the following means: by show of hands, by using the electronic voting system, By Assent.
- 14.4 Where Members are participating in the meeting by remote audio or video/audio link, then the Chairman will take their vote in accordance with the requirements for a Recorded Vote as set out in Rule 14.5 or By Assent.

Recorded vote

- 14.5 Where the Chairman takes the vote by show of hands, the vote will be recorded if seven Members at the meeting demand it. The names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

Right to require individual vote to be recorded

- 14.6 Where any Member requests it, immediately after the vote is taken, his/her vote will, unless it is a recorded vote under Rule 14.5, be recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

Voting on budget and council tax

- 14.7 A recorded vote shall take place when Council makes a calculation of the budget requirement or issues a council tax precept. The names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

Voting on appointments

- 14.8 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.

Failure to vote

- 14.9 Any Member who fails to vote, or who fails to state their dissent for a vote By Assent, within the time allocated by the Chairman or Proper Officer will be deemed to have abstained from voting and there will be no opportunity for the vote to be retaken.

RULE 15. MEMBER DECLARATION OF INTERESTS

- 15.1 Members shall at all times comply with the District Council's Code of Conduct for Members with regard to declaration of interests at meetings of Council.

- 15.2 Where a Member has a Disclosable Pecuniary Interest or a prejudicial interest (as defined in the District Council's Code of Conduct) in an item of Council business they must declare that interest and withdraw from the meeting (including from the public area/gallery) during the whole of the consideration of that business unless the Member is permitted to remain due to the prior granting of a dispensation.

RULE 16. EXCLUSION OF PUBLIC

- 16.1 Members of the public and press may only be excluded either in accordance with access to information legislation or Rule 17 (Disorderly Conduct).

RULE 17. PREVENTION OF DISORDERLY CONDUCT

Members

- 17.1 If a Member persistently disregards the ruling of the Chairman or behaves improperly or offensively or deliberately obstructs business, the Chairman may, in accordance with Rules 13.4.13 and 13.4.14, move that the Member shall not be heard further or shall leave the meeting

The Public

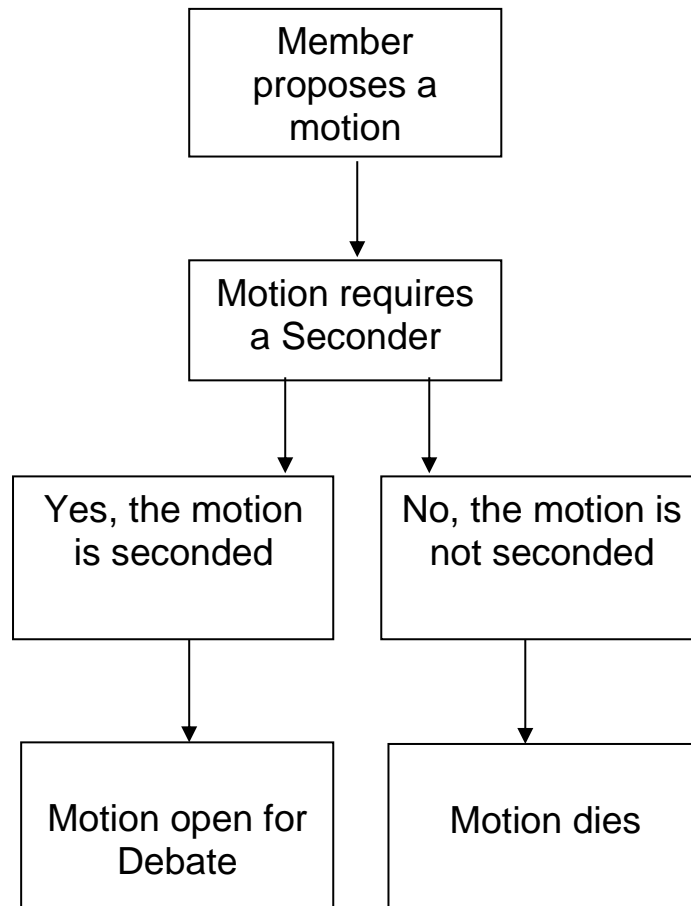
- 17.2 If a member of the public interrupts proceedings at any meeting of Council, the Chairman shall warn him/her. If he/she continues the interruption, the Chairman shall order him/her to leave the room where the meeting is being held. If he/she does not leave, the Chairman shall order him/her to be removed. If a member of the public persistently creates a disturbance, the Chairman may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.

General

- 17.3 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.
- 17.4 The powers conferred by this Rule are in addition to any other powers which the Chairman may lawfully exercise.

COUNCIL MEETING MOTION FLOW CHARTS

PROPOSING A MOTION

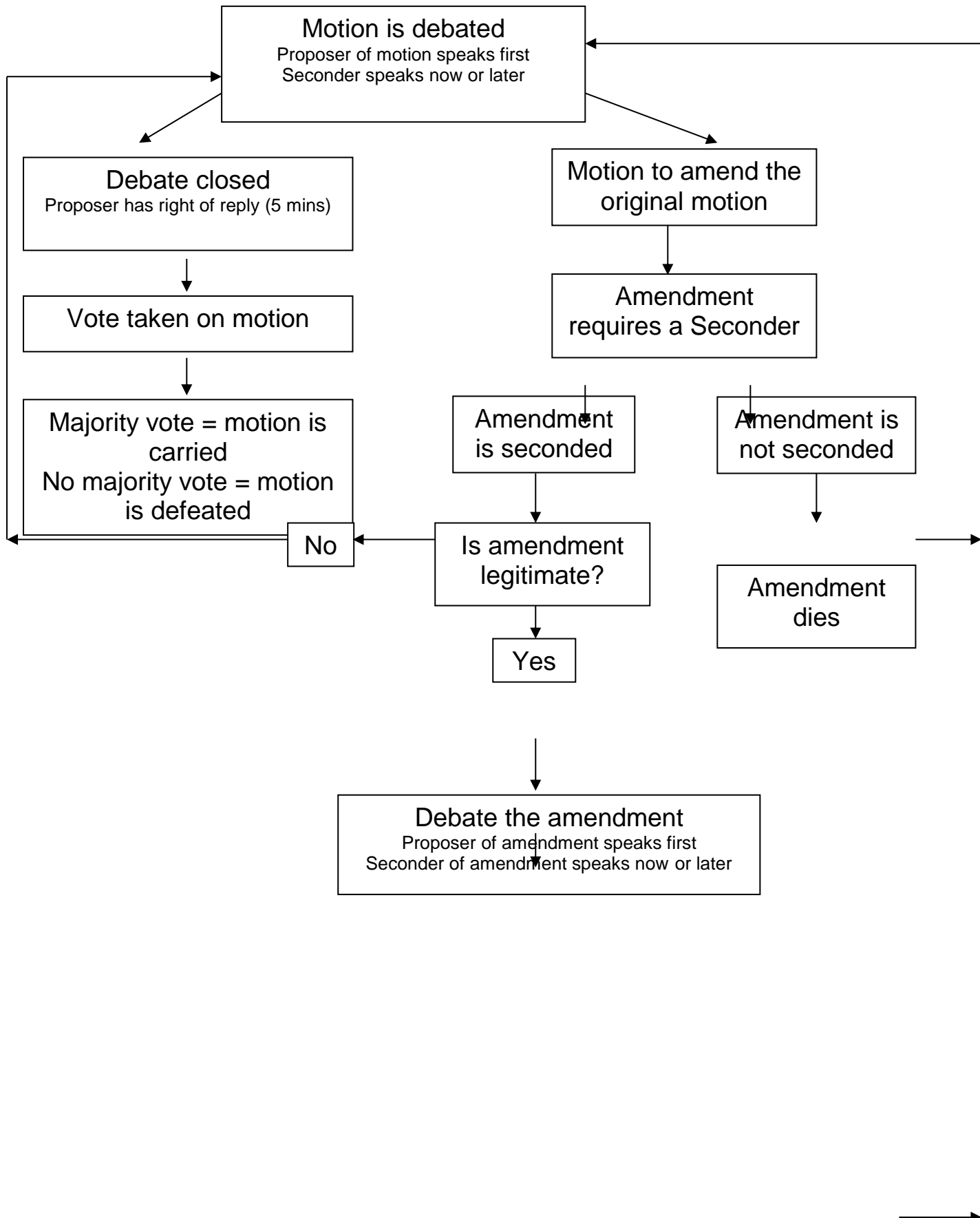


Note: Length of Speeches –

Proposer of Motion / Amendment – 5 minutes (proposing and replying)
Other speakers (including Secunder) – 5 minutes

Consent of Council needed for extension to time limits

DEBATING A MOTION / AMENDMENT



PART 2

COUNCIL, THE CABINET AND COMMITTEES

Chapter 1: Full Council

Full Council is the collective body of the elected members of the Council. It will be responsible for approving the **policy framework** to direct the Council's aims and objectives and has a role in holding the Cabinet to account for their decisions and actions.

1.1 The role of Full Council

- 1) Approving the constitution of the Forest of Dean District Council and any amendments to it, save for amendments where this Constitution provides that Full Council approval is not required
- 2) Appointing the Leader of Council.
- 3) Determining the policies, strategies and plans that may be prescribed by regulations, and referred to as the 'policy framework', governing the operations and discharge of functions of the Council. This function cannot be delegated to the Strategic Overview and Scrutiny Committee or any committee. The 'policy framework' includes those plans and strategies required by the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and any similar legislation that may be enacted, or law to be adopted by the Council.
- 4) Making a decision about any matter in the discharge of an Executive function that is covered by a framework policy or the budget where the Cabinet is minded to make a decision contrary to the framework policy or contrary to or not wholly in accordance with the budget.
- 5) Setting the annual budget and the level of council tax upon the recommendation from the Cabinet. Council may not substantially alter the draft budget but may refer the draft budget to the Cabinet identifying any conflict with approved policies. The 'budget' includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- 6) The approval of the members' allowance scheme and the appointment of an independent allowance and remuneration panel.
- 7) Approving and/or amending the terms of reference for committees and subcommittees and deciding their composition.
- 8) Appointing the Chairman and Vice-chairman of the Council.
- 9) Appointing members to the committees and subcommittees

- 10) To determine any matter where the recommendation from the Strategic Overview and Scrutiny Committee following a 'call-in' of a decision of the Cabinet has not been acceded to and the decision is alleged to be contrary to the framework policies.
- 11) To determine any licensing application referred by the Licensing Committee.
- 12) To determine any planning application referred from the Development Management Committee
- 13) Appointing and dismissing all chief officers (as defined in the Local Government Act 1972 as amended) in accordance with the process detailed in the officer employment procedure
- 14) To consider the electoral arrangements of a parish and to change the name of a parish – Local Government Act 1972 and Local Government and Rating Act 1997.
- 15) Power to make, amend, revoke or re-enact byelaws.
- 16) Power to make, amend, revoke or re-enact Public Spaces Protection Orders
- 17) To appoint members to represent the Council on non-strategic outside bodies, community groups and partnerships until the next district council elections or until replaced (whichever is the sooner).
- 18) Power to oppose or promote a local or personal bill – Local Government Act 1972.
- 19) Facilitating opportunities for voicing the concerns of the local community and adopting a community leadership role, promoting the 'social, economic and environmental well-being' of the area.
- 20) Adopting the local authority's codes of conduct and allowance scheme.
- 21) Determining Licensing Policy
- 22) Upon request from any Town/Parish Council to review the decision of the Senior Responsible Officer for Planning in relation to whether a Neighbourhood Development Plan should be submitted for Independent Examination. Note: A Town/Parish Council can only invoke this referral process once in relation to any one plan.
- 23) Approving the Local Council Tax Reduction Scheme

1.2 Meetings of Full Council

There are four types of Council meetings, namely

- Annual Council meeting
- A public forum meeting
- An ordinary meeting
- An extraordinary meeting.

All meetings will be conducted in accordance with the Council procedure rules contained in this Part 2, Chapter 1 and Part 2, Chapter 4.

The Council will maintain the tables in Part 2, Chapter 13 (decision making) of the constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Cabinet and shared responsibilities.

The Annual Meeting of the Council will begin at a time that the Chairman of Council deems appropriate having regard to the business to be conducted and shall be held within two months of the start of the Council's financial year. The first Annual Council following a district Council election will be held in accordance with the Local Government Act 1972 and shall begin at a time decided by the Head of Paid Service (or in his/her absence the Monitoring Officer) in consultation with the leader of the majority group or, if no overall majority, with all group leaders.

All meetings of the Full Council will be scheduled to start at such time as the Chairman of Council shall determine, having regard to the business to be transacted. Where all the business on the agenda has not been completed after three hours the meeting will be adjourned to a date to be fixed before adjourning.

Any extraordinary meetings, ordinary meetings or public forum meetings of the Full Council, will be held as frequently and at the locations as the Council decides.

The proper officers for the purposes of the application of the 12th schedule of the Local Government Act, 1972 (which relates to the meetings of local authorities) is the Head of Paid Service and in the event of the Head of Paid Service being unavailable, the Monitoring Officer

1.3 Appointment of the Chairman, Vice-Chairman & Leader of the Council

The first business of the Annual Meeting of Full Council will be, at the request of the Head of Paid Service, to elect a Chairman of the Council.

If, in electing the chairman, an equal number of votes is cast for two candidates, the election shall be decided by the casting vote of the person presiding who shall be the immediate past Chairman of the Council or vice-chairman in the event of a conflict or inability to act.

The second business of the Annual Meeting of Full Council will be to elect a vice-chairman of the Council.

If, in electing the vice-chairman, an equal number of votes are cast for two candidates, the appointment shall be decided by the chairman's casting vote.

All powers and duties of the Chairman of the Council relating to the conduct of meetings are exercisable by the person presiding at a meeting when the Chairman of the Council is absent.

The Chairman of Council and the vice-chairman will hold office until the next annual meeting of Council.

The third item of business at the Annual Meeting of Full Council following the district elections will be the election of a Leader of the Council. The Chairman of the Council cannot hold the position of Leader of Council. If more than one member is nominated, and there is an equal number of votes cast for two or more nominees, the Chairman of the Council or the Vice-chairman (in the event of a conflict or inability to act) shall have the casting vote.

The Leader of Council will be elected at the Annual Council following the District elections and remain in office for the full term of the Council unless they resign or are removed in accordance with the provisions of Part 2, Chapter 3 of the constitution.

1.4 Appointment of Strategic Overview and Scrutiny Committee, regulatory committees and other committees and subcommittees

The Strategic Overview and Scrutiny Committee, the regulatory committees and Audit Committee shall be appointed by the Annual Meeting of Full Council and shall represent the political balance of the Council.

Members appointed to the Development Management Committee and the Licensing Committee including members who may be substitutes must attend training in the functions and procedures of the committee before taking part in any hearing of a planning application or a licence application by the respective committee.

Members of the Cabinet shall not sit on the Strategic Overview and Scrutiny Committee or the Audit Committee and former members shall not sit on the Strategic Overview and Scrutiny Committee during the same Council year or within 6 months of leaving the Cabinet (whichever is the earlier) without specific authority from the Council but permission will only be given in the event of exceptional circumstances.

The Council may dissolve, merge or vary a regulatory or statutory committee, but at all times must comply with the statutory requirements for carrying out the functions delegated to the committee.

The chairmen and vice-chairmen of the Strategic Overview and Scrutiny Committee, and regulatory committees and sub-committees will be appointed at the Annual Meeting of Full Council by the members of the respective committees, or regulatory committees and sub-committees from amongst the members on the respective committees and sub-committees. For the avoidance of doubt any member who is currently prohibited from sitting on a committee e.g. due to a failure to complete the required training, shall not be permitted to take part in this vote.

In the above elections, if more than one nomination is received and an equal number of votes are cast for two candidates, the appointment shall be decided by the casting vote of the Chairman of the Council

1.5 Appointment of the Cabinet

The Leader of Council shall appoint no more than six members who collectively will form the Cabinet and they shall inform Council within four days of the Annual Meeting of Full Council of the names of the appointees. Any subsequent new or replacement appointments will be notified to the next Council after the appointment.

The Leader of Council shall inform Full Council of any powers or responsibility delegated to an individual Cabinet member ('portfolio-holder') together with any limitations on that power or responsibility.

The term "Cabinet" is the generic term meaning the Leader, the Leader and Cabinet and individual portfolio-holders.

1.6 Appointment of substitute non-executive members

Substitutes may be appointed to any committee at any time up until the commencement of the business, save for the exceptions in relation to planning and licencing committees as set out in c) below, reflecting the political balance of the Council.

Substitutes cannot be appointed to the Cabinet

Where the membership of a political group (the term in this instance to include non-aligned Councillors) is three or fewer persons, then the substitution of members allocated to the regulatory committee may be appointed from another political group, provided the political profile of the committee is not altered whereby the majority group (or the administration if comprising an alliance of political groups) ceases to retain the majority of seats.

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the members for whom they are substituting.

Any member who is nominated as a substitute member must have undertaken induction and training in the functions of that particular committee, and where specific training is provided to members of that committee must have attended that training.

Substitute members may attend meetings in that capacity only, namely:

- (a) to take the place of the ordinary member for whom they are the designated substitute;
- (b) where the ordinary member will be absent for the whole of the meeting; and

- (c) in the case of Development Management Committee after notifying the Head of Paid Service, or in their absence the Monitoring Officer, by noon on the day of the meeting of the intended substitution, and in the case of Licensing Committee after notifying the Head of Paid Service, or in their absence the Monitoring Officer, by 4.30pm the day before the meeting of the intended substitution (substitutes to all other committees can be made up until the start of the meeting)

1.7 Extraordinary meetings of Full Council

An extraordinary meeting, which is a meeting that has not been scheduled to take place at the Annual Meeting of Full Council, may be called by:

- (a) the Full Council by resolution.
- (b) the Chairman of the Council.
- (c) the Head of Paid Service.
- (d) the Monitoring Officer.
- (e) the Chief Finance Officer.
- (f) any five members if they have signed a requisition presented to the Chairman of the Council and the Chairman of Council has refused to call a meeting, or has failed to call a meeting, within seven days of the presentation of the requisition.

1.8 Order of business at Full Council meetings

The order of the following items may be altered by the Chairman of the Council at their discretion for the efficacy of conducting the business of Council:

- (a) To receive the minutes of the previous meeting
- (b) To answer any questions from the public
- (c) To answer questions asked by members
- (d) To deal with any business expressly required by statute to be done
- (e) To dispose of any business from the last meeting which was not disposed of
- (f) Such business by reason of special circumstances which, in the opinion of the chairman, is urgent
- (g) Chairman's announcements
- (h) To consider the non-exempt recommendations contained on the agenda

- (i) To consider motions of which notice has been given
- (j) To receive reports from the Cabinet and questions on key decisions taken and the main activities in their portfolio
- (k) To receive reports and take questions from the Council's Committees on the decisions taken and the main activities in their terms of reference
- (l) Other business, if any, as on the agenda
- (m) To consider any exempt recommendations contained on the agenda.

1.9 Framework and key policies

Where the Cabinet has submitted a draft plan or strategy ('draft strategy') to Council for consideration and adoption and the Council has reservations or objections to the proposed draft, Council must, at the initial submission, refer the matter back to the Cabinet together with details of its objections or concerns and require the Cabinet to reconsider the draft in the light of its comments.

The Council must specify a period (not being less than 10 working days from the date of the meeting) when the Cabinet will be required to submit a revision of the draft plan or strategy ('the revised draft'), together with the Cabinet's justification for any amendments or else inform the Council of its disagreement with the objections or concerns raised by Council.

The Council may:

- (a) amend the draft strategy or revised draft if there is one;
- (b) approve the draft strategy or revised draft in whole or in part if the whole or part is subject to submission to the government for approval; or
- (c) adopt (with or without modification) the plan or strategy but in so doing the Council must have regard to any amendments made by the Cabinet and the reasons for those amendments to the draft strategy or the disagreement that the Cabinet has with any of the Council's objections or concerns.

Where before 8 February in any financial year, the Cabinet submits to the authority for its consideration in relation to the following year:

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49 of the Local Government Finance Act 1992 or any amending or replacement legislation;

- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992;

the authority shall before making a calculation under the above inform the Leader of Council of any objections it has to the Cabinet's estimates or amounts and require the Cabinet to reconsider the estimates and amounts in the light of such objections and revert back to the authority within a specified period not being less than five working days from the day after the Leader of Council receives notice of the objections.

Following the procedure above the Leader of Council may either:

- a) submit a revision of the estimates or amounts as amended by the Cabinet ('revised estimates or amounts') which have been reconsidered in accordance with the authority's requirements, together with the Cabinet's reasons for any amendments made to the estimates or amounts to the authority for the authority's consideration; or
- b) inform the authority of any disagreement that the Cabinet has with any of the authority's objections and the Cabinet's reasons for any such disagreement, where upon the authority when making the calculations referred to above must take into account:
 - any amendments to the estimates or amounts that are included in any revised estimates or amounts;
 - the Cabinet's reasons for any amendment;
 - any disagreement that the Cabinet has with any of the authority's objections; and
 - the Cabinet's reasons for that disagreement.

1.10 Members' questions at Full Council meetings

- (a) A member, upon giving six working days' written notice to the Head of Paid Service or Monitoring Officer, may ask the Chairman of the Council a question on a matter which concerns the Council's functions, powers or duties, and which affects the district.
- (b) A member, upon giving six working days' written notice to the Head of Paid Service or Monitoring Officer, may ask the Leader of Council, a portfolio-holder, a chairman of a committee or another member who

has been appointed to an outside body a question on any matter which concerns the Cabinet's or committee's functions, powers and duties or the work of the outside body and which affects the district. The Leader of Council, portfolio-holder or the committee chairman may direct the question to be answered by the chairman of an appropriate subcommittee which has been delegated the subject matter of the question.

- (c) The member asking the question may ask a supplementary question related to the question or arising from the answer to seek further clarification.
- (d) If the Chairman of the Council rules that a matter is urgent, a member, without giving notice, may question the Chairman of the Council the Leader of Council, the chairman of a committee or a member on an outside body upon any matter within the terms of reference of their responsibilities.
- (e) Questions are to be asked and answered without further discussion by other members present. The Leader of Council or a committee chairman, to whom a question has been addressed, may ask another member or officer to answer it or, if they are of the opinion that a discussion is required, may refer it to another relevant meeting of the Cabinet or committee.
- (f) Answers will be made available to all council members at least 24 hours before the meeting.

1.11 Variation of constitution and procedural rules

Any proposal to revise the articles of the constitution of the Forest of Dean District Council relating to the principles of governance must be referred to a meeting of Full Council. Such a proposal must be passed by a majority of the total number of elected members (i.e. a minimum of 20 votes), but the constitution cannot be revised to change to another executive style of administration without undertaking wide consultation on the proposal.

1.12 Public participation

- (a) If it is deemed necessary by the Chairman of the Council in up to four of the scheduled ordinary meetings of Full Council each year, at least one hour may be set aside for a public debate in which invited members of the public will be allowed to speak on a selected topic or theme. The debate will be structured to ensure that as many members of the public who have a point of view can voice that view.
- (b) The topics for public debate will be identified by either the Head of Paid Service in conjunction with the Monitoring Officer and Chief Finance Officer or leaders of the political groups having regard to local or regional issues that impact upon the community or part of the community of the

district. If there are more topics selected than can be debated the Chairman of Council shall have the discretion to select those topics that they believe to be in the greatest public interest.

- (c) The procedure adopted will be that which is most expedient so that as many members of the public can take part in the debate as possible, and should therefore speak before members to ensure that all the facts, information and opinions have been presented to Full Council.

1.13 Public question time

- (a) Any person registered as a local government elector for the district¹ may, in accordance with this Council procedural rule, ask the Chairman or Leader of the Council, at any ordinary meeting of the Full Council, any question on any matter within the terms of reference of Full Council, the Cabinet or a committee (but not a regulatory committee), subject to compliance with the following procedure.
- (b) The question must relate to the powers and duties of the Council and must not be vexatious or frivolous. The Head of Paid Service or in their absence the Monitoring Officer, shall have discretion as to whether the question is acceptable and how many questions may be included at any one meeting.
- (c) Any such question must be set out in writing, signed by the questioner and delivered to the Head of Paid Service or Monitoring Officer, not later than 4.00pm on the third working day before the day on which the meeting of the Full Council is to be held. The questioner must also give:
 - (i) their full address; and
 - (ii) confirm their intention to attend the meeting concerned. (If a questioner wishes to appoint a representative to attend Full Council on their behalf, the name of the representative must be submitted to the Head of Paid Service or Monitoring Officer, at any time before commencement of the meeting.)
- (d) On receipt of any such question, the Head of Paid Service or Monitoring Officer, shall endeavour to ensure that the question is framed in a proper way and may discuss the format of the question with the questioner to:
 - (i) secure accuracy, clarity and brevity, but so as not to change the context of the question; and/or
 - (ii) omit any part of the question which they consider defamatory or relates to 'confidential' or 'exempt' information as defined in sections 100A and 100I of the Local Government Act 1972, or is otherwise inappropriate.

¹ On occasions the Council may consider it appropriate to allow questions from under 18's. Such questions will only be accepted on matters of significant interest to the community and where the consent of a parent/guardian is provided. The decision on whether to accept questions from under 18's will be at the discretion of the Head of Paid Service and/or the Monitoring Officer whose decision shall be final.

- (e) The reply to the question will be given orally by the Leader of Council or relevant portfolio holder or the appropriate chairman. If the questioner or their nominated representative fails to attend the meeting of Full Council, the answer will be given to the question and a written copy forwarded to the questioner.
- (f) The questioner, or their nominated representative, on hearing the reply, may put one supplementary question, which in the chairman's opinion relates to the subject matter of the original question, but may decline if the content of the question is defamatory or offensive.
- (g) All members of the Council shall be provided with written copies of the question. Written copies of answers shall be circulated to members at the meeting.

Chapter 2: The role of the Chairman of Council

2.1 The role of the Chairman of Council

The Chairman of Council, and in their absence, the Vice-chairman of Council, has a ceremonial function and a presiding role and will be elected annually by the Annual Meeting of the Council.

2.2 Ceremonial role

- The Chairman of Council represents the Forest of Dean District Council as the civic head of the district at formal gatherings and official functions. They are a symbol of the authority and of the community and an expression of social cohesion. They will receive and give hospitality in the name of the Council.
- To attend such civic and ceremonial functions organised by other bodies as they shall determine is appropriate.
- They will launch, at their discretion, such appeals within the area to raise funds for specific national or local charitable purposes.

2.3 Presiding role

The Chairman of Council presides over meetings of Full Council and has the following responsibilities:

- 1) To uphold and promote the purposes of the constitution, and, following advice from the Head of Paid Service and Monitoring Officer, to interpret the constitution where necessary.
- 2) To ensure that its business is carried out efficiently and effectively with regard to the rights of members, the interests of the community and the pressure of the business to be undertaken.
- 3) To ensure that the Council meeting is a proper forum for the debate of matters of concern to the local community and the place at which members of whatever political persuasion are treated impartially and provided with the reasonable opportunity for stating a case subject to the rules of debate contained in Part 2, Chapter 4 of this constitution and the chairman's responsibility to promote the efficient discharge of the Council's business.
- 4) To promote public involvement in the Council's activities.

Chapter 3: The role of the Cabinet

The term 'Executive' shall be the collective name for the Leader of the Council and the members of the Cabinet, unless the context dictates otherwise. The terms 'executive function' shall mean those matters and functions that have been delegated to the Cabinet.

The Cabinet will exercise all of the local authority's functions that are not the responsibility of any other part of the Council, by law or under this constitution.

The Cabinet will consist of the Leader of the Council together with at least two but not more than six members appointed by the Leader of the Council.

3.1 Executive Functions

- The formulation and development of the policy framework for adoption by Full Council and the implementation of these policies, duties and responsibilities in respect of the Council's functions which are not otherwise the responsibility of Full Council or any regulatory committee.
- To review and monitor the operation of the policy framework and to recommend to Full Council proposals for new initiatives and policy developments.
- To formulate the annual budget, including capital plans, taking account of the priorities of the policy framework with recommendations for the Council's borrowing limits and the Council tax levels, for adoption by Full Council.
- To take decisions during the year on allocating resources and priorities to deliver the strategies within the budget approved by Full Council; consulting with the Strategic Overview and Scrutiny Committee and stakeholders in the local community as necessary.
- If applicable to make arrangements for executive functions to be discharged by an area committee or another authority.
- To provide the lead on the Council's operational role as a member of local partnerships with partners from key external organisations.
- To be responsible for the management and monitoring of the resources subject to the Council's policy framework; and to make recommendations to Full Council where appropriate in respect of the resources needed for the Council to achieve its objectives.
- To adopt operational policies for land or asset acquisition or disposal in accordance with the provisions of any relevant framework policy.

- To request the Strategic Overview and Scrutiny Committee to develop policy initiatives in conjunction with the preparation and the revision of the policy framework generally, for further consideration by the Cabinet.
- To decide capital and revenue grant applications, which are not otherwise the responsibility of Full Council or delegated to officers.
- To monitor the operational functions and service delivery for compliance with the policy framework.
- To monitor and review the arrangements for risk management within the Council.
- Such other functions and responsibilities that may be delegated to the Cabinet by primary or secondary legislation.
- The Cabinet cannot assume responsibility for those functions contained in Regulation 2 and Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 as amended but all other executive functions that have not been delegated to another body can only be undertaken by the Cabinet.

3.2 Delegation

Subject to the provisions below the Leader of Council may discharge any functions and exercise any powers that are the responsibility of the Cabinet.

The Leader of Council may arrange for the discharge of any of those functions or powers by any of the following:

- a) The Cabinet
- b) An individual member of Cabinet ('Portfolio-holder')
- c) The Head of Paid Service

The Leader of the Council may exercise such powers of delegation at any time by giving written notice to:

- a) any person to whom power is delegated;
- b) the relevant Council meeting, and
- c) the Head of Paid Service

The delegation shall be notified to the Head of Paid Service in writing immediately and the list of delegations of executive functions in the constitution shall be updated within five days of the delegation being conferred.

3.3 Principles of delegation

Day to day operational decision-making will be delegated to officers (See Part 3), save:

- a) where an officer refers a decision to the Cabinet; or
- b) where the decision is particularly sensitive or contentious, and
- c) involves relationships with external partners or has a significant external impact.

The Council will have adopted policies or guidance on exercising the functions and responsibilities delegated to the Cabinet or such matters are covered by primary or secondary legislation.

The limitations on the exercise of any power or responsibility will be made explicit in the delegation.

Decisions will be taken at the lowest level wherever possible and appropriate but the person given the delegated power and responsibility has the discretion to determine how the power or responsibility is exercised eg to retain the delegation, to remit the power to a lower level, to consult before exercising the power or responsibility to exercise the power jointly with another with the appropriate authority.

Decisions will comply with the principles of the constitution and the Cabinet will monitor all delegated decisions of an executive function or function exercised by the Cabinet.

Decisions that have a corporate significance or of a particular sensitivity will be taken having regard to advice from the appropriate senior officers and the Head of Paid Service.

A portfolio holder will agree with the Head of Paid Service suitable working arrangements to ensure:

- a. that each is briefed as to the exercise of their respective responsibilities;
- b. that procedures for joint decision-making are in place;
- c. that all relevant options and risks are considered and included in a report;
- d. that the decisions are formally considered with identification of the justification for the decision; and
- e. that the decisions are recorded simultaneously and published within the timescales adopted by Council.

3.4 Delegation by the Leader of Council

The Leader of Council will present to the next meeting of Council following such appointment and delegation a written record of delegations they have made for inclusion in the Council's scheme of delegation as Part 3 to this constitution. The document presented by the Leader of Council will contain the following information about Executive functions in relation to the coming year:

- (i) The names, contact addresses and wards of the members appointed to the Cabinet by the Leader of Council.
- (ii) The extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority.
- (iii) The terms of reference of any committee of the Cabinet as the Leader of Council appoints and the names of Cabinet members appointed to them.
- (iv) The nature and extent of any delegation of Executive functions to Area Committees, any other authority or any joint arrangements and the names of those Cabinet Members appointed to any joint committee for the coming year.
- (v) The nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

3.5 Sub-delegation of Executive Functions

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an Executive function, they may delegate further to an area committee or a joint arrangement.
- (b) If the Leader of Council delegates functions to a member of the Cabinet, then the member of the Cabinet may delegate further to a Committee of the Cabinet or to a Senior Officer.
- (c) Unless the Leader of Council directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader of Council may delegate further to a senior officer.
- (d) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who made the delegation provided notice is given to the delegate **before** the decision is taken.

3.6 The Council's scheme of delegation and Executive functions

- (a) The Leader of Council is able to decide whether to delegate Executive functions. They may amend the scheme of delegation relating to Executive

functions at any time during the year. To do so, the Leader of Council must give written notice to the Head of Paid Service and to the member, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any member, body, committee or the Cabinet as a whole. The Leader of Council will present a report to the next ordinary meeting of the Council setting out the changes they have made.

- (b) Where the Leader of Council seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when they have served it on its chairman.
- (c) Any delegation of powers and responsibility will be recorded as required in the constitution and the scheme of delegation contained in part 3 of the constitution will be updated within five working days.

3.7 The Leader of the Council

In terms of order of precedence, the Leader of the Council (or Deputy Leader when representing the Leader) shall rank next after the Chairman (or Vice-chairman when representing the Chairman) at functions organised within the Council's area.

The Leader of the Council will be elected at the Annual Council following the District Elections for four years unless they resign or are removed in accordance with the provisions of the Constitution where upon a new Leader of the Council will be elected by the Council for the remaining term of the Council subject to the same provision.

The Leader will appoint up to 6 members to form the Cabinet.

The Leader of the Council will appoint a member of the Cabinet to act as Deputy Leader who will hold office until a successor is appointed. If the Leader is unable to act or the office is vacant, the Deputy Leader will act in their place. If neither the Leader or Deputy Leader are able to act or the positions are both vacant, the Cabinet must act in the Leader's place or arrange for a Member of the Cabinet to act in their place.

The Leader of the Council will hold office until:

- they resign as Leader of the Council;
- they cease to be an elected member;
- they are removed from office by a resolution of Council.

The Leader of the Council, and in their absence the Deputy Leader of the Council, has the following responsibilities:

- 1) To provide the political leadership of the Council in the initiation and determination of policy and the discharge of the Council's statutory functions in the provision of services.
- 2) To provide the focus for the corporate management of the provision of the Council's services to achieve the Council's compliance with statutory obligations and the corporate plan, and other framework policy objectives.
- 3) To ensure that Cabinet decisions are effective and in accordance with the Council's adopted policy framework.
- 4) To ensure that the political groups' scheme and democratic process are administered effectively, especially in relation to representation on committees and subcommittees.
- 5) To act as principal spokesperson of the Council in connection with its services and the discharge thereof.
- 6) To represent the Council as its principal representative at meetings with other bodies, organisations and persons at which matters of business involving or likely to affect the Council are to be discussed, but they shall have the right to delegate attendance to some other member or officer if, in their opinion, it would be more appropriate or more convenient for that person to attend.
- 7) To ensure, in consultation with the Head of Paid Service that the Council has secured appropriate staff resources, in particular through the appointment of Senior Officers and commissioned services.
- 8) To maintain a list identifying which individual members of the Cabinet, committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

3.8 The Cabinet

The Cabinet comprises the Executive members and will have the collective responsibility for executive functions but responsibility for decisions on particular functions may be delegated to an individual Cabinet member or a committee of Cabinet members. The members of Cabinet will hold office for such period as the Leader of Council deems appropriate or until:

- they resign from the Cabinet; or
- they are removed from office by Council in accordance with the provisions of the constitution.

The Leader of Council will inform the Head of Paid Service in writing immediately when any Cabinet member is replaced or the remit of any portfolio is amended or deleted

3.9 Conflicts of interest

- (a) Where a Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's code of conduct for members in Part 5, Chapter 1 of this Constitution.
- (b) If the exercise of an Executive function has been delegated to a committee of the Cabinet, an individual Member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the council's code of conduct for members in Part 5 of this constitution.

3.10 Cabinet meetings

The Cabinet will meet on average nine times per year at times to be agreed by the Leader of Council at a location agreed by the Leader of Council.

3.11 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall three members, one on whom must be the Leader of Council or Deputy Leader.

3.12 Decisions of the Cabinet

- (a) Cabinet decisions that have been delegated to the Cabinet as a whole or by a committee of the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in part 4 of the constitution.
- (b) Where Cabinet decisions are delegated to a portfolio holder of the Cabinet, the rules applying to executive decisions taken by them shall be as detailed herein.
- (c) Cabinet members are obliged to promote and assume responsibility for decisions of Cabinet.

3.13 Meetings of the Cabinet

- (a) The Leader of the Council will preside if present. In their absence, the Deputy Leader will preside
- (b) Cabinet meetings (but not briefing meetings) will be open to 'non-executive councillors' and members of the public.
- (c) Non-executive councillors will be allowed to ask formal written questions of any Cabinet Member at each Cabinet meeting. Questions must be made in writing and sent to Democratic Services at least two days prior to the meeting .

(d) At each meeting of the Cabinet the following business will be conducted:

- I. Consideration of the minutes of the last meeting.
- II. Declarations of interest, if any.
- III. Public question time
- IV. Councillor Question Time
- V. Matters referred to the Cabinet (whether by a scrutiny and review committee or by the council) for reconsideration by the Cabinet)
- VI. Consideration of reports from scrutiny and review committees.
- VI. Matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in part 4 of this constitution
- VII. Matters for information or future report.

3.14 Consultation

All reports to the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the Strategic Overview and Scrutiny Committee, and the outcome of that consultation.

Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

3.15 Cabinet agenda

- a) The Leader of Council will decide upon the schedule for the meetings of the Cabinet. Any matter may be put on the agenda, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter.
- b) Any member of the Cabinet may require the Head of Paid Service to include an item on the agenda of the next available meeting of the Cabinet for consideration.
- c) Where the Strategic Overview and Scrutiny Committee or the Full Council have resolved that an item be considered by the Cabinet that item will be placed on the agenda of the next available meeting of the Cabinet. However, there may only be up to three such items on any one agenda.
- d) Any member of the Council may ask the Leader of Council to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader of Council agrees the item will be considered at the most convenient meeting of the Cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered. The member requesting the item will be invited to attend the meeting, whether or not it is a public meeting. However, there may only be up to three such items for each Cabinet meeting.

- e) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Leader of Council to call such a meeting in pursuance of their statutory duties.
- f) In other circumstances where any two of the Head of Paid Service, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the officers may also require that a special meeting of Cabinet be convened at which the matter will be considered.

3.16 Decisions by portfolio holders

- (a) Forthcoming Key Decisions by portfolio-holders will be identified on the Forward Plan at least 28 days prior to the date of the decision. The date when the issue will be considered and a decision made will be advertised at least five days (excluding the day of the decision) before that date.
- (b) A written notice (electronic media will be deemed to be valid notice) will be circulated to all members and published on the Council's website identifying the matters to be considered by each individual portfolio holder five clear days (excluding the day of the decision) before a decision is to be made.
- (c) The notice will also have attached to it a copy of the officer's report setting out the relevant issues, options, risks and resource implications together with a recommendation.
- (d) All members and members of the public will be able to make written representations to the portfolio holder.
- (e) The portfolio-holder will attend the Council offices to consider the report, representations and clarify any outstanding matter before coming to a decision. If other members wish to attend the meeting with the portfolio holder to make oral representations then they must contact the portfolio holder to confirm an appointment.
- (f) When making a decision the portfolio holder will provide justification for their decision.
- (g) The decision will be recorded and published in the same manner as Cabinet decisions.

3.17 Call-in

- a) Any Key Decision made by the Cabinet can be called in by FIVE (5) members for review by the Strategic Overview and Scrutiny Committee whereupon the decision will stand in abeyance.

- b) If a called-in decision is not accepted by the Strategic Overview and Scrutiny Committee as being compliant with the policy framework or budget that decision is referred to Cabinet and should the Cabinet reaffirm the original decision, the decision is referred to Full Council with details of the scrutiny committee's concerns and recommendations.
- c) If a called-in decision is accepted by the Strategic Overview and Scrutiny Committee as being compliant with the policy framework and budget then the decision is referred back to the Cabinet who may either amend or reaffirm its original decision
- d) If the Cabinet wishes to make a decision that is not in accordance with the adopted Council policy framework or budget, the Cabinet must recommend such a decision to Full Council together with reasoned justification.

3.18 Publicity in connection with key decisions

- a) In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the Council is required to publish in a document called the forward plan of the key decisions that are to be taken by the Council at least 28 clear days prior to the decision being made.
- b) There is one exception to the need to publish a key decision in the forward plan. This is where the Monitoring Officer agrees that it is impractical to comply with the notice provisions and gives written notice to the chairman of the Strategic Overview and Scrutiny Committee. The Monitoring Officer must publish a copy of the notice at least 5 clear days before the decision is taken.

3.19 Publicity in connection with exempt items

- a) In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the Council is required to publish details in a document called the forward plan details of any decisions that it intends to make in a private meeting at least 28 clear days prior to the decision being made.
- b) There is one exception to the need to publish details of an exempt decision in the forward plan. This is where the Monitoring Officer agrees that it is impractical to comply with the notice provisions, the matter is urgent and cannot reasonably be deferred to enable the requisite notice to be given and the consent of the chairman of the Strategic Overview and Scrutiny Committee has been obtained.
- c) Upon obtaining consent of the chairman the Monitoring Officer must publish a notice setting out why the matter is urgent and cannot reasonably be deferred.

3.20 Cabinet Forward Plan

- a) Every month the Council will publish a forward plan detailing the upcoming decision to be taken by the Cabinet.
- b) Officers preparing reports for Cabinet are required to complete the Cabinet referral form to identify matters that need to appear on the forward plan and also to establish whether the decision to be taken will be a key decision or need to be considered as exempt business.

3.21 Cabinet Support Groups

The Cabinet may set up cabinet support groups to support individual Cabinet Members on particular topics. The groups will be managed in accordance with Part 2, Chapter 10 of this constitution.

3.22 Public questions at Cabinet

- 1. A maximum of fifteen (15) minutes will be allowed shortly after the start of each Cabinet meeting for questions
- 2. Any member of the public who is registered as a local government elector in the administrative area may ask one question
- 3. The question must be relevant, clear and concise. Public question time is not an opportunity to make speeches or statements
- 4. The question must be relevant to the powers and duties of Cabinet or individual Cabinet Members. It must not deal with confidential, personal or other information which the law permits the Council to consider in private, nor shall it be related to a specific planning or licensing application
- 5. Questions may be written or oral. At least two working days prior notice must be given to Democratic Services. A prescribed form is available, but this is not essential
- 6. One supplementary question on the same subject will be allowed at the sole discretion of the Chairman
- 7. The Leader, or at his/her discretion, another Cabinet Member may reply. He/she may decide that a written reply should be sent after the meeting within ten (10) working days
- 8. No debate will be allowed on any question or answer
- 9. The minutes of the meeting will record the name of the questioner, the question, the reply and the name of the person replying
- 10. The Chairman's decision on relevancy of a question or on the method of dealing with any issue in connection with this procedure shall be final

11. On request answers can be made available on audiotape and in larger font sizes

3.23 Scrutiny Question Time

If requested by the Strategic Overview and Scrutiny Committee each Cabinet Member will attend a public meeting of a Scrutiny Committee or Sub Committee to answer questions on their portfolio.

Chapter 4: Committees Generally

The committees shall meet in public (save where exempt matters as defined in section 100A and schedule 12 of the Local Government Act 1972 as amended were to be discussed) as frequently as, and at locations as, Full Council shall decide (unless the business of the committees demand otherwise) and shall commence at such time(s) as the committee or subcommittee shall determine having regard to the business to be transacted (save Development Management Committee which will commence at 2.00pm).

A meeting of a committee shall not exceed three hours in duration, and if the business of the meeting has not been completed within that time the chairman will interrupt the debate to announce the time and call for a vote to be taken immediately on the item under discussion. No member will be able to address the meeting after the chairman's interruption on any item appearing on the agenda. Any items remaining on the agenda, which have not been considered, will be adjourned to the next scheduled meeting or to a date fixed before the meeting adjourns.

If an exceptional meeting of a committee is called to deliberate a specific and substantial issue of strategic importance, or, in the case of the Licensing Committee, a complex licensing application, the committee may be scheduled in the published agenda for the meeting to last for a period in excess of three hours duration with the prior consent of the chairman of the committee or, in the absence of a chairman, the Leader of Council.

Save for as identified in this Constitution (Cabinet) the quorum for committees will be 50% + 1.

In the event that the committee is unable to maintain a quorum on any decision due to a number of its members, including substitutes, having declarable pecuniary or personal substantial interests, and no dispensation has been granted, then the decision will be referred to the Full Council.

Democratic Services will publish the dates of Full Council, committees and permanent working groups for the next calendar year every December. Dates for time-limited task groups will be published as they are arranged.

Before finalising a report, the author should consult with the relevant specialist interest members and member champions. Members will be encouraged to take the lead on presenting the report to committee.

4.1 Power of the regulatory committees

All decisions taken by the committees will be resolved and reported to all members but the minutes of the meetings will not be referred to Full Council for approval or noting, save recommendations to Full Council initiating new policies or referred licensing applications or where a decision was unable to be reached

The committees may receive relevant information from officers, other members, outside bodies and individual persons, if it is deemed necessary, for facilitating the

proper decision-making process. Information not requiring specific decisions may be conveyed to members through appropriate channels of communication including email.

The committees may reallocate provisions within their approved budget, if it is deemed to be in the Council's best interest or in the best interests of the inhabitants of the district, and to achieve stated objectives within the corporate plan. The sum vired must not exceed the sum stated in the financial procedure rules in Part 4, Chapter 3 of this constitution, and not be subject to statutory or central government financial restrictions on such virement.

In order to undertake their functions efficiently and effectively within the principles of best value, the committees may delegate operational decisions to officers or an appropriate area committee or joint committee to facilitate the discharge of its responsibilities, together with appropriate budgets, if necessary.

The committees may meet at venues other than the Council Chamber if it is deemed it will facilitate the consideration of any matter, provided that the accommodation will allow reasonable opportunity for members of the public to attend the meetings and hear the discussions in reasonable safety.

The first item of business of the committees shall be to receive the minutes of its last meeting to approve their accuracy as a record of the tenor of the meeting.

4.2 Discharge of functions

Each committee will arrange its meetings as its business demands.

The Chairman of the Council (or, if they are unable to act, the Vice-chairman of Council) or the chairman of a committee (or its vice-chairman in the case of similar inability) may call an extraordinary meeting of a committee (but not the Cabinet) at any time.

If the chairman refuses to call an extraordinary meeting, or an extraordinary meeting has not been called within seven days, an extraordinary meeting of the committee or subcommittee may be called by FIVE members of the committee or THREE members of a subcommittee requesting such a meeting by submitting a request in writing addressed to the Head of Paid Service.

Any decision shall be implemented within six months of the decision becoming actionable unless a different timescale is referred to in the decision. If the decision is not implemented within the designated timescale then action will be deferred pending the Cabinet or committee reconfirming the decision.

4.3 Attendance by a member who is not appointed to the committee

Subject to the following provisions, a member may attend any meeting of a committee, or working group of which they are not a member. They cannot vote, but the accepted protocol is that they will be allowed to speak to the meeting after giving notice to the appropriate chairman, but the chairman has discretion as to who may

speak having regard to the outstanding business of the committee and/or the content of the debate.

Such a member is not included in a resolution to exclude the public under the provisions of section 100A of the Local Government Act 1972.

Such a member who has an interest (save for an insignificant personal interest which must, however, still be declared) in any matter to be discussed at a meeting must leave the meeting while the matter is being discussed.

Where the cabinet is considering a recommendation or decision of a scrutiny and review committee, the chairman of the scrutiny and review committee (or committee representative) may attend a meeting of the Cabinet.

The Leader of Council or another member of the Cabinet may attend a meeting of a scrutiny and review committee to explain and clarify the recommendation or decision.

4.4 Order of business

The first five items at every meeting are:

- (i) To appoint a chairman for the meeting if both chairman and vice-chairman are absent.
- (ii) To deal with anything required by law to be done before anything else.
- (iii) To approve the minutes of the last meeting for signature by the chairman.
- (iv) To identify items of urgent business that have not been included on the agenda and which require a decision before the next meeting.
- (v) Declarations of interest.

4.5 Preparation and publication of agendas

The Head of Paid Service in consultation with the Chairman of Council can vary the order of business on any agenda for the Full Council. The Leader of Council shall determine the order of business on an agenda for the Cabinet.

The committee chairmen, in consultation with the Head of Paid Service or other designated officers, will determine the order of business for meetings of their committee.

Items included on the agenda for the Cabinet should require a decision authorising particular action.

All documents which contain confidential or exempt information under the provisions of section 100(A) or 100(B) of the Local Government Act, 1972 shall be treated as

confidential unless the classification relating to confidential or exempt information is removed.

Any member may require an item to be placed on an agenda for consideration by the committee, provided:

- (1) that the request is relevant to the function of the committee; and
- (2) it is submitted to the Head of Paid Service for discussion with the Leader of the Council and Corporate Leadership Team, with a view to scheduling the issue to an appropriate meeting.

This rule is modified when applied to Cabinet agendas

An item that is not on the agenda shall **not** be considered by Full Council or a committee, unless ruled by the appropriate chairman to be an urgent item because of identified special circumstances.

An item which does not require a decision by the members at the meeting shall not be placed on the agenda for a meeting of any committee or Council (save the forum meetings of Full Council) unless the Head of Paid Service has specifically authorised the inclusion of the item.

All Committee, Cabinet and Full Council agendas are to be published at least 5 working days before the meeting.

From 8 May 2015 the Council will operate an electronic agenda system and all agendas will be made available to Members via email. Any Member who does not wish to participate in the electronic service can 'opt-out' by contacting Democratic Services.

4.6 Declaration of interests

Members (which, in this context, will also include persons co-opted to sit on committees even though they have not the right to vote) are required to disclose any registerable interests in the register of interests, maintained by the Monitoring Officer, on a yearly basis and are required to make a 'nil' return in the event that they have no registerable interests to declare. If there is a change in the member's circumstances, the entry on the register of interests must be updated within 28 days of the change.

A member having a disclosable pecuniary interest or prejudicial interest (defined in the Councillors' code of conduct in Part 5 of this constitution) in a matter to be discussed at any meeting **MUST** declare it, even if they have made a declaration in the register of interests and in previous meetings. They must then leave the meeting while the matter is being discussed, unless a dispensation allowing the member(s) to take part in the decision-making has been made by the Monitoring Officer

Any member who has an other interest (as defined by the councillors' code of conduct and/or the Forest of Dean code of conduct for councillors in Part 5 of this constitution) shall disclose that interest at the commencement of the meeting or as soon as it becomes evident that such an interest has arisen during the consideration of the item, but may stay and take part in the discussion and vote on the matter.

4.7 Registration of gifts and hospitality

A member must, within 28 days of receiving any offer of gifts or hospitality over the value of £50 which they have been offered as a consequence of being a councillor, provide written notification to the authority's Monitoring Officer of the existence and nature of that gift or hospitality, whether or not it has been accepted.

4.8 Admission of public

The public shall be admitted to all meetings of Full Council or committee or subcommittee, so far as accommodation is available, except during an item of business when it is likely, either in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item:

- a) confidential information would be disclosed in breach of the obligation of confidence as defined in section 100A(3) of the Local Government Act 1972; or
- b) there would be disclosure of exempt information as defined in section 100I and specified in part 1 of schedule 12A of the Local Government Act, 1972, and
- c) the meeting has passed a resolution to exclude the public from the meeting during that item.

4.9 Voting

Voting is by majority by a show of hands or by an electronic voting system. Where the electronic voting system is used votes will be recorded in the minutes of the meeting.

Where the electronic voting system is used it will be tested prior to the meeting. Any Member who fails to vote within the time allocated will be deemed to have abstained from voting and there will be no opportunity for the vote to be retaken.

In addition if, immediately after a vote is taken, and a member so requests, it shall be recorded in the minutes whether they voted for or against the question or abstained from voting.

In the case of an equality of votes, the person chairing the meeting shall have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote.

4.10 Attendance record

Every member attending a meeting is required to sign the attendance book to authorise reimbursement of any expenses. If a member neglects to sign the record, then their attendance must be confirmed by a correction to the minutes of the meeting at the next ordinary meeting.

4.11 Conduct

If a member intentionally or persistently disregards the ruling of the chairman of any meeting of Full Council, Cabinet, or any committee or behaves offensively, improperly or obstructs the business of any such meeting, the chairman or any member may move that the member is not heard further. If the motion is seconded, it shall be voted on without discussion or comment.

If a member continues to misbehave after such a motion has been carried, the chairman may either:

- (i) move that “the member leave the meeting” (which motion is put without seconding or discussion); or
- (ii) adjourn the meeting for as long as they think necessary.

If there is general disturbance preventing the conduct of business, the chairman may adjourn the meeting for as long as they think necessary.

4.12 Disturbance by the public

If there is interruption by the public at any meeting of Full Council cabinet or committees, the chairman shall warn the person(s) concerned. If the interruption continues, the chairman shall order the person(s) concerned to be removed from the chamber. If there is general disturbance in the public area the chairman shall order the public to leave, or may adjourn the meeting for as long as they think necessary.

4.13 Officers’ interests

Any officer must inform the Monitoring Officer in writing if they have a financial interest in any contract or any other matter in which the Council is a party, whether or not the matter is to be discussed at any meeting. The Monitoring Officer will record this in a register, which is open to members’ inspection during office hours. An officer attending a meeting must disclose that interest at that meeting, even though the Monitoring Officer has been informed previously.

4.14 Minutes

The minutes or the action notes of the previous meeting of Full Council, cabinet or committee shall be made available to members prior to the next meeting.

The minutes of the previous meeting shall be approved without discussion, unless a motion is moved concerning their accuracy. Where possible members will give the Monitoring Officer 24 hours notice before the meeting of any challenge to the accuracy of the minutes.

If there is no such motion, the chairman will move that the minutes of the meeting held on a certain date be approved as a correct record and a vote taken, and when the matter is resolved the chairman will sign the minutes.

The minutes of any extraordinary meeting of Full Council or committee shall be submitted to its next meeting for adoption as a correct record.

There is no requirement to approve minutes of a previous ordinary meeting at an extraordinary meeting.

Minutes of Cabinet decisions will be circulated to members so as to reach members on the fourth working day after any decision has been made, but if the arrangements for circulating the minutes have been delayed then references in these rules to '10 working days after the decision' will be interpreted to mean the fifth working day after the dispatch of the minutes.

4.15 Notices of motion

A member must submit a notice of motion in writing to the Head of Paid Service or Monitoring Officer, at least six working days before the day of the meeting at which the matter is to be raised. The chairman of a committee or the Chairman of Council having regard to the business to be conducted at the meeting has a discretion to schedule the motions to another meeting of the committee or Council.

A motion may be referred by Full Council or a committee to another committee for consideration.

A motion or amendment to rescind a decision (other than in respect of a decision related to a planning and licensing application) made by, or a motion or amendment in similar terms to one that has been rejected by, Full Council or a committee within the previous SIX months cannot be moved unless the motion is signed by at least half the membership of the Full Council or committee which made the original decision. The body that made the original decision will consider the motion and it will have regard to the adopted policy framework and the principles contained in decision-making.

The process referred to above can only be used once for a decision in a six month period.

4.16 Procedure regarding notices of motion

If a motion is not moved at the meeting by the member who gave notice, or by another member on their behalf, the Council or committee will resolve whether it is to be withdrawn or postponed.

If the motion is to a meeting of Full Council and concerns a matter delegated to a committee it shall, after being moved and seconded, be referred without discussion to the appropriate committee or committee(s).

If a motion has been referred to a committee, the mover will be invited to attend the committee (if they are not a member of it) to present the motion, but will not be entitled to vote on it.

A member may alter the wording of a motion of which they have given notice provided that the context of the subject matter remains consistent with the original motion.

Motions must concern the Council's powers or duties or affect the district.

The chairman's ruling as to the relevance of any motion is final.

4.17 Rules of debate

(a) Members to address the Chair

A Member shall speak only when called to do so by the Chairman. A Member shall address the Chairman only.

(b) Chairman Stands

If the Chairman stands during a debate a member who is speaking must cease speaking and no other member may speak until the Chairman indicates to the speaker to proceed.

(c) Chairman's Ruling

The Chairman's ruling on any matter of procedure in debate not covered by rules will be accepted without question.

(d) Members' Speeches

Members shall address or refer to each other only as "Councillor". When a Member is speaking other Members shall remain silent, unless raising a point of order or a personal explanation.

(e) Content of speeches

Speeches must be directed to the matter under discussion or to a personal explanation or point of order. Members should only speak in debate when they have new or additional information to provide.

(f) Right to require motion in writing

Unless notice of the motion (including an amendment) has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

(g) Amendments to motions

An amendment to a motion must be relevant to the motion and will either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words
- as long as the effect of (ii) to (iv) is not to negate the motion.

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 disposed of, although notice of further amendments may be given.

If an amendment is not carried, other amendments to the original motion may be moved.

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

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

(h) Withdrawal or alteration of motion

A Member may without notice withdraw or alter a motion which he/she has moved with the consent of the meeting

(i) Right of reply

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

If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

The mover of the amendment has the right of reply to the debate on his/her amendment immediately before the final speech of the mover of the original motion.

(j) Motions which may be moved during debate

When a motion is under debate, no other motion may be moved except a procedural motion as set detailed in (k)

(k) Procedural Motion

The following procedural motions may be moved without notice:

- i. to elect in the event of a vacancy a Chairman or Vice-Chairman or to appoint a Person Presiding for the meeting at which the motion is moved;
- ii. in relation to the accuracy of the minutes;
- iii. to change the order of business on the agenda;
- iv. to refer something to an appropriate body or individual;
- v. to appoint a sub-committee or working group arising from an item on the agenda for the Meeting;

- vi. to receive reports of or adopt recommendations of committees, sub-committees, working groups, Cabinet, Council or officers and any resolutions following from them;
- vii. to make any decision arising out of or directly relevant to an item on the agenda for the Meeting;
- viii. to give leave to withdraw or alter a motion;
- ix. to amend a motion;
- x. to reject a motion;
- xi. to proceed to the next business;
- xii. that the question be now put;
- xiii. to adjourn a debate;
- xiv. to adjourn a meeting;
- xv. to suspend the Council procedure rules
- xvi. to exclude the public and press in accordance with the Access to Information Rules;
- xvii. to not hear further a member named or to exclude him/her from the meeting

(l) Motion to proceed to the next business

If a procedural motion "to proceed to the next business" is moved and the Chairman considers that the item has been sufficiently discussed, he/she must give -

- (i) in the case of an original motion, the mover of that motion: and
- (ii) in the case of an amendment, both the mover of the amendment and the mover of the original motion a right to reply and then put the procedural motion to the vote without comment. If the procedural motion is carried the original motion and any amendment thereto shall lapse.

(m) Motion that the question be now put

If a procedural motion "that the question be now put" is moved and the Chairman considers that the item has been sufficiently discussed, he/she must put the procedural motion to the vote without comment. If the procedural vote is passed, the Chairman must give -

- (i) in the case of an original motion, the mover of that motion: and
- (ii) in the case of an amendment, both the mover of the amendment and the mover of the original motion a right of reply and then put the motion to the vote without comment.

(n) Motion to adjourn the debate or meeting

If a procedural motion to adjourn the debate or to adjourn the meeting is moved and the Chairman considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without comment and without giving the mover of the original motion the right of reply.

If a motion to adjourn the debate or meeting is accepted the item under discussion or remaining business shall stand over as uncompleted business to the next meeting of Full Council

If a motion to adjourn the debate or meeting is rejected, a similar motion cannot be moved within 30 minutes, except with the consent of the Meeting signified by vote without comment.

(o) Point of order

A Member may raise a point of order at any time and the Chairman shall hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which he/she considers it has been breached.

(p) Personal explanation

A Member may, with the consent of the Chairman, make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by that Member which may appear to have been misunderstood in the present debate.

4.18 Filming/Recording of proceedings

Meetings of Full Council and Development Management Committee are live streamed via the internet and recorded. A copy of the recording is available on the Council's website.

The Council may film, live stream or audio record other meetings as it considers appropriate, including the provision of live streaming and/or webcasting.

The Council supports the principle of transparency and permits filming, recording and taking photographs at its meetings that are open to the public. It also permits the use of social networking websites (such as Twitter and Facebook) and micro-blogging to communicate with people about what is happening, as it happens.

In order to facilitate webcasting, recording and the use of social media the Council has adopted the protocol set out at Appendix 7.

4.19 Inspection of documents

Except where the subject is one in which they have an interest, or may be restricted by section 100 F (subsection 2) of the Local Government Act, 1972, where the member has good reason to inspect documents in order to perform their duties as a councillor, a member may inspect and take copies of any document which is legally in the possession of the Council, including internal memoranda and reports, (but excluding anything in the personal record of an employee).

The Monitoring Officer may refuse to permit inspection of documents which might be protected by privilege arising from the relationship of solicitor and client.

The contents of any document shall be treated as confidential unless and until it becomes public in the ordinary course of the Council's business. Until the information becomes public the member shall not disclose the contents of any document.

4.20 Limitation of members' authority

A member may not issue an order in respect of any works that are being carried out by or on behalf of the authority, or claim the right to enter or inspect property which the authority has the duty or power to enter or inspect.

4.21 Urgent action

Notwithstanding anything contained in these rules and the Council's financial procedure rules, the Head of Paid Service (or, in their absence the Monitoring Officer or Chief Finance (Section 151) Officer), has the discretion to authorise such urgent action they consider appropriate in the interests of the Council, following consultation with the Leader of Council or, in their absence, the Deputy Leader. Any decision taken shall be reported to the next meeting of the Cabinet.

Chapter 5: The Strategic Overview and Scrutiny Committee

Number of members on committee	13
Quorum (50% + 1)	7
Substitutes permitted	Yes

The Council will appoint a Strategic Overview and Scrutiny Committee to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the said act.

The Strategic Overview and Scrutiny Committee will consist of up to 13 members. It will be politically balanced in accordance with the Council's adopted political groups scheme. In undertaking its responsibilities, the committee will adopt a cross-cutting approach to support a holistic perspective of the service delivery and decision making processes of the Council.

Members of the Cabinet will not be eligible to sit on the Strategic Overview and Scrutiny Committee whilst on the Cabinet and shall not take part in any scrutiny of a decision in which they were involved in whilst a member of the Cabinet. The Leader of the Council and any member of the Cabinet may attend to provide information to the committee.

It is recognised that whipping by political parties would be inconsistent with the purposes of scrutiny and therefore will not take place on the committee. Any member sitting on the committee will not consider him or herself restrained by any political group whip on any matter the committee will examine.

The Strategic Overview and Scrutiny Committee will conduct its proceedings in accordance with the scrutiny procedure rules set out in this constitution. Any co-opted member of the committee will be required to sign a declaration of acceptance and compliance with the national code of conduct for councillors.

The committee will appoint two (2) scrutiny panels who will meet as and when required to scrutinise specific issues and topics as determined by the committee. The terms of reference for the panels is as set out at paragraph 5.6 below.

The committee may also appoint task groups to supplement the work of the committee and panels.

Council may also appoint scrutiny and review committees for a fixed period, on the expiry of which they shall cease to exist.

There shall be at least six ordinary meetings of the committee in each year. In addition, extraordinary meetings may be called from time to time and as and when appropriate. A committee meeting may be called by the chairman of the committee, by five members of the committee or by the Head of Paid Service if they consider it necessary.

No member of the Cabinet may be a member of the Strategic Overview and Scrutiny Committee, or any of its panels, working groups or task groups during the same Council year or 6 months from the date when they ceased to be a member of the Cabinet (whichever is the earliest).

The general requirements for committees referred to in Part 2, Chapter 4 of this constitution apply to the arrangements and meetings of the Strategic Overview and Scrutiny Committee but not to the panels, working groups or tasks groups.

The chairman and vice-chairman of the Strategic Overview and Scrutiny Committee will be elected at the Annual Meeting of Council.

The Strategic Overview and Scrutiny Committee shall be entitled to recommend to Full Council the appointment of a number (but not exceeding one quarter of the number of elected members sitting on the committee) of non-voting co-optees onto the committee. Any person co-opted onto the committee shall be required to sign a declaration of acceptance of, and compliance with, the national code of conduct for councillors prior to assuming their position on the committee.

Any member of Council or member of the public may give written notice, including via the Council's website, to the Head of Paid Service of an item that they wish the committee to consider. The chairman and vice-chairman of the committee will consider whether to accept the task and, in consultation with the committee, agree on scheduling the item in the committee's cycle of meetings.

The Strategic Overview and Scrutiny Committee will maintain a 4 month rolling Scrutiny Plan to allow for proper co-ordination of the work of the Committee and the scrutiny panels.

Members who work with the Cabinet as Cabinet champions or as a member of a Cabinet portfolio group should not conduct scrutiny inquiries or challenge in relation to this work.

A chairman's briefing meeting may be held at the discretion of the chairman before a scrutiny meeting and solely for the purpose of planning questions, plans, protocol, procedures, late information or urgent items. These briefings should not debate any item on the agenda and will only be open to members of the Committee or relevant scrutiny panel.

The Committee and the scrutiny panels are encouraged to use innovative and relevant ways to involve the public in its work including the publication of an annual report and regular opportunity to engage with the public to identify topics of concern in the District.

5.1 The general role of the Strategic Overview and Scrutiny Committee

The Strategic Overview and Scrutiny Committee will:

- a) Review and scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;

- b) Make reports and recommendations to Full Council and the Cabinet with regard to the discharge of any functions of the Council or external agencies.
- c) Consider any issue or topic affecting the area or its inhabitants.
- d) Review the decisions called-in by Members for re-consideration, being decisions made but not yet implemented by the Cabinet
- e) Assist the Cabinet and Full Council in developing policies and strategies, which may become incorporated in the policy framework.

5.2 The specific functions of the scrutiny and review committees

The Council seeks to ensure a robust scrutiny process which will be the 'critical friend' of the Cabinet but not subservient to the Cabinet.

5.2.1 Policy development and review

- a) Assist the Council and the Cabinet and any area committee in the development of its budget and policy framework by in-depth analysis of policy issues.
- b) Conduct research, community and other consultation in the analysis of policy issues and possible options.
- c) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.
- d) Question the Leader of the Council, members of the Cabinet and Senior Officers about their views on issues and proposals affecting the district.
- e) Liaise with other external organisations operating in the district, whether national or local, to ensure that the interests of the inhabitants of the district are enhanced by collaborative working.

5.2.2 Scrutiny

- a) To monitor and review important and strategic decisions made by the Council, Cabinet and officers to ensure consistency and compliance with the policy framework adopted by the Council. Where such decisions are not consistent with the policy framework, to review 'called-in' decisions and make recommendations to the Cabinet or Council.
- b) To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas.
- c) To monitor and review the performance of the decision making processes and other actions taken, in connection with the

discharge of any functions which are the responsibility of the Cabinet and any area committee.

- d) To monitor service performance, including the provision of services delivered by Publica
- e) To consider ombudsman reports and to monitor the operation of the Council's customer feedback policy
- f) To question the Leader of the Council and members of the Cabinet, member champions, and senior officers about their views on issues and proposals affecting the area generally and specifically about their decisions and performance comparable with relevant policies, strategies or plans.
- g) Make recommendations to the Cabinet arising from the outcome of the scrutiny process.
- h) Review and scrutinise the performance of other public bodies, partnerships, 'quasi-autonomous government agencies or organisations' and voluntary organisations operating within the district and invite reports from them by requesting them to address the Strategic Overview and Scrutiny Committee and local people about their activities and performance.
- i) Question and gather evidence from any person or organisation with their consent.

5.2.3 Finance

The Strategic Overview and Scrutiny Committee may exercise overall responsibility for any budgets made available to it.

5.3 Powers of the Strategic Overview and Scrutiny Committee

The Strategic Overview and Scrutiny Committee, when exercising any of its functions and duties, may require other committee members and senior officers of the Council to attend a meeting and answer questions. They may also request other person(s) and outside bodies to attend its meetings to answer questions on issues which it considers affect the Council or the inhabitants of the district. When the committee is receiving information from members on any issue, there shall be no restriction on the number of members or the timing for questions unless the committee decides otherwise.

The Strategic Overview and Scrutiny Committee will monitor the implementation of the adopted policy framework, and may recommend to Full Council or Cabinet new policy initiatives for consideration.

The Strategic Overview and Scrutiny Committee may not discharge any functions other than those functions delegated to it by Full Council and contained in the constitution.

The Strategic Overview and Scrutiny Committee may include persons who are not members of the Council. Such non-elected members of the committee cannot vote on any issue that falls to be decided by the committee.

The Strategic Overview and Scrutiny Committee can call on officer support to provide relevant information to assist in its deliberations.

5.4 Call-in of a Cabinet decision

Any FIVE (5) members will have the power to review key decisions of the Cabinet by calling in such decisions.

The five members, together or separately, must notify the Head of Paid Service or Monitoring Officer, in writing not later than TEN (10) working days after the date on which the decision is made of their intention to call in a key decision.

The Head of Paid Service or Monitoring Officer, shall notify the Leader of Council and the appropriate Strategic Group Manager that the decision has been called-in, and shall call a meeting of the Strategic Overview and Scrutiny Committee within 10 working days of the calling-in of the decision.

If the Head of Paid Service, Monitoring Officer or Chief Financial Officer has specific concerns regarding the appropriateness of a Cabinet decision, they may initially discuss those concerns with the Leader of the Council. If they remain concerned they may, collectively, refer a Cabinet decision to the Strategic Overview and Scrutiny Committee. Such an action will be an effective call-in, whether or not five Members have indicated that a review of the decision is considered necessary.

If, having considered a decision, the Strategic Overview and Scrutiny Committee remains concerned, then it may refer the matter back to the Cabinet for reconsideration, setting out in a referral the nature of its concerns with or without a recommendation. The Strategic Overview and Scrutiny Committee cannot adjourn the meeting without coming to a conclusion on the merits of the decision and, in the event that the meeting sits for the period of three hours and thirty minutes without having decided its stance, the decision will be deemed to have been approved and the decision shall be given effect.

The Strategic Overview and Scrutiny Committee may **not** substitute its own decision but will, when referring a decision back for reconsideration, state its objection to the decision and may recommend an alternative proposal for consideration by the Cabinet. If the committee are of the opinion that the decision does not accord with the framework policy(ies) it must provide reasons for this opinion

If the Cabinet at its next meeting reconsiders the decision which had been called-in and reconfirms the original decision, then, if the decision is not alleged to be contrary to the framework policy(ies), the decision will be implemented; if the decision is

alleged to be contrary to the framework policy(ies) the decision will be referred to the next scheduled meeting of Full Council for it to decide whether the decision accords or is consistent with the policy framework. The decision will only be given effect if Full Council approves the decision

When considering any matter in respect of which a member of the Strategic Overview and Scrutiny Committee is aware of a party whip, the member must declare the existence of the whip, and the nature of it, before commencement of the committee's deliberations on the matter. The member will not be bound by the party whip and will disregard the whip in deliberating the issues at committee. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

In order to ensure that the call-in procedure is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:

- (i) that only **five** decisions may be called in per three month period; and
- (ii) that the decisions called-in must be **key decisions** which will have an impact on the policy framework or adopted strategies which is contrary to the intentions of Council.

5.5 Procedure at the Strategic Overview and Scrutiny meetings

The committee shall adopt Council procedure rules for committees as set out in this constitution, and then proceed to consider the following business:

- (i) Consideration of any matter referred to the committee for a decision in relation to a call-in of a decision.
- (ii) Responses of the Cabinet to reports of the committee.
- (iii) The business otherwise set out on the agenda for the meeting.

Where the Strategic Overview and Scrutiny Committee conducts an investigation (for example with a view to develop policy or scrutinising a decision), the meeting will be conducted in accordance with the following principles:

- (1) The terms of reference and the objectives of the investigation are clearly defined and communicated to all taking part in the process.
- (2) That the investigation be conducted fairly, and all members of the committee are given the opportunity to ask questions of the witnesses and to contribute to the deliberations.
- (3) That the witnesses be treated with respect and courtesy. The Strategic Overview and Scrutiny Committee will abide by the protocol for officers and members attending a meeting of another authority, (Part 6, Chapter 6).
- (4) That the investigation be conducted to maximise the efficiency of inquiry and analysis. The committee shall, at the outset, establish the

persons who will be able to assist the committee achieve the objective and agree a timetable of meetings.

- (5) Following a scrutiny of any issue the chairman of the committee, or committee representative, may submit a report of the committee's findings to the Cabinet recommending the action to be taken by the Council.
- (6) Where reasons for the decision are required to be supplied, these shall be set out either in the resolution of the committee or in a report produced by the chairman of the committee and endorsed by the committee members at the meeting.

5.6 Scrutiny Panels – Terms of Reference

- 1) The Strategic Overview and overview Committee (SOSC) can establish up to two (2) Scrutiny Panels comprising up to nine (9) non-executive members.
- 2) Appointments to each panel will, where possible, be politically proportionate and will be made by the SOSC based on nominations from the Political Group Leaders
- 3) The SOSC will appoint a Chairman and Vice Chairman to each panel. The Chairman must be a serving member of the Strategic Overview and Scrutiny Committee.
- 4) The Panels will have no decision making powers but can make recommendations to the SOSC.
- 5) There will be no quorum for Panels
- 6) The work of the Panels will be determined by the SOSC, who will ensure that the Panels remain focussed on specific issues and topics. The Panels are then responsible for conducting the appropriate scrutiny activities.
- 7) Panel Chairman will be required to actively and comprehensively report to the SOSC on the progress of the work of the Panel.
- 8) The Panels will meet as and when required. They will have a published agenda and minutes but when appropriate meetings can be held on a more informal basis to enable the Panel to gather evidence, carry out research and to prepare final reports for presentation to the SOSC.
- 9) The Panels should be proactive in publicising their work and, where appropriate, encourage public participation in meetings/inquiries

- 10) Other Councillors can attend, and play an active role in meetings of the Panel where they have a specific interest or expertise in the matter being scrutinised e.g. they are the ward member

5.7 Public Involvement in Scrutiny

The general rule is that members of the public cannot take part in discussions or debates of committees or other proceedings of the Council (referred to as 'the meetings'). However, where the meeting is seeking information on specific issues and either the member of the public has been invited to attend the meeting or the meeting is open to the public generally, there are procedures to be observed to facilitate the public participation. Members of the public will still not be able to take part in the debate or in making the final decision.

The principle is that the public are able to make a positive contribution towards the investigation of the issue and will address those issues in the manner directed by the chairman of the committee. If members of the public wish to participate in meetings there is a responsibility on them to abide by this protocol and to show good manners generally.

Individual members of the public or pressure groups have information that may be of assistance to the elected Members, as decision-makers, and the exchange of these views should enhance the decisions made by the Council. However, not every decision will necessarily follow the desires of the public participating at the meeting.

5.8 Conduct

Members of the public will be allowed to participate at meetings by specific invitation. The chairman will decide the timing of the contribution and meetings will be bound by the applicable procedural rules of the constitution, for example the duration of meetings, length of speeches.

The chairman will have complete discretion on how the meeting is conducted but will ensure that there is a clear distinction between the public participation and the deliberation of Members, to ensure clarity and probity of decision-making.

Members of the public taking part in the meeting will abide by the following principles:

- (i) As they will not be covered by qualified privilege they must ensure that they do not defame anyone.
- (ii) They must not abuse the privilege of participation by personal attacks on elected Members, council officers, other participants or members of the public. All participants must show respect to all others.

- (iii) They will respond politely to any question from members or the chairman.
- (iv) If they wish to provide detailed technical information, this information will be provided in written or electronic format at least seven working days before the meeting so that it can be disseminated to other participants and members.
- (v) To allow all those who wish to participate to do so, the public may be given a limited time slot to provide that contribution, or, where there are a number of persons sharing the same viewpoint, be requested to appoint a spokesperson.
- (vi) If any member of the public wishes clarification of any points raised by other members of the public participating at the meeting, they shall ask the chairman who, in his/her absolute discretion, will decide whether clarification is needed.

If the above principles are not followed the chairman may refuse to allow the member of the public the privilege of participation, and if the member of the public is causing a nuisance or creating a disturbance, the chairman may adjourn the meeting.

5.9 Public Involvement at scrutiny committees

Scrutiny is one of the most challenging aspects of the democratic process at the Forest of Dean District Council. Offering a new dimension to decision-making in local government, the Strategic Overview and Scrutiny Committee plays a vital role to service improvement, promoting the well being of local communities and to the championing of public concerns

To achieve some of the key aims introduced by the Local Government Act 2000, it is hoped public scrutiny will be conducted in ways that are open and transparent to everyone, whilst focussing on the needs and concerns of the public

As a general principle, members of the public are not invited to take part in discussions or debates during committee meetings of the Forest of Dean District Council. However, to reflect the work of the Strategic Overview and Scrutiny Committee in seeking information on issues specifically relating to the people who live and work within the Forest of Dean, the council supports public participation during the Strategic Overview and Scrutiny Committee.

The following information provides guidance to those members of the public who wish to speak at scrutiny committee meetings

5.9.1 Guidance on asking questions

Members of the public, who are registered electors within the Forest of Dean, will be invited to raise questions at the beginning of each meeting. A maximum of 30 minutes will be allocated for this purpose.

The question must be relevant to the business of the scrutiny committee to which it is put. If it is not possible to answer the question at the meeting, a response will be provided within ten working days of the meeting.

Members of the public should submit their question **at least two working days before** the meeting to Democratic Services, Forest of Dean District Council, Council Offices, Coleford, telephone 01594 812625 or email democracticservices@fdean.gov.uk

Assistance on how to present questions is available upon request from Democratic Services. Please telephone 01594 812625 or email democracticservices@fdean.gov.uk.

The chairman of the scrutiny committee will decide whether the question is appropriate and whether the question will be taken at the meeting.

To allow each member of the public wishing to participate at the meeting to speak, an allocated time limit of 5 minutes per speaker will be given

5.9.2 Where to send scrutiny questions

Please submit to Democratic Services, Forest of Dean District Council, High Street, Coleford, Gloucestershire, GL16 8HG **at least two working days before** the meeting. In exceptional circumstances, the committee chairman, at his or her discretion, may accept questions submitted up to one hour before the meeting

Please write the question out in full, stating the name, time and date of the committee at which you wish to speak

Please ensure that your full name and address, including a contact telephone number, are entered on the letter of submission

5.9.3 Guidance for suggesting topics for scrutiny

Members of the public may suggest items for consideration in any of the following ways:

- a) Using the form provided on the Council's website
- b) Writing to the chairman of the scrutiny committee, care of Democratic Services
- c) Through their ward district councillor

5.9.4 *Providing evidence to scrutiny*

The Strategic Overview and Scrutiny Committee may invite members of the public to provide evidence or to discuss issues of local concern as part of their investigation. It may, for example, wish to hear from residents, stakeholders or members and officers in other parts of the public sector

Where a person is invited to attend a strategic overview and scrutiny committee meeting, an initial telephone call will be made to enquire whether the person is able to attend the meeting, followed by a letter, giving the maximum possible notice in writing

The letter will state the nature of the item on which the person is invited to give evidence and whether any papers are required to be produced for the committee. The letter will inform the person of the subject being scrutinised, and where appropriate, a list of questions to be answered

Where the committee requires the person to provide a written report, sufficient time will be given to allow for the preparation of the document

At the meeting, the chairman of the committee will provide a brief introduction to the members of the committee and the persons invited to give evidence. The chairman will also provide an overview of the item under investigation, including the aims, objectives and timescale

The chairman will remind those people invited to give evidence why the committee has invited them to attend the meeting and request that they give a brief statement regarding the item under scrutiny

Once the statement has been made, the committee will be given an opportunity to ask questions in a concise, jargon free manner. The person providing the evidence will be allowed to summarise the information

The committee will then be given an opportunity to discuss and review the evidence that has been presented before providing feedback on how they viewed the information and any actions they feel might be appropriate

The person providing evidence will be formally thanked for their contribution and given the opportunity to provide written feedback on the scrutiny process they have been involved in. They will also be informed of the outcome of the investigation

5.9.5 *Media access to public meetings*

The media will be invited to attend all public meetings and offered interview, filming and reporting opportunities, whenever possible

The Forest of Dean District Council supports the Ofcom Code and Guidelines on broadcasting standards. All arrangements for filming will be expected to adhere to these provisions, in particular those relating to the 'obligations of fairness and

respect for truth' and 'fairness and impartiality' in the editing and transmission of interviews

5.9.6 *Agenda, reports and minutes*

Copies of committee agendas, reports and minutes will be available upon request from Democratic Services or by visiting the Forest of Dean District Council website at www.fdean.gov.uk

5.9.7 *Enquiries and assistance*

For guidance on procedures at meetings, please contact Democratic Services on telephone: 01594 812625 or email democracticservices@fdean.gov.uk

5.10 Councillor Call for Action (CCfA)

Any member of the public can approach a Member of the Council to ask that an issue be referred to a meeting of the Scrutiny Committee. This is referred to as a 'Councillor Call for Action'. The procedure for dealing with this is set out below. This procedure should only be used where there is an on-going dispute about a community issue which cannot be dealt with through any of the Council's established procedures. The Call for Action procedure will only be used when all other avenues for resolution have been considered and exhausted.

5.10.1 *What is a CCfA?*

The prime aim of the CCfA is to support elected members in achieving improvements for their local areas. In their day to day roles councillors identify issues of significant concern in their communities. They seek to resolve problems by talking to the council and other service providers. If they cannot resolve a particular issue they are now able to refer it to an overview and scrutiny committee for further investigation

The legislation set out in the Local Government and Public Involvement in Health Act 2007 extends overview and scrutiny powers so that any member of the council, not just a member of the relevant committee, can refer matters to an overview and scrutiny committee.

The Police and Justice Act 2006 makes provision for a CCfA for crime and disorder and community safety issues. In practice, referrals made relating to these issues will be dealt with in the same way as other CCfAs

5.10.2 *Outline of the process*

- a) The Councillor will try to resolve the issue at a local level;
- b) If this is not possible, the councillor should refer the issue to the Monitoring Officer who will send it to the chairman of the relevant overview and scrutiny committee.

- c) The relevant members, partners and officers will agree how the CCfA is to be handled.
- d) The CCfA is considered at the next scheduled meeting of the relevant overview and scrutiny committee unless the chairman accepts that the matter needs to be considered urgently, in which case a special meeting of the committee will be arranged.
- e) The overview and scrutiny committee agrees a resolution for the CCfA.
- f) Each of these areas are discussed in more detail below

5.10.3 Activity to resolve issue

Before referring a matter to overview and scrutiny it is important that councillors make use of existing mechanisms. The emphasis is on councillors resolving issues at an early stage by making use of existing local mechanisms

Councillors will need to be able to demonstrate that they have taken reasonable steps to resolve the matter. **Annex A** provides some guidance on the sorts of activity that it is expected that a councillor will have undertaken before making a request to the overview and scrutiny committee

5.10.4 Referral to Strategic Overview and Scrutiny Committee

If the councillor is unable to resolve the matter, then they will be able to refer the matter to the Strategic Overview and Scrutiny Committee

Councillors will be expected to exercise some judgment over what is referred to overview and scrutiny. Issues that should be referred are those which have wider policy or strategic implications, are indicative of a broader issue or are particularly problematic

If a councillor is satisfied that they have a viable CCfA, they should complete the form included at **Annex B** This formal notification should be sent to the Monitoring Officer

The chairman and vice chairman of the relevant overview and scrutiny committee will consider the request and inform the councillor whether they accept the CCfA. In the event of disagreement, the matter will be referred to the Strategic Overview and Scrutiny Committee

Some reasons the lead members may not agree to take the CCfA forward to the committee could include:

- Not enough information has been provided
- More could be done to resolve the issue at a local level
- The CCfA is, or has stemmed from, a vexatious complaint
- The matter has recently been examined by overview and scrutiny

- The matter is the subject of an ombudsman complaint or other official complaints procedure.
- The matter falls under excluded matters. For example: planning, education and licensing appeals

The councillor has the opportunity to reply to the chairman and vice chairman with further information to substantiate the CCfA

If the CCfA is accepted, the relevant cabinet members, senior officers and partners will be notified by the Monitoring Officer

5.10.5 Determining how each CCfA is to be handled

To allow the chairman and vice chairman of the relevant overview and scrutiny committee to make an informed decision, it is suggested that they hold a meeting with the relevant councillor to agree how the CCfA is to be handled. This meeting would be an opportunity for them to agree the key questions to be answered, the information required, who needs to be involved and the timescale

Relevant partners, cabinet members and senior officers should be involved in the CCfA at an early stage. It is necessary to get a balance between involvement to resolve issues at the earliest opportunity and not involving people unnecessarily

It is also a critical part of the process in making sure that councillors are fully aware of the roles, responsibilities and priorities of the organisations concerned. This should help to ensure that neither the public nor councillors have unrealistic expectations of what can be achieved

5.10.6 Role of the Strategic Overview and Scrutiny Committee

The Strategic Overview and Scrutiny Committee will hear from relevant witnesses, including the member submitting the CCfA, and will determine the matter as follows:

- Write a report setting out the committee's findings and recommendations, or;
- Decide that it is a complex issue requiring further investigation and refer the matter to another body for more detailed scrutiny. This could be another scrutiny committee or a task group set up specifically to look at a particular issue, or;
- Decide not to make a report. This might be because it is not considered to be the right time to consider a particular issue

In any event (subject to the rules on confidentiality and exempt information) the outcome of the meeting will be published and details sent to the member who submitted the CCfA, relevant cabinet members and partners

Where cabinet members and partners are requested to take action to resolve a particular issue they will be asked to make a formal response to a future meeting of the Strategic Overview and Scrutiny Committee

Annex A

Examples of the steps which a councillor could be expected to have taken before submitting a councillor call for action to overview and scrutiny

1) The relevant complaints procedures have been complied with

If the issue appears to be that a standard service has not been provided, or not provided to a sufficient standard, then the councillor should check that the relevant complaints procedure has been used, and that the service provider has responded to the complaint.

2) The service manager has been approached

The issue may at its core be that local people feel that the standard service is not the right one for local conditions, and therefore the matter may be a question of making some slight adjustments at management's discretion. The councillor would therefore be expected to have discussed the matter with the service manager in an attempt to secure the change. Again, this could apply across the range of partner agencies.

3) Relevant partnership bodies or local groups have been approached

It is more likely though that matters which merit a CCfA are more complicated than the former examples. One likely possibility is that the matter requires attention from a number of agencies acting in partnership. The councillor should in such cases demonstrate that local partnership bodies have had an opportunity to respond. In Gloucestershire, there are 18 Police Safer Community Teams that hold 55 neighbourhood co-ordination group meetings on a 2-3 monthly cycle. It may be appropriate for a councillor to raise an issue at a meeting of the group that covers their local area.

4) The relevant cabinet members have been approached

The councillor may come to the view that a pattern of conditions in the local area can only be addressed through a substantial policy change. In that case, the scrutiny committee will expect to see that the councillor has approached the relevant cabinet members and at least given them a reasonable opportunity to respond

Annex B

Councillor call for action request

To: The Monitoring Officer
c/o Democratic Services
Forest of Dean District Council

Date:

Summary of issue
and why it should
be raised with
scrutiny committee:

Action taken
including list of
people and
organisations
already contacted

Key dates (if
relevant)

Signature:
Name (printed):

Continue on a separate sheet, if necessary

Chapter 6: Licensing Committee

Number of members on committee	10
Quorum	6
Substitutes permitted	Yes
Subcommittees	None

6.1 Terms of reference of the Licensing Committee

The Licensing Committee is composed of seven members and will be politically balanced in accordance with the Council's adopted political groups scheme. The committee is delegated to undertake the licensing role of the authority, as detailed below, but not exhaustively. In most matters the committee will be required to act in a quasi-judicial role. It will hold hearings into applications for licences as identified below, such hearings will be conducted in accordance with the relevant Regulations.

It may act as the appeal body to any other delegated licensing function that has a statutory right of appeal or review to the local authority, or where the Council, at its sole discretion, deems it expedient to permit a review of an officer's decision taken under delegated powers. It will decide issues having regard to the appropriate regulations, the statement of licensing policy and the pertinent information relevant to each application.

It will meet on an ad hoc basis and will arrange the timing and frequency of its meetings to meet its business requirements. Every committee member (including substitutes) must be trained on the law and practice of licensing. The committee may receive oral representations in support of or objecting to any application, as it, in its absolute discretion, deems appropriate, and will adopt such procedures as will enable it to fulfil its functions fairly and promptly. A Legal Advisor will advise the committee on points of law, process and admissibility of information. Members who are not members of the committee may address the committee either to represent their wards or arising from special interests.

The practice of political whipping does not have a place in the decisions of the Licensing Committee and will not occur. When dealing with Licensing applications members are required to comply with the requirements set out in paragraph 6.3 below, which are in addition to the general requirement set out within the Code of Conduct for members.

6.2 Role of the Licensing Committee

1. Licensing of licensable activities as defined by the Licensing Act 2003
2. The Gambling Act 2006
3. Licensing of public entertainment and hypnotism -Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 in so far as not repealed by the Licensing Act 2003 and the Hypnotism Act 1952.
4. Control of sex establishments - under section 2 of, and schedule 3 to, the Local Government (Miscellaneous Provisions) Act 1982.
5. Street trading - schedule 4 of the Local Government (Miscellaneous Provisions) Act, 1982
7. Licensing of private hire and hackney carriages and issuing permits for the operation of minibuses - Town Police Clauses Act 1847 as extended and Transport Act 1985.
8. Licensing of caravan sites and moveable dwelling and camping sites - Caravan Sites and Control of Development Act 1960 and section 269 (1) Public Health Act 1936.
9. Acupuncture, tattooing, ear piercing and electrolysis. Sections 14 to 17 inclusive of the Local Government (Miscellaneous Provisions) Act, 1982.
10. Sale of food by hawkers. Sections 15 to 17 of the Local Government (Miscellaneous Provisions) Act, 1982.
11. To grant licences under the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968, the Lotteries and Amusements Act 1976.
12. Power to license market and street trading - Part III of the Local Government (Miscellaneous Provisions) Act 1982.
13. Power to license night cafes and take-away food shops and power to issue closing orders with respect to take-away food premises - Local Government (Miscellaneous Provisions) Act 1982 in so far as not repealed by the Licensing Act 2003.
14. Licensing of scrap metal dealers and collectors - Scrap Metal Dealers Act 2013.
15. Licensing dog breeding establishments - Breeding of Dogs Act 1973 and the Breeding and Sale of Dogs (Welfare) Act 1999.
16. Licensing of dangerous wild animals and zoos - Dangerous Wild Animals Act 1976 and Zoo Licensing Act 1981.
17. Licensing persons to collect for charitable and other causes - House to House Collections Act 1939.

Licence type	Legislation	Delegation
Dog Breeding Licence	Breeding of Dogs Act 1973 Breeding and Sale of Dogs (Welfare) Act 1999	Officer or refer to Licensing Committee if inspection reveals establishment to be unsatisfactory
Zoo licence	Zoo Licensing Act 1981	Officer or refer to Licensing Committee if representations are received
Bingo licence Premises	Gambling Act s 163,164 and 165	Officer or refer to Licensing Committee if representations are received
Adult gaming centre licence Premises	Gambling Act s 163,164 and 165	Officer or refer to Licensing Committee if representations are received
Family entertainment centre Licence Premises	Gambling Act s 163,164 and 165	Officer or refer to Licensing Committee if representations are received
Betting (track) licence Premises	Gambling Act s 163,164 and 165	Officer or refer to Licensing Committee if representations are received
Betting (other) licence – including betting shops Premises	Gambling Act s 163,164 and 165	Officer or refer to Licensing Committee if representations are received
Temporary use notice (temporary gaming activities)	Gambling Act 2005, section 215 Gambling Act 2005 (Temporary Use Notices) Regulations 2007	Officer or refer to Licensing Committee if representations are received
Premises licence	Licensing Act 2003, Part 3 The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005	Officer or refer to Licensing Committee if representations are received
Personal licence	Licensing Act 2003, Part 6	Officers or refer to Licensing Committee if police objection or unspent convictions

Temporary event notice	Licensing Act 2003, Part 5 The Licensing Act 2003 (Permitted Temporary Activities)(Notices) Regulations 2005	Officers or refer to Licensing Committee if police or environmental health objection
Club premises certificate	Licensing Act 2003, Part 4 The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005	Officer or refer to Licensing Committee if representations are received
Hackney Carriage licence	Local Government (Miscellaneous Provisions) Act 1976, Part 2 Town Police Clauses Act 1847	Officers or refer to Licensing Committee if previous convictions
Hackney Carriage/Private Hire Dual Drivers Licence	Local Government (Miscellaneous Provisions) Act 1976, Part 2	Officer or Licensing Committee subject to Policy Guidelines
Private Hire licence	Local Government (Miscellaneous Provisions) Act 1976, Part 2 Town Police Clauses Act 1847	Officers or refer to Licensing Committee if previous convictions
Private Hire Operators licence	Local Government (Miscellaneous Provisions) Act 1976, Part 2	Officer or Licensing Committee subject to Policy Guidelines
Scrap metal dealers licence	Scrap Metal Dealers Act 2013	Officers or refer to Licensing Committee if previous convictions
Sex shop and cinema licence	Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3	Officer or refer to Licensing Committee if representations are received

Where a member believes that an application should be referred to the Licensing Committee and not determined in accordance with the officer scheme of delegation they can refer the matter to the committee by notifying the Senior Officer responsible for Licensing and the Monitoring Officer in writing within 5 working days of the publication of the weekly list containing the details of that application.

Note: As a last resort where a matter is due to come before the Licensing Committee but the Committee is not quorate and time is of the essence then delegated authority is given to the Senior Officer responsible for Licensing in consultation with the Chairman to determine the matter.

6.3 Protocol for members determining Licensing Applications

6.3.1. The Role of Members

In making decisions on Licensing applications, you will:

- act fairly and openly;
- approach each application with an open mind;
- carefully weigh up all the material Licensing considerations;
- avoid inappropriate contact with interested parties;
- ensure that valid reasons for decisions are clearly stated

You will be free to vote on Licensing applications as you consider appropriate (i.e. without a Party 'whip'), deciding them in the light of all the relevant information, evidence and arguments. In accordance with the requirements of the relevant legislation. You will base your decisions on the provisions of the legislation and where appropriate the Licensing objectives.

You may not give instructions to Officers nor may you place pressure on Officers in order to secure a particular recommendation on an application and you will not use your position improperly to confer or secure for yourself, or for any other person, an advantage or disadvantage.

6.3.2. Constraining Discretion in the Licensing Process

Don't constrain your discretion and therefore your ability to participate in Licensing decision making at this Council by making up your mind, or clearly indicating that you appear to have made up your mind on how you will vote on any Licensing matter prior to formal consideration of the matter at the meeting of the Licensing committee.

Constraining your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination.

You must reserve judgment and the independence to make up your own mind on each separate application, based on your overriding duty to the whole community and not just to the people in that area, Ward or Parish, as and when it comes before the Committee and you hear all of the relevant information; and you should not commit yourself as to how you or others may vote when the application comes before the Committee.

If you have constrained your discretion then you should not vote on the matter. You should explain to the Committee that you do not intend to vote because you have or could reasonably be perceived as having judged the matter elsewhere, so that this may be recorded in the minutes.

6.3.3. Site Visits

Site Inspections by a Committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to the decision. However, such

visits are time consuming and costly and should therefore only be carried out when there is a clear need and not as a matter of course.

Any member of the Committee can request a site visit but they should give clear reasons as to why it is necessary. It will then be for the chairman, in consultation with the Senior Officer with responsibility for Licensing, to determine whether or not a site visit should be conducted. Please note that site visits cannot be carried out in relation to dog breeding establishments. Such visits are restricted by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and could render decisions ultra vires.

If access to private land is necessary for a site visit, officers will attempt to secure the prior agreement of the landowner, explaining that you will not hear argument from any interested party while at the site. However, the committee has no absolute right of entry and will be permitted on site strictly at the owner's/occupier's discretion. If a site visit is refused by an applicant then no adverse inferences are to be drawn from the refusal.

Members will be accompanied to all site visits by an Officer. The purpose of the site visit is fact finding and officers will be able to point out matters of relevance. Members will be able to ask questions and seek clarification but there is to be no discussion as to the merits of the matter.

There will be no formal notes made on site visits. Officers will orally update the Committee of any new findings or matters of relevance which result from the site visit.

No hospitality will be accepted

Site visits are only open to members of the Licensing Committee.

If a member has a disclosable pecuniary or prejudicial interest in an application they are precluded from attending any site visits relating to that matter. If an interest becomes known during a site visit it must be immediately disclosed and the member should withdraw from the site.

6.3.4. Material Submitted to Committee Members

If you receive material from or on behalf of an applicant or third party in connection with an application before a Committee you should establish from the Senior Officer with responsibility for Licensing whether the material has been received by them. If it has not, you should make it available to them as soon as possible.

6.3.5. Non Members of Licensing Committee Attending Meetings

You may attend meetings of the Council's Licensing Committee even if you are not a member unless you have a Disclosable Pecuniary or Prejudicial Interest. When you attend any Licensing Committee, you should not sit in the public gallery, but in the place reserved in the Committee room for Members of the Council who are not members of the Licensing Committee. In accordance with the Hearing Rules, which

are detailed in legislation, Ward Members are prohibited from speaking on applications unless they are specifically engaged to make representations on behalf of a group of residents.

6.3.6. Licensing Applications from a Member or their relatives

Any applications which are submitted by or on behalf of you as a Member of the Council in your private capacity or by a close relative or your partner (as defined in the Code of Conduct for Members) must be drawn to the attention of the Senior Officer with responsibility for Licensing in writing, and will be reported to the Licensing Committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers

6.3.7. Licensing Committee Members determining applications in their ward

It is accepted that members may find it difficult to have a totally open mind about applications within their ward, particularly where there are strong local feelings about the proposals. Therefore, when sitting on Licensing Committee members should not take part in the debate or vote on applications for which they are the ward member. This does not preclude the member from speaking as the relevant ward member.

6.3.8. Hospitality

As a Member of the Council you are discouraged from receiving hospitality from people with an interest in a Licensing proposal. If receipt of hospitality is unavoidable, you will ensure that it is of the minimum level and, if it exceeds the level to which the Council's Code of Conduct for Members applies, you must declare its receipt, as soon as possible, in the Hospitality Register kept by the Monitoring Officer. Members should also disclose that they have an Other Interest where the value of the hospitality received is worth more than an estimated value of £50.

6.3.9. Training

As a member of a Licensing Committee you must undergo training in Licensing procedures before you can serve on the committee and at appropriate intervals thereafter. A record will be kept by Democratic Services of the training you undertake. Consistent failure to undertake this training may result in disqualification from the Licensing Committee.

Chapter 7: Development Management Committee

Number of members on committee	13
Quorum (50% + 1)	7
Substitutes permitted	Yes
Subcommittees	None

7.1 Terms of reference of the Development Management Committee

The committee is delegated with the responsibility for determining applications for development proposals under the Town and Country Planning Acts and associated legislation, and enforcement of regulations under the Town and Country Planning Acts and associated legislation

The committee will comprise of thirteen members and be politically balanced, in accordance with the Council's political groups' scheme. Many of its decisions will be quasi-judicial in nature. In discharging its responsibility to determine development control applications and enforcement issues the political whip will not be appropriate and all issues will be considered on the planning merits of each matter.

7.2 The Development Control role of the committee

To control development and other operations in the district, so as to provide a satisfactory physical, social and economic environment for the benefit of the whole community by exercising the Council's powers under the Town and Country Planning Acts, and various legislative provisions concerned with the protection of the environment, in accordance with the approved development plan and the policy framework, subject to any agreed scheme of delegation to officers.

The practice of political whipping has no place in the decisions of the Development Management Committee, because decisions are made on material planning considerations.

The committee may exercise the enforcement of planning control and, in conjunction with the Senior Officer responsible for Planning, has the responsibility for enforcing compliance, and the committee may authorise any remedial action including prosecution that is permissible by law to achieve compliance.

7.3 Statutory functions of the committee

The matters which the committee will be responsible for:

Those functions allocated to the Council under the statutory provisions (to include statutory instruments, government circulars and planning policy statements and guidance) for control over development as defined in section 55(1) of the Town and Country Planning Act 1990 or any replacement legislation within the administrative district or that will have an impact on the district save those matters delegated to officers and included in the scheme of delegation in Part 3

Members involved in the planning process shall at all times comply with the requirements set out in paragraph 7.8 below, which are in addition to the Code of Conduct for members.

Where a member believes, for planning reasons, an application should be referred to the Development Management Committee and not determined in accordance with the officer scheme of delegation then they can refer the matter to the Development Management Committee using the referral form at Appendix 4

7.4 Committee unable to determine

In any case where the committee have voted both for and against an application, and both votes have been lost the committee will be considered as in 'deadlock' and the application will be referred to Full Council for determination.

7.5 Public Speaking at Development Management Committee

The purpose of permitting public speaking is to enable those affected by proposed developments to inform the committee of their viewpoint and to take part in an open, fair and transparent decision on applications in which they have an interest. All public speaking will be carried out in accordance with guidance issued by the Council and made available on the Council's website.

Protocols and guidance will be provided for members of the public who wish to speak at planning meetings, including information on the Council's website. Practical assistance will be provided for persons undertaking public speaking by Council officers at the meeting.

7.6 Time management

All Members attending Development Management Committee will have three minutes each to make their points known to committee. The mover of a motion or an amendment will have four minutes and will retain the right to wind up.

Members should only speak in debate when they have new or additional information to provide to the committee. The chair has the discretion to request Members not to speak further if the content of their contribution is repeating comments already made by other Members.

Members should focus on the interests of all customers to ensure good and consistent decision making.

Public participation will add pressure on the Committee, who will have to avoid the perception that such pressure alone will decide planning applications. Members will have to exercise professionalism in applying policies when deciding applications.

7.7 Information and Training

As a member of a Development Management Committee you must undertake introductory and planning procedures training before you can serve on the

committee. You will also be required to undertake further training at appropriate intervals thereafter. A record will be kept by Democratic Services of the training you undertake. Members of the Committee are required to attend at least three of the training sessions provided in any rolling 12 month period. Failure to attend the required training will render you ineligible to sit as a member of the Development Management Committee. For the avoidance of doubt those members who have not satisfied the training requirements are not entitled to vote on any applications, enforcement matters, or the appointment of chair or vice chair until such time as their training requirements are satisfied.

7.8 Protocol for members determining planning applications

7.8.1. The Role of Members

In making decisions on planning applications, **you** will:

- act fairly and openly
- approach each application with an open mind
- carefully weigh up all the material planning considerations
- avoid inappropriate contact with interested parties
- ensure that valid reasons for decisions are clearly stated.

You will be free to vote on planning applications as you consider appropriate (i.e. without a Party 'whip'), deciding them in the light of all the relevant information, evidence and arguments. In accordance with the requirements of the Town and Country Planning Act, **you** will base your decisions on the provisions of the Development Plan (and all material planning considerations).

You may not give instructions to Officers nor may you place pressure on Officers in order to secure a particular recommendation on an application

You will not use your position improperly to confer or secure for yourself, or for any other person, an advantage or disadvantage.

7.8.2. Constraining Discretion in the Planning Process

Don't constrain your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly indicating that you appear to have made up your mind on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the Officer's presentation and evidence and arguments on both sides. Every person making an application to the Council or objecting to an application is entitled to expect that in considering the matter before it, the Committee will give consideration to all views that are expressed, that such views will be openly heard, and fairly considered in a balanced way before the Committee's decision is made.

Constraining **your discretion** in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

Do be aware that you can have legitimate predisposition in relation to a planning application. The statutory position as set out in the Localism Act 2011 is that a Councillor who has expressed a preference for a particular outcome of an application as it proceeds to determination, will not be taken to have had a closed mind when making the decision just because they have previously done or said anything to indicate their view in respect of that matter. However, it is important that a fair-minded observer would think that you were open to changing your mind in the light of different or additional information, advice or evidence presented.

Do be aware if you are a Member who has participated in the promotion of schemes such as regeneration on Council owned land, or the development of planning policies and proposals, you need not, and should not, normally exclude yourself from decision-making meetings provided that you can demonstrate that you have an open mind in determining planning issues.

Do be aware that you may, however, be considered to have constrained your discretion or be biased where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal.

Where you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of :

- Another local or public authority of which you are a member; or
- A body to which you have been appointed or nominated by the Council as its representative; or where
- You are a trustee or company director of the body submitting the proposal and were appointed by the Council

You should always disclose a prejudicial interest and withdraw from the meeting.

Do consider yourself able to take part in the debate on the proposal when acting as part of a consultee body (for example, where you are also a Member of the Parish Council), provided:

The proposal does not substantially affect the well being or financial standing of the consultee body;

You make it clear to the consultee body that:

- Your views are expressed on the limited information before you only;

- You must reserve judgment and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, Ward or Parish, as and when it comes before the Committee and you hear all of the relevant information; and
- You will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee;
- You disclose an Other Interest regarding your membership or role when the Committee comes to consider the proposal.

Don't vote on a proposal where you have constrained your discretion. You do not have to withdraw, but you may prefer to do so for the sake of appearances.

Do explain that you do not intend to vote because you have or could reasonably be perceived as having judged the matter elsewhere, so that this may be recorded in the minutes.

7.8.3. Discussions with Applicants

Local authorities are encouraged to enter into pre-application discussions with potential applicants. In addition, negotiations and discussions are likely to be ongoing after an application has been submitted. Such discussions can often be interpreted by the public and especially objectors, as prejudicing the planning decision making process. In order to allay such perceptions, application discussions should take place within the clear guidelines given below.

Pre-application meetings with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They will normally only involve Officers. Members should not involve themselves in such meetings unless an appropriate Senior Officer is present. It will be made clear at pre-application meetings that:

- Officers' initial views and advice are given on a without prejudice basis which will be consistent with the provisions of the current Development Plan and other adopted Council policy (unless there are clear material considerations that would justify consideration of a development contrary to policy)
- no decisions may be made or advice given which would bind or otherwise compromise the Development Management Committee of the Council (or the Senior Officer responsible for Planning if delegated to make the decision)
- for all pre-application meetings, a note of the discussion will be taken by the Planning Officer, including details of those present, and will be made available for public inspection, subject to the usual rules about

access to information.. At least one appropriate Planning Officer will be present at all such meetings.

You may, following discussion with the appropriate planning officer, , take part in organised post submission meetings with applicants or other parties. A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. At least one Planning Officer will be present at all such meetings

If you do engage in pre-application discussions with developers, observe the rules on lobbying and observe the **do's and don'ts** contained in *Positive Engagement – A Guide for Planning Councillors (2008)*

7.8.4. Lobbying

Lobbying or seeking to influence a decision is a normal and perfectly proper part of the political process. However, it can lead to impartiality being called into question and the need to declare publicly that an approach of this nature has taken place. Problems could arise if Members indicate or give the impression of support or opposition to a development proposal or particular planning application, or declare their voting intention to anyone, before a decision is to be taken. To do so without all of the relevant information and views to hand would be unfair and would prejudice the impartiality of the decision making process. Although the Localism Act does allow a member to express a particular predisposed position.

Lobbying can take place by way of an approach to you, by telephone, or on a chance meeting, or by way of a request to see all or some of the Members of the Development Management Committee. It is an essential part of the democratic process that members of the public should be able to make their views known to you. However, to avoid compromising your position before you have received all the relevant information, evidence and arguments, you will:

- avoid discussing with an applicant or any other person your thoughts about the merits of a planning application or proposed development
- pass any written material provided to you to the case officer dealing with the application for inclusion and evaluation in their report
- not make it known in advance of the consideration of the application by Committee whether you support or oppose a proposal unless you accept that this will mean that you may not take part in the decision (see paragraph 7.8.2 above)
- restrict your response to giving procedural advice, and make it clear that that is all you are prepared and allowed to do
- direct lobbyists or objectors to the case officer and advise that their views should be expressed in writing, and

- advise the Senior Officer responsible for Planning as soon as possible of the existence of any substantial lobbying activity
- avoid signing any Petition on a matter likely to be determined at Development Management Committee

If you express publicly a final view on an application prior to the meeting of the Committee of which you are a Member at which a decision is to be taken, you will be able to speak on that application, but must then withdraw from the meeting whilst the application is discussed and determined. Public expression of a view would include, for example, making a statement to the press of your firm attitude to an application, or in any document to be made publicly available, at a meeting of the Council or a Town or Parish Council (or one of their Committees), or in any situation where the view expressed might reasonably be expected to gain wider circulation.

7.8.5 Site Visits

Site Inspections by a Committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to the decision. This is true particularly when the issues concern, for example, visual impact, the character of an historic building or the effect of development on local amenity. It is therefore important that when a site visits is deemed appropriate members make every effort to attend.

When determining applications where a site visit was deemed appropriate, but a member was unable to attend, the member must be satisfied that they have sufficient information to make a properly informed decision and that failure to attend the site visit is not detrimental to the decision making process. In any case where the member feels they have insufficient information they should refrain from taking part in the debate and voting.

In exceptional circumstances the Chairman of the Committee in consultation with planning officers may determine that attendance at a site visit is of such importance that attendance should be mandatory (reasonable adjustments would be put in place to ensure that all members can attend site visits). In these circumstances members will be notified in advance of the visit and any member who fails to attend will be prohibited from taking part in the debate and voting on that application.

Site visits will enable members to:

- a) See for themselves, on site, what cannot be observed from the available plans, photographs or any of the supporting material available at committee meeting.
- b) Visit major or controversial sites.
- c) Visit developed sites or sites in development where members and officers can gain experience that will aid the determination of future applications.

All site visits must be justified in planning grounds and the strict criteria for holding site inspections are as follows:

- the character or appearance of the development itself is a fundamental planning consideration;
- a judgement is required on visual impact;
- the setting and surroundings are fundamental to the determination or to the conditions being considered.

They should not be held when inspection of the site is irrelevant to the material conditions. Which sites to visit will be decided on by the Chairman of Committee in consultation with officers from the list of applications to be presented to the forthcoming meeting. In addition any Member of the Committee may request a site visit, but the reasons relating to the above criteria must be stated, and will be minuted. Site visits will not be agreed to lightly; a majority vote will decide. A decision to inspect a site must be arrived at during the consideration of the appropriate application at the relevant Development Management Committee meeting or in advance as set out above.

If access to private land is necessary for a site visit by you, officers will secure the prior agreement of the landowner, explaining that you will not hear argument from any interested party while at the site.

Where a site visit has been agreed by the relevant Committee, as a member of the Committee and particularly in cases where you have requested a site visit personally you should attend, accompanied by appropriate officers.

The purpose of the site visit is fact finding. Officers have a duty to point out all relevant features of the site and surroundings. The attending officer will describe the proposal and draw attention to relevant features. The officer will not discuss the merits or otherwise of the application ahead of formal publication of the report regarding the application. You will be able to see the physical features of the site and ask questions through the Chairman of the officers to seek clarification.

No discussion of the merits of the case is permitted and all questions from you will be put through the Chairman. There will be no debate of the issues or representations made for or against proposals.

The visiting party will stay together as a group. No lobbying by applicants, objectors or Parish/Town Council who might be present will be allowed. If an applicant or group persists in attempting to lobby, the party and Officers will leave the site and the site visit will be abandoned.

As a member of the relevant Development Management Committee when on site visits you should not make any comments that could create an impression if observed by an outside party that you had already formed a view on the merits of the application. No decision on the application should be made until the formal meeting of the relevant Development Management Committee at which the application is to

be considered, when they will have before them all necessary information to be able to make an informed decision.

Conduct of Visits

- Visits will be conducted in a formal manner.
- Chairman or Vice-Chairman will open the meeting, and advise members of purpose and conduct.
- Officers will highlight issues relevant to site inspection. If issues are raised which necessitate consultation with the applicant or his agent, this should be raised after the close of the meeting and the outcome reported to the subsequent committee.
- Local Ward Members and the Parish/Town Council will be asked to highlight local issues relevant to site inspection.
- Chairman or Vice-Chairman to close meeting.

General Matters

- There will be NO debate about the merits of the application and no decision will be made.
- No formal notes will be made; an officer will orally update the Committee on any new findings or further developments when it next meets to consider the application, however a record of attendance will be maintained.
- No hospitality will be accepted.

If you find it necessary to visit a site alone (perhaps because it was not possible for you to attend a Committee visit), you should view the site only from public vantage points, seek to avoid any discussion with interested parties, and, if there is such discussion, make it clear that no decision on the application will be taken until it has been discussed at Committee.

Site visits are open to all members, the relevant Ward Members and to a nominated representative of the parish council who can draw attention to relevant features but cannot make representations.

Site visits are not open to the public.

Members who have a disclosable pecuniary interest or a prejudicial interest in an application are precluded from attending any site visit on that matter. In addition if an interest becomes apparent during a site visit the member should immediately

declare it to the chairman and withdraw from the site. Members with an other interest in an application subject to a site visit must declare the interest but may continue to attend the site

7.8.6 Material Submitted to Committee

If you receive material from or on behalf of an applicant or third party in connection with an application before a Committee you should establish from the Planning Officers whether the material has been received by them. If it has not, you should make it available as soon as possible to the Planning Service.

Relevant documents in connection with an application should all be dealt with in the officer's report to Committee. Any additional information received after the preparation of that report up to 12.00 hrs on the day before the Committee meeting will also be brought to the attention of the Committee if it raises new and relevant material planning matters. Papers received after that time at the discretion of the Chairman will normally be discounted since time will not be available to check their accuracy or to give consideration to their implications.

7.8.7 Development Management Committee Members who serve on Parish and Town Councils

Some Councillors will be Members of Parish or Town Councils as well as Forest of Dean District Council Councillors. This situation can also present problems where the Parish or Town Council is consulted on planning applications. Whilst the comments of the Parish Councils should concentrate on local issues this is often the stage when Forest of Dean Councillors can come under pressure to indicate their support or objection to a particular proposal. Of particular concern is the potential for a conflict of interest arising when a Member of both Councils votes on an application at a Parish or Town meeting prior to the relevant Development Management Committee meeting. It is quite conceivable that a Councillor in this position could end up voting in a different way when all the relevant information is made available in the Officer's report.

In order to avoid this potential conflict, it would be preferable for Councillors not to serve on Parish or Town Council's Development Management Committees if they have one or participate in consideration of development control matters. If they cannot avoid that, then they should not vote or say anything which would create the impression that they have already made up their minds prior to the relevant Forest of Dean District Council's planning meeting. In this way they will avoid being part of the formal process of submitting representations on planning applications to the Council, and so demonstrate their impartiality.

Members who do serve on Parish Councils may find it helpful to make the following statement to clarify their position:

I am on the Development Management Committee of the district council and may be called upon to vote on any application that the parish council responds to. In the light of

additional information received, I may not vote at the Development Management Committee as I did at the parish council meeting.

7.8.8. Development Management Committee Members determining applications in their ward

It is accepted that members may find it difficult to have a totally open mind about applications and enforcement decisions within their ward, particularly where there are strong local feelings. Therefore, when sitting on Development Management Committee members should not take part in the debate or vote on applications or enforcement decisions for which they are the ward member. This does not preclude the member from speaking as the relevant ward member.

7.8.9. Voting at Committee

It is permissible to vote on an application before a Committee only if you have been present for the whole of the presentation of, and discussion on, the application.

7.8.10. Non Members of Development Management Committee Attending Meetings

You may attend meetings of the Council's Development Management Committee even if you are not a member unless you have a Disclosable Pecuniary Interest or a Prejudicial Interest. You may speak on applications in your ward in your capacity as the ward member but you cannot vote. When you attend any Development Management Committee, you should not sit in the public gallery, but in the place reserved in the Committee room for Members of the Council who are not members of the Development Management Committee.

7.8.11. Decisions Contrary to Officer Recommendations or to Development Plan Policies

From time to time, there will be occasions when you or the Committee of which you are a member disagree with the professional advice on an application given by the Senior Officer responsible for Planning. In such cases the reasons for differing from the professional advice received should be specified in the resolution of the Committee, along with the reasons for refusing an application recommended for approval or the reasons for approving an application recommended for refusal along with relevant conditions to be imposed on any approval. The same provisions apply to decisions taken contrary to Development Plan policies.

If proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, you need to make sure that you clearly identify and understand the planning reason leading to this conclusion/decision. These reasons must be given as part of your motion prior to the vote and be recorded. It may help to have prior discussions of those reasons with planning officers before the meeting. In some cases, it may be necessary to adjourn the meeting for a few minutes for reasons to be properly discussed. In cases where there is a very strong objection from officers as to the planning merits of those reasons, you should consider deferring the planning application to another meeting. Be aware that you may have

to justify the resulting decision by giving evidence in the event of any challenge or appeal.

Any decisions made by the Development Management Committee that are contrary to approved policy and officer recommendations must be referred to Full Council for ratification (or overturning) prior to the issuing of a decision notice.

7.8.12 Action on Decisions Taken Contrary to Professional Advice

In cases where an officer recommendation for approval has been overturned by Committee and an appeal is lodged:

- officers shall give full support to Members and any external witnesses in preparing evidence for any public inquiry, short of giving evidence themselves.
- officers will give evidence themselves only in exceptional circumstances, where their Code of Professional Conduct is not breached
- where a hearing is to be held, with no cross-examination, officers may give evidence themselves, but this will normally be only if the officer concerned has not been involved in formulating the original recommendation
- officers must give full support to Member decisions which are appealed using the written representations procedures

7.8.13. Planning Applications from a Member or their relatives

All applications which are submitted by or on behalf of you as a Member of the Council in your private capacity or by a relative or your partner (as defined in the Code of Conduct for Members) or which relate to land which you own and/or have a beneficial interest in must be drawn to the attention of the Senior Officer responsible for Planning, and will be reported to the Development Management Committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers

You must take no part in the determination of the application. You must declare a Prejudicial Interest and leave the meeting and not seek to influence any decision made. You may, however, appoint an agent who can speak or speak yourself subject to the rules of Public Speaking at meetings of Development Management Committee.

If an application is submitted by a relative or partner (as defined in the Code of Conduct for Members) of a Member of the Forest of Dean District Council, the applicant may speak at committee meetings subject to the rules of Public Speaking at Meetings of Development Management Committees or appoint an agent to speak on his or her behalf.

7.8.14 Planning Applications by the Council itself

All applications which are submitted by the Council itself must be reported to the Development Management Committee for a decision rather than being dealt with in accordance with the scheme of delegation to officers. However, once the principle of development has been established subsequent applications to discharge conditions or for minor variations may be determined in accordance with the scheme of delegation.

7.8.15 Applications submitted by Officers

An application submitted by or on behalf of an employee of the Council or Publica, will be reported for determination by the committee. Exceptions may be made for non-planning staff (excluding those in politically restricted posts) for applications for minor works to a dwelling, such as extensions, alterations and works within the curtilage.

7.8.16 Hospitality

As a Member of the Council you are discouraged from receiving hospitality from people with an interest in a planning proposal. If receipt of hospitality is unavoidable, you will ensure that it is of the minimum level and, if it exceeds the level to which the Council's Code of Conduct for Members applies, you must declare its receipt, as soon as possible, in the Hospitality Register kept by the Monitoring Officer. Members should also disclose that they have an Other Interest where the value of the hospitality received is worth more than an estimated value of £50.

Chapter 8: Audit Committee

Number of members on committee	7
Quorum (50% + 1)	4
Substitutes permitted	Yes
Subcommittees	None

The Council will appoint an Audit Committee comprising seven members of the Council whose membership is to be allocated in proportion to the political composition of the Council and up to two Independent members appointed by a panel comprising up to three political group leaders. The members of the Cabinet will not be eligible to be members of the Audit Committee. The Audit Committee will be the member group charged with overseeing good governance and will act independently of the Cabinet and the scrutiny function.

The role of the Audit Committee will be:

- i. To consider the Head of Internal Audit's annual report and a summary of the internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements which reflects the Council's risk environment and includes an opinion on the overall adequacy and effectiveness of the Council's systems of internal control.
- ii. To consider summaries of specific internal audit reports quarterly and seek assurance that action is being taken where necessary.
- iii. To consider an annual report on the performance of the internal audit service and review the effectiveness of the service in accordance with the Accounts and Audit Regulations.
- iv. To consider quarterly reports from internal audit on agreed recommendations not implemented within a reasonable timescale and seek assurance that adequate action is being taken to address these.
- v. To consider the external auditor's annual letter, relevant reports, and monitor management action in response to the issues raised.
- vi. To consider specific reports as agreed with the external auditor and other inspection agencies.
- vii. To comment on the scope and depth of external audit work and to ensure it gives value for money.
- viii. To commission work from internal and external audit.
- ix. To maintain an overview of the Council's constitution in respect of contract procedures and rules, financial regulations and codes of conduct and behaviour.
- x. To review any issue referred to it by the Head of Paid Service or any Senior Officer or Council body.
- xi. To monitor the effective development and operation of risk management and corporate governance of the Council, to approve annually the Council's risk management strategy and to seek assurance that action is being taken to manage significant risks identified by auditors and inspectors.

- xii. To monitor the Council's 'whistleblowers' policies, the anti-fraud and corruption strategy and the Council's complaints process.
- xiii. To oversee the production of the authority's 'annual governance statement' and recommend its adoption.
- xiv. To agree the annual statement of accounts. Specifically to consider whether appropriate accounting practices have been followed and whether there are concerns arising from the financial statements or from auditors that need to be brought to the attention of the Council.
- xv. To develop effective relationships between internal audit and external audit and ensure that the value of the audit process is actively promoted.
- xvi. To be responsible for ensuring effective scrutiny of the Treasury Management Strategy and policies of the council.

The power and responsibilities shall be as follows:

- i. The ability to require the Leader and Cabinet Members to attend and be questioned on audit, risk management and corporate governance matters relating to their roles and responsibilities.
- ii. The ability to require the Senior Officers to attend and be questioned on audit, risk management and corporate governance matters relating to their roles and responsibilities.
- iii. The power to call expert witnesses from outside the Council to give advice on matters under review or discussion.
- iv. Delegated powers under section 101 of the Local Government Act 1972 acting as the committee charged with governance for the purposes of the ISA 260 (International Standards on Auditing (United Kingdom and Ireland))
- v. To approve the Internal Audit annual plan and to ensure that it is risk based, receive reports on progress and as a consequence approve any material changes to the plan.
- vi. All other matters will be recommended, as appropriate, to the Council, Cabinet or other Council body for decision.

Chapter 9: The Standards Panel

Number of members on committee	3
Quorum	2

9.1 Standards Panel

The Council shall establish a Standards Panel to carry out its functions relating to ethical matters under the Localism Act 2011.

The Panel shall consist of up to 5 independent people, who will not be existing councillors and will be resident within the Forest of Dean, who will be appointed by the Monitoring Officer in consultation with group leaders.

9.2 Role and Function

The Standards Panel shall have the following roles and functions:

- a) to consider reports or recommendations of the Monitoring Officer following investigations into complaints and determine whether or not a breach of the Code of Conduct has occurred
- b) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- c) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
- d) imposition of sanctions where a member is found to be in breach of the Code of Conduct
- e) the exercise of (a) to (c) above in relation to all Town and Parish Council Members in the district

9.3 Sanctions

The Standards Panel can impose any of the following sanctions:

- censure or reprimand the councillor
- publish its findings in respect of the councillor's conduct
- report its findings to council (or to the town or parish council) for information
- remove the councillor from any or all committees or sub-committees of the council
- in the case of a Cabinet member, recommend to the leader of the council that the councillor be removed from cabinet or removed from particular portfolio responsibilities
- in the case of the Leader, recommend to council that the councillor be replaced as executive leader
- instruct the monitoring officer to (or recommend that the parish council) arrange training for the councillor

- remove (or recommend to the parish council that the councillor be removed) from all outside appointments to which he/she has been appointed or nominated by the authority (or by the parish council)
- withdraw (or recommend to the parish council that it withdraws) facilities provided to the councillor by the council, such as a computer, website and/or email and internet access
- exclude (or recommend that the parish council exclude) the councillor from the council's offices or other premises, with the exception of meetings rooms as necessary for attending council and committee meetings

Chapter 10: Working groups

In this constitution, the term 'working group' will include permanent working groups, task groups panels and cabinet support groups unless specifically stated otherwise or the context identifies one category. Working groups will not be required to hold meetings to which the public have access and officers will be permitted to participate in discussions.

A permanent working group will have a delegated function, which is specific and will probably last for the duration of the Council whereas a task group is usually established to examine a single issue and have a short term duration. Both may review the operation of policy and recommend new or revised policies to the Cabinet for consideration; assist with the development of new initiatives, policies and strategies on specific issues or themes to be adopted by the Council.

The Cabinet and all committees will have the power to establish working groups, which will be informal forums for initiating policies and strategies that may eventually become adopted as part of the Council's policy framework once refined and developed by the appropriate committee. They will be 'think tanks' and their meetings will not be held in public.

Permanent working groups have the remit of monitoring the performance of any specific function of the Council and to review processes and procedures and to make recommendations. Task groups, panels and cabinet support groups are ad hoc groups established to examine or review a particular issue, theme or topic before making a report to the Strategic Overview and Scrutiny Committee or the Cabinet and will then be disbanded.

The Cabinet or the Strategic Overview and Scrutiny Committee will agree the group's terms of reference before appointing members. Members of the Cabinet will not be eligible to be members of a task group established by the Strategic Overview and Scrutiny Committee

The task groups, panels and cabinet support groups will be comprised of the numbers deemed appropriate for the specific issue, theme or topic and best endeavours will be made to make the membership politically balanced in accordance with the political groups scheme. However, all members with an interest in the topic being discussed may be invited to attend, especially those members with particular and relevant expertise.

Other persons, external to the Council, (an external agency, representatives of other authorities, representatives of a voluntary organisation) may also be invited to attend meetings of a working group. All members will be able to attend as observers and the protocol of allowing such members to speak will extend to working groups.

The working groups will be able to adopt such procedures in their meetings as they deem appropriate to achieve their objective. Non-elected members may be co-opted onto the task groups where particular expertise or skill is deemed necessary. The chairmen of the working groups will be elected at the first meeting of the working group and shall be able to hold management meetings with the chairmen of the

committees and the Leader of the Council to plan and schedule workloads referred to the working groups or emanating from the working groups.

A working group will have a lead officer or officers appointed who may take part in the discussions. The working group will not be empowered to make any decisions, which bind the Council but may make recommendations to the Cabinet or a committee by way of a report promoting an initiative or options available to the Council for further development. Meetings of the working groups will not be held in public.

Chapter 11: Council Safety Panel

The Council Safety Panel provides a forum to examine and discuss Council safety issues. The panel is not a decision making body but may make recommendations on safety issues to the Cabinet or the Managing Director of Publica.

The membership of the panel will be made up of four councillors, a Health and Safety representative and a statutory officer.

The press and public are not permitted to attend meetings.

The panel will meet on an ad-hoc basis as and when required to:

- a) Consider causes and trends of accidents, incidents and notifiable diseases and to identify unsafe or unhealthy conditions and practices;
- b) Examine safety inspection and audit reports and where necessary make recommendations.
- c) Assist in the development of safety rules for the Council.
- d) Consider and review the Council health and safety policy.
- e) Consider health and safety training needs and assess the quality of the training provided.
- f) Monitor and improve health and safety communications and publicity within the Council.

Chapter 12: Joint arrangements

The Council in order to promote the economic, social or environmental well-being of its area, may and is encouraged to (but is not required to do so):

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

It may also:

- a) Establish joint arrangements with one or more local authorities and/or their Executives to exercise functions which are not executive functions in any of the participating authorities or to advise the Council and such arrangements may involve the appointment of a joint committee with these other authorities.
- b) Establish joint arrangements with one or more local authorities to exercise functions which are executive functions and which would involve the appointment of a joint committee.
- c) Except as detailed in paragraph d) below appointments to a joint committee may be from Cabinet members and need not reflect the political balance of the Council.
- d) Appoint non-executive members to a joint committee where the joint committee has functions for only part of the administrative district that is less than two-fifths of the authority by area or size of population and where the appointed member may be the ward member which is wholly or partly contained within the area in which case the appointments need not reflect the political balance of the Council.
- e) Publish details of any joint arrangements, including delegation to joint committees, in Appendix 6 to this constitution.

Any joint arrangements will accord with the provisions of this constitution including the access to information provisions in Part 4, Chapter 1.

Delegation to or from other local authorities

The Cabinet may delegate executive functions to another local authority or accept delegated executive functions from another authority where it deems it expedient and in the interests of the Council and the administrative district.

The decision whether to delegate non-executive functions to another local authority or to accept delegation from another local authority will be reserved to Full Council.

Contracting out

The Cabinet may contract out to another body or organisation functions which may be exercised by an officer under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles provided there is no delegation of the Council's discretionary decision making.

Chapter 13: Decision making

The Council will issue and keep up-to-date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas of functions.

13.1 Principles of decision making

All decisions will have regard to the rule of law and

- Have regard to all relevant considerations and ignore all irrelevant factors and come to a decision which is reasonable and not perverse;
- Result in action which is proportionate to the desired outcome;
- Have regard to consultation responses and the appropriate professional advice from officers and/or consultants on technical and resource implications;
- Respect individuals' human rights;
- Be fair and justifiable;
- Made openly;
- Be made in pursuance of clear aims and objectives.

13.2 Types of decisions

(i) **Decisions generally**

All decision-making will follow the procedural requirements and processes set out in the standing orders and finance regulations contained in Part 4 of this constitution and identified as being relevant to the particular part of the Council.

(ii) **Decisions by Full Council**

Decisions reserved to Council will be made by Full Council and may not be delegated unless specifically authorised in the standing orders contained in Part 4 of this constitution.

(iii) **Decisions where Council is acting in a quasi-judicial capacity**

Where a committee or an officer is making a quasi-judicial decision or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, they will observe the above stated principles and follow a proper procedure which accords with the requirements of natural justice and the right to a fair hearing.

Section 13 of the Local Government Act 2000 (LGA 2000) creates three categories of functions, Executive functions, Full Council functions and local choice functions. It does so by providing that all functions of the authority shall be Executive functions except in so far as they are reserved to Full Council by the LGA 2000, subsequent legislation or regulation made under the LGA 2000 or where they are designated 'local choice' functions.

The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out a scheme for dividing functions into categories and this determines whether the functions will be the responsibility of the Executive (Executive decisions) or Full Council (non-executive decisions).

The allocation of most functions is determined by legislation, but in the case of a small number it is for the local authority to decide how to allocate them. These functions are known as the 'local choice' functions.

Functions reserved to Full Council are listed in Table 1 below. Column 2 of the table indicates whether the function is to be considered by the Executive or a Committee prior to determination by Full Council.

Table 1 – Full Council's statutory functions (non-executive)

Ref	Function	Decision Making Process
1	Adopting framework policies and the budget	Following recommendation from the Cabinet
2	Executive function decisions where the Cabinet is minded to make a decision contrary to a framework policy or the budget	Following recommendation from the Cabinet
3	Crime and disorder reduction strategy	Following recommendation from the Cabinet
4	Approving the terms of reference of any committee and their composition in accordance with the political groups scheme	Following recommendation from the respective committee
5	Appointing and dismissing the Head of Paid Service and the statutory Senior Officers	Following recommendation from the Appointments Committee or the Designated Independent Person where applicable otherwise solely Full Council
6	Appointing the Leader of Council	Full Council
7	Removal of the Leader of Council or in cases where the Leader refuses to do so removal of a member of the Cabinet	Full Council
8	Approving the constitution and any major amendments to it	Following recommendation from the Constitution Working Group

9	To approve the members allowance scheme	Following recommendation from the independent Members Remuneration Panel
10	Plans and alterations which comprise the Development plan.	Full Council
11	Licensing policy and gambling policy	Full Council
12	Licensing and gambling applications	If referred to Full Council from Licensing Committee
13	Local Council Tax Support Scheme	Following recommendation from Cabinet

1.7. Local choice responsibilities delegated to the Cabinet are detailed in table 2.

Table 2 – Local choice responsibilities

Ref	Function	Decision-making body
1	The discharge of any function relating to the control of pollution or the management of air quality	Cabinet or portfolio holder or officer

Chapter 14: Finance, contracts and legal matters

14.1 Financial management

The management of the Council's financial affairs will be in accordance with the financial procedure rules set out in Part 4, Chapter 3 of this constitution. These rules may be varied or amended at the discretion of the Chief Financial Officer in consultation with the Head of Paid Service in order to assist in the maintenance of the Council's financial probity, having regard to the need to use financial resources efficiently and effectively.

14.2 Contracts

Every contract made by the Council will comply with the contracts procedure rules set out in Part 4, Chapter 4 of this constitution subject to the power of the Cabinet to resolve to waive contract procedure rules where the Council's interest or that of the community benefit justifies such action. All contracts with a value of over £10,000 will be registered in the contracts' register.

14.3 Legal proceedings

The Senior Officer with responsibility for 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 Senior Officer with responsibility for Legal Services considers that such action is necessary to protect the Council's interests.

14.4 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 Senior Officer with responsibility for Legal Services or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

14.5 The common seal of the Council

The common seal of the Council will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The common seal will be affixed to those documents that in the opinion of the Monitoring Officer should be sealed. The Monitoring Officer, Head of Paid Service or Chief Finance Officer (s151 Officer) can attest to the affixing of the seal.

PART 3 – OFFICER SCHEME OF DELEGATION

Chapter 1: General delegated powers

Council services are divided into delegable and non-delegable functions. The delegations in this chapter apply to the Head of Paid Service for non-delegable functions and the Managing Director (or his nominated representative) of Publica for delegable functions.

Protocol for sub-delegation

The Head of Paid Service, Managing Director and/or Senior Officers are not required to exercise all delegations personally and may sub-delegate functions to an officer or other Employee in their service areas provided the following conditions are met:

- (a) The Senior Officer is satisfied that:
 - (i) The officer or other employee has suitable experience and seniority to undertake those functions,
 - (ii) The sub-delegation is in the interest of the efficient operation of the service; and
 - (iii) Any sub-delegation of a non-delegable function is restricted to officers and/or employees who have an employment relationship with the relevant Council. (n.b. a schedule of non-delegable functions can be found at the end of this Chapter)
 - (b) The Senior Officer must record the details of the sub-delegation and provide a copy to the Monitoring Officer who will ensure that each Council retains an up to date record of sub-delegations
 - (c) The limitations on the exercise of any power or responsibility will be made explicit in the delegation
-
- 1) **Operational powers to undertake functions** – All powers necessary and appropriate for the operational discharge of all functions, whether mandatory or discretionary, delegated or allocated to the Council by primary or secondary legislation, regulation, ministerial or European directives, law or agreement are deemed delegated to the Senior Officer(s) with responsibility for discharging that function, or exercising that power, without a specific resolution of Council or the Cabinet, unless the legislation, etc., requires a positive resolution by the Council or specific procedure to be adopted before the function may be undertaken by the Council. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the relevant committee and budgetary resources. Further, such delegated powers will be exercised in compliance with and consistent with the policy framework adopted by Council and in accordance with law and the principles of this constitution. The Senior Officers will be able to appoint such officers as they consider necessary to assist in the discharge of the functions.
 - 2) This general power will be interpreted as including all those specific powers delegated to the Senior Officers and other appropriate officers by the Council, up to and including the adoption of this constitution.

- 3) **Note: ‘operational discharge of all functions’** means those decisions and actions which are required to be made or taken to undertake the day to day operational activities arising with regard to the functions allocated to the Council.
- 4) The Senior Officers will, upon the appointment of an executive member to a portfolio which includes the services for which they are responsible, agree a working arrangement with the portfolio holder to ensure that service information is exchanged and liaison occurs on impending decisions to be made by both parties where there is a mutual or joint responsibility.
- 5) **Financial** - Senior Officers’ authority in respect of financial matters is set out in the Council’s Financial Procedure Rules in Part 4, Chapter 3 of the Constitution
- 6) **Contracts** – Senior Officers’ authority in respect of letting contracts is set out in the Council’s Contract Procedure Rules (Part 4 Chapter 4 of the Constitution).
- 7) **Employment** - Each Senior Officer is authorised with all powers appropriate to manage human resources employed by the Council to facilitate achieving the Council’s objectives, both as a local government organisation and in accordance with the Council’s Human Resources policies and procedures provided that financial limitations set by Council are not exceeded. Such powers, to include (but not to be considered an exhaustive list) the training and development of staff; appointment of temporary and permanent staff (in accordance with the Council’s Officer Employment Procedure Rules) in (Part 4 Chapter 5 of the Constitution) the dismissal of staff (save statutory officers and Senior Officers); to comply with equal opportunity principles; the overall health and safety and well-being of staff within the adopted Council policy framework; restructuring and changes in manpower levels within groups, sections and teams etc.; operating the approved disciplinary and grievance procedures; authorising honorarium payments and career breaks; reviewing the impact and effectiveness of available technology, etc., are to be exercised with due professional skill and diligence relevant to the post and in consultation with human resources, legal and finance Officers.

8) **Property and Assets**

8.1 Subject to 8.2 below, Senior Officers must consult with the Cabinet member and obtain Cabinet approval for the following matters:

- to agree terms for the disposal of Council freehold land and property assets
- to investigate, evaluate, negotiate and agree terms for land and property acquisition
- to agree terms in respect of the Council’s leasehold and freehold estates
- to carry out and commission valuations.
- A Senior Officer may arrange for sessional lettings of premises for periods of less than 24 hours. Save for freehold disposals.

- 8.2 Each senior officer is authorised to deal with minor property transactions up to a value of £10,000 provided they are not freehold disposals and they consult with the relevant Cabinet Member.
- (9) **Lost and uncollected property** - Section 41 of the Local Government (Misc. Provisions) Act, 1982 to deal with property coming into the possession of the Council in any of the offices or precincts of the department of the appropriate Senior Officer.
 - 10) **Urgent matters** - Notwithstanding anything contained in standing orders and the Council's financial regulations, authority to take action on grounds of urgency shall be exercisable by the Head of Paid Service (or, in their absence, an appropriate Senior Officer) after consultation with the Leader of Council or Deputy Leader. The decision shall be reported to the next meeting of the Cabinet.
 - 11) **Consultation papers** - In the case of consultation papers where time does not permit presentation to the Cabinet, the individual Senior Officer with responsibility for the particular function (or jointly with other Senior Officers, if responsibility for the function is shared) be authorised to respond on the Council's behalf following consultation with the Leader of Council or relevant Cabinet portfolio-holder.
 - 12) **Grants to voluntary and other bodies** - Within policy criteria determined by a framework policy or the Cabinet, authority to allocate and pay the approved annual revenue budget and special provisions allocations.
 - 13) **Member training** - Following consultation with the Leader of Council, and having regard to the Member Development Strategy and the recommendations of the Member Development Group to identify appropriate opportunities and to provide members with the training required to enable them to undertake their varied role as decision-makers, ward representatives and community leaders within the financial resources allocated by Council.

Chapter 2: Specific Powers Delegated to the Head of Paid Service

Head of Paid Service – under Section 4 Local Government and Housing Act 1989

Proper Officer Functions

Pre-1972 statutory provisions -The Head of Paid Service, or in their absence, the Monitoring Officer is the Proper Officer of the Council in relation to any reference in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972.

Authentication of documents - For the purpose of Section 234(1) and (2) of the Local Government Act, 1972 (Monitoring Officer in the absence of the Head of Paid Service).

Access to papers - For the purpose of Section 100F(2) of the Local Government Act, 1972 to determine papers not open to inspection by members (or the Monitoring Officer in the absence of the Head of Paid Service).

Signature of summonses to Council meetings – for the purposes of schedule 12, paragraph 42(b) of the Local Government Act 1972 (Monitoring Officer in the absence of Head of Paid Service)

Receipt of money due from officers - For the purpose of section 115(2) of the Local Government Act, 1972.

General Powers

All powers necessary and appropriate for the operational discharge of those functions undertaken by the Council, whether mandatory or discretionary, delegated or allocated to the Council by primary and secondary legislation, regulation, ministerial or European directive, law or agreement are deemed delegated to the Head of Paid Service without the necessity of a specific resolution of Council, unless the specific legislation, regulation, etc., requires a positive resolution of Council or a specific procedure to be adopted before the function may be undertaken by the Council. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the Council's adopted policies and strategies and budgetary resources and must be exercised in compliance with, and consistent with, the principles of this constitution, the policy framework and the law.

This general power will be interpreted as including those specific powers delegated to the Head of Paid Service and their senior managers by the Council up to and including the adoption of this constitution.

Note: Operational discharge of functions relates to those decisions and actions that are required to be made or taken to undertake the day to day operational activities within the Council's functions.

Members' approved duties - the Head of Paid Service is authorised, after consultation with the Leader of Council (or in their absence, the Deputy Leader), to approve the attendance of councillors at one-day seminars or conferences and any external member training as an approved duty, provided the cost of the event and the travelling expenses can be met from existing budgets.

Other Delegated Powers

- a) Compilation of lists of background papers for the purpose of section 100D(1)(a) and 100D(5)(a) of the Local Government Act, 1972; for the compilation of lists of and identification of background papers for reports prepared in name of Head of Paid Service or, where first named, in joint reports.

- b) Senior Information Risk Officer

Chapter 3: Powers Delegated to Senior Officers

Proper Officer Functions

Compilation of lists of background papers - For the purpose of section 100D(1)(a) and 100D(5)(a) of the Local Government Act 1972 for the compilation of lists of and identification of background papers for reports

Other Designated Functions

To act as Emergency and local Civil Emergency Plan District Controller as required by the Head of Paid Service. Authority to incur expenditure justified by the particular emergency.

General Powers

All powers necessary and appropriate for the operational discharge of those functions for which the Senior Officers are responsible, whether mandatory or discretionary, delegated or allocated to the Council by primary and secondary legislation, regulation, ministerial or European directive, law or agreement are deemed delegated to the Senior Officers without the necessity of a specific resolution of Council, unless the specific legislation, regulation, etc. requires a positive resolution of Council or a specific procedure to be adopted before the function may be undertaken by the Council. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the Council and budgetary resources and must be exercised in compliance with, and consistent with, the principles of this constitution, the policy framework and the law. The Senior Officers are authorised to appoint such officers, from amongst the staff, as they consider necessary to assist in the discharge of the functions.

This general power will be interpreted as including those specific powers delegated to the Senior Officers by the Council up to and including the adoption of this constitution.

Note: Operational discharge of functions relates to those decisions and actions which are required to be made or taken to undertake the day to day operational activities arising with regard to those functions allocated to the Senior Officers.

Chapter 4: Powers Delegated to the Senior Officer with responsibility for Legal Services

Legal proceedings

- a. To institute and defend in their own name all appropriate legal proceedings in any court, for and on behalf of the Council, where a decision has been made, whether under delegated authority of an officer or by the Executive, Council or committee, and which relates to a regulatory or enforcement power.
- b. Where litigation is to be undertaken on behalf of the Council to notify the Leader of Council and the appropriate ward member(s) beforehand.
- c. Where the Council is engaged in any litigation, to have the conduct of the matter and full authority to receive any information in connection therewith and to settle or compromise any proceedings as they deem appropriate and expedient for the Council's interests.
- d. For the purpose of paragraph 13(6) of schedule 3 to the Act, to certify as a copy of any regulations made under paragraph 13 of schedule 3 for production in any legal proceedings.
- e. Authority to instruct private practice solicitors or junior barristers to undertake legal work when considered necessary or appropriate.
- f. To institute any proceedings on behalf of the Council and to defend any actions against the Council in any court in respect of any enactment or regulation within the scope of the delegated powers of the Senior Officers.
- g. To prosecute any offence of obstructing staff in the course of their official duties.
- h. Authority to obtain counsel's opinion provided that regular reports are made to Council on the costs of litigation.
- i. In consultation with the Head of Paid Service to set charges for legal work rechargeable to external persons or organisations.
- j. Recovery matters - Authority to act on the Council's behalf in respect of attendance at the Magistrates Court and the County Court on all recovery matters, including applications for a committal warrant and attendance at valuation tribunals as appropriate.
- k. Issue notices under the provisions of the Drainage Acts

Other legal staff

Pursuant to section 223 of the Local Government Act 1972, - members of the Legal Services Section may be authorised to prosecute or defend actions and/or cases, and to represent the Council, in any Magistrates' Court proceedings or County Court proceedings, valuation tribunals and planning inquiries as appropriate, subject to the Senior Officer with responsibility for Legal Services being satisfied with their legal competence.

Planning Agreements

Authority to complete Planning Agreements under Section 106 of the Town and Country Planning Act 1990 and Section 38 and 278 of the Highways Act 1980

Chapter 5: Powers Delegated to the Counter Fraud Unit

Regulation of Investigatory Powers Act 2000:

Sections 28 and 29 To maintain and keep under review a central register of authorisations issued under Sections 28 and 29 of the Regulation of Investigatory Powers Act 2000

Chapter 6: Powers Delegated to the Monitoring Officer

Proper Officer Functions

Local Government Act 1972:

83(1) to (4)	Witness and receive declarations of acceptance of office
84	Receive declarations of resignation of office
88(2)	Convene meetings of Council to fill a casual vacancy in the office of chairman
89(1)(b)	Receive notice of a casual vacancy
100B(2)	Access to agenda and connected reports
100B(7)(c)	Supply of papers to the press
100C(2)	Summaries of minutes
100D(1)(a)	Compilation of lists of background papers where the report has been prepared in the name of Head of Paid Service or by a member or any other instances exclusive of named Senior Officers (including first named in joint reports)
100D(5)(a)	Identification of background papers where the report has been prepared in the name of Head of Paid Service or by a member or any other instances exclusive of named chief officers (including first named in joint reports)

100F(2)	Determination of papers not open to inspection by members.
137A	Receipt of a written statement or Annual Report or Accounts deposited under S137A where the Council has provided financial assistance to any organisation, body or fund.
210(6) & (7)	Charity functions of holders of offices with existing authorities transferred to holders of equivalent office with new authorities, or if there is no such office to proper officer
225(1)	Deposit of documents
229(5)	Certification of photographic copies
234(1)(2)	Authentication of documents
236(9)	To send copies of byelaws to parish councils
236(10)	To send copies of byelaws to the County Council
238	Certification of byelaws
Schedule 12	All duties
Schedule 14	Certification of resolutions Para. 25(7) under paragraph 25 of Schedule 14

Local Government Act 1974:

Section 30 Receipt of Ombudsman Reports (In the event of his/her being absent or otherwise unable to act, the Head of Paid Service is appointed Proper Officer)

Local Government (Miscellaneous Provisions) Act, 1976:

Section 41 Authentication of copies of minutes etc. for production in Court.

Local Government and Housing Act 1989:

Section 5 Monitoring Officer

Section 15 Calculation of Political Balance on Committees

Local Government Act 2000:

Section 52 Receipt of written undertaking from members to observe the Authority's Code of Conduct.

Localism Act 2011

Section 29 maintain and make available a register of declarations of interests under section 30 and 31

Section 33 grant dispensations from section 31(4)

Chapter 7: Powers Delegated to the Electoral Registration Officer and Returning Officer

Andrew Knott is appointed as the Electoral Registration Officer for the constituency of the Forest of Dean

Proper Officer functions:

Representation of the People Act 1983

Section 82 A person before whom declarations may be made as to election expenses

Andrew Knott is appointed as the Returning Officer for the elections of councillors of the Forest of Dean District and councillors of Parish Council within the District

Chapter 8: Powers Delegated to the Senior Officer responsible for Planning

The following powers are delegated to the Senior Officer responsible for Planning, who may nominate and appoint such officer(s) to assist them to undertake the functions and duties:

Delegated scheme for decisions by officers on planning applications

In order to assist members to concentrate their limited time on the more significant proposals, and to reduce the inevitable delays associated with preparing reports for presentation to a monthly committee, the following areas of responsibility are delegated to the Senior Officer responsible for Planning. Categories of applications subject to delegation are set out below. The scope of delegation may be amended by a majority of the members present at a meeting of the Development Management Committee to which a report is submitted and there will be no requirement to comply with the procedure for amending the constitution as set out in Part 1, Chapter 2

Enforcement and other planning matters

All enforcement powers are delegated to the Senior Officer responsible for Planning, including the right to serve a Stop Notice.

Applications for Planning Permission and related Consents

- 1) Alterations and extensions to buildings and structures.
- 2) The erection of boundary walls, fences and other means of enclosure.
- 3) The construction or alteration of accesses, parking and turning areas.
- 4) Non material Amendments and minor Material Amendments, and new applications which are similar in form and content to previous consents on the land.
- 5) Matters arising from conditions imposed on permissions and consents,
- 6) The approval of all reserved matters applications where the proposal accords exactly with the Council's adopted standards.
- 7) Erection of temporary buildings, use of land for a temporary period, and renewals of temporary permissions.
- 8) Changes of use of land or buildings not involving building works except of a minor nature.
- 9) The erection of up to nine dwellings or, in outline applications where no number is stated, residential development on land not in excess of one half hectare.
- 10) The erection of buildings and structures within the curtilage of dwellings, where proposals are for the private domestic use of the property and ancillary to it.

- 11) The erection of private garages.
- 12) Commercial buildings or works, including changes of use, where the floor space or ground area covered is less than 3,000 square metres.
- 13) The erection of agricultural and forestry buildings, structures and other operations.
- 14) Listed building consent applications, subject where necessary to the concurrence of the relevant Government Department.
- 15) Minor works within conservation areas not falling within any other category, and applications for conservation area consent.
- 16) Applications for consent to display advertisements.
- 17) The use of land for the stationing of caravans.
- 18) Proposals for the felling, topping and lopping of trees subject to tree preservation orders and of trees in conservation areas. Comments to Forest Enterprise on felling licences.
- 19) Minor buildings, works or uses in connection with recreational development.
- 20) Certificates of lawful use or development.
- 21) Certificates of appropriate alternative development.
- 22) Applications under sections 73 & 73A to vary or remove conditions.
- 23) Applications by FODDC to refurbish system built houses.
- 24) Applications under section 1 of the 1984 Act (Crown Land) which fall within any of the above categories.
- 25) Hedgerow removal and remedial notices in consultation with the ward Member.
- 26) Any application for whatever size of structure or use, which is clearly contrary to the Development Plan may be refused. Any application (even if subject to a resolution of permission by the committee) may be refused by the Senior Officer responsible for Planning where information requested from the applicant has not been received or where there is no effort by the applicant to complete a planning obligation.
- 27) Applications to vary or remove restrictions or covenants in a planning obligation or other such legal agreement.
- 28) Hazardous Substances Consent applications.
- 29) Any application where the Council is at financial risk under the Planning Guarantee

Other regulatory and minor applications

- 1) Consultations and proposals from statutory undertakers and public bodies for minor developments, for example substations, pumping stations and sewers.
- 2) Applications referred for observations by adjacent authorities.

- 3) Provision of overhead electrical distribution lines of less than 132kv, pole mounted transformers and minor British Telecom overhead transmission lines.
- 4) Minor proposals of the county council and county matter applications.
- 5) Observations on Circular 18/84 Government Department consultations in respect of developments of less than 1,000 square metre floor area or ground cover.
- 6) Observations on applications for heavy goods operators' licences to establish or continue vehicle operating centres.
- 7) Footpath diversion applications.
- 8) In conjunction with the Senior Officer with responsibility for Legal Services, to make and serve Building Preservation Notices in accordance with section 3 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.
- 9) Authority to deal with dangerous trees.
- 10) To issue and confirm tree preservation orders.
- 11) To reply to consultations by Forest Enterprise on woodland schemes, subject to consultation with the local member.
- 12) To determine the submission of details in certain agricultural and forestry, telecommunications and demolition works under the general development order, subject to the notification of parish and town councils.
- 13) To give opinions involving E.I.A. on screening and scoping.
- 14) Consultations on Traffic orders.
- 15) Review cases where a new Tree Preservation Order is confirmed with no objections, delegated authority be given to the Senior Officer responsible for Planning to revoke the existing Tree Preservation Order and replace by the new order.
- 16) Assess any Neighbourhood Development Plans and determine whether or not the plan should be submitted for Independent Examination, noting that should the Town/Parish Council dispute the Senior Officer responsible for Planning's decision they may ask for the plan to be referred to Full Council for consideration, such referral can only be invoked once in relation to any one plan.

Safeguards

The referral procedure may be invoked if a member of Council is concerned about the planning merits of any proposal which would normally be delegated. This right of referral does not apply to applications for a certificate of lawfulness or where information requested by the officers has not been received from the applicant.

The Senior Officer responsible for Planning cannot grant permission where:

- the proposal is contrary to the adopted policies of the Council;
- raises a significant material consideration not addressed by adopted standards or where approval is recommended contrary to the advice of a statutory consultee

The Senior Officer responsible for Planning will have discretion to determine proposals where objections are received relating to submissions that have strict, statutory time limits for making decisions or taking action. These applications, e.g. agricultural buildings; demolitions and telecommunications determinations under the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent replacement or amendment; in respect of notifications of works to trees in Conservation Areas, etc.; or may result in an automatic permission if no response is submitted on behalf of the Council. Any objection received will be considered by the Senior Officer responsible for Planning and, at their sole discretion, efforts may be made to resolve the objection before the expiry period, but the existence of the objection will not alter their authority in those instances to make a decision.

All applications will be subject to normal consultations, publicity and notifications and no delegated decisions will be made until after the expiry of any consultation or publicity periods.

The Senior Officer responsible for Planning will use their discretion to refer any proposal to the committee if they are not satisfied that they should deal with the matter under delegated powers, particularly where there is significant public concern.

Planning Applications by the Council itself:

All applications which are submitted by the Council itself must be reported to the Development Management Committee for a decision rather than being dealt with in accordance with the scheme of delegation to officers. However, once the principle of development has been established subsequent applications to discharge conditions or for minor variations may be determined in accordance with the scheme of delegation.

Planning Application by an Employee of the Council or Public:

An application submitted by or on behalf of an employee of the Council or Public, will be reported for determination by the committee. Exceptions may be made for non-planning staff (excluding those in politically restricted posts) for applications for minor works to a dwelling, such as extensions, alterations and works within the curtilage.

Planning Applications from Members or their relatives:

All applications which are submitted by or on behalf of a Member of the Council or by a relative or partner of a Member, or which relates to land which is owned by a Member (or they have a beneficial interest in) must be drawn to the attention of the Senior Officer responsible for Planning, and will be reported to the Development Management Committee for a decision, rather than being dealt with in accordance with the Scheme of Delegation to Officers

Any reference to legislation, rules, orders or regulations in the schedules shall be read as a reference to any subsequent amendment or re-enactment of the same.

Proper Officer Functions

Compilation and identification of lists of background papers - For the purpose of section 100(D)(1)(a) and section 100(D)(5)(a) of the Local Government Act 1972

for the compilation and identification of lists of background papers for reports prepared in the name of the Senior Officer responsible for Planning or, where first named, in joint reports.

Protected buildings - For the purpose of schedule 16 paragraph 28 of the Local Government Act 1972 in relation to the receipt on deposit of lists of protected buildings (section 2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

General Powers

All powers necessary and appropriate for the operational discharge of those functions for which the Senior Officer responsible for planning is responsible, whether mandatory or discretionary, delegated or allocated to the Council by statute, regulation, ministerial or European directive, law or agreement are deemed delegated to the Senior Officer responsible for planning without the necessity of a specific resolution of Council unless the specific statute, regulation, etc. requires a positive resolution of Council or a specific procedure to be adopted before the function may be undertaken by the Council. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the Council and budgetary resources and must be exercised in compliance with and consistent with the principles of this constitution, the policy framework and the law. Senior Officer responsible for planning is authorised to appoint such officers from amongst the staff in the group, as they consider necessary to assist in the discharge of the functions.

This general power will be interpreted as including those specific powers delegated to the Senior Officer responsible for planning of the Council up to and including the adoption of this constitution.

Note: 'Operational discharge of functions' relates to those decisions and actions, which are required to be made or taken to undertake the day to day operational activities arising with regard to those functions allocated to the Senior Officer responsible for planning .

Chapter 9: Powers Delegated to the Section 151 Officer

Proper Officer Functions

The Section 151 Officer is hereby appointed the proper officer in relation to: -

- a) any reference in any enactment passed before or during the 1971-72 session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October, 1972 or in any document made before 1st April 1974 to the Treasurer or Chief Financial Officer of a Council or of a Borough which, by virtue of any provision of the said Act, is to be construed as a reference to the proper officer of the Council: and
- b) the following provisions:

Local Government Act 1972

- | | |
|-------------------|---|
| 146(1)(a) and (b) | Declarations and certificates with regard to securities. |
| 151 | Proper administration of the Council's financial affairs. |

Local Government Finance Act 1992

- | | |
|----------------|---|
| Section 38 (2) | Giving notice in the press of the amounts of Council Tax that have been set |
|----------------|---|

Declarations and certificates with regard to securities - For the purpose of sections 146(1)(a) & (b) of the Local Government Act, 1972.

Accounts of any proper officers - For the purpose of section 228(3) of the Local Government Act 1972 relating to inspection by any member of the authority.

General Powers

All powers necessary and appropriate for the operational discharge of those functions for which the Section 151 Officer is responsible, whether mandatory or discretionary, delegated or allocated to the Council by statute, regulation, ministerial or European directive, law or agreement are deemed delegated to the Section 151 Officer without the necessity of a specific resolution of Council unless the specific statute, regulation, etc. requires a positive resolution of Council or a specific procedure to be adopted before the function may be undertaken by the Council. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the Council and budgetary resources and must be exercised in compliance with and consistent with the principles of this constitution, the policy framework and the law. The Section 151

Officer is authorised to appoint such officers from amongst the staff, as they consider necessary to assist in the discharge of the functions.

This general power will be interpreted as including those specific powers delegated to the Section 151 Officer up to and including the adoption of this constitution.

Note: 'Operational discharge of functions' relates to those decisions and actions, which are required to be made or taken to undertake the day to day operational activities arising with regard to those functions allocated to the Section 151 Officer

Chapter 10: Powers Delegated to the Senior Officer with responsibility for Environmental and Regulatory Services

Proper Officer Functions

- a) Senior Officer with responsibility for Environmental and Regulatory Services is the proper officer in relation to any reference in any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972, or in any instrument made before 26th October, 1972, to the Public Health Inspector or Medical Officer of Health which, by virtue of the said act, is to be construed as a reference to the proper officer of the Council; and
- b) The following provisions, except so far as any part of any particular duty included therein falls to be dealt with by the Registered Medical Practitioner appointed by the Council as the proper officer for any such part: -

Public Health Act, 1936

283 Inspection of premises the subject of application for registration as keeper of Common Lodging House .

284 Notices, etc. to be signed on behalf of District Council.

Public Health (Control of Disease) Act 1984

59 Notices etc, to be signed on behalf of the District Council.

Public Health Act, 1961

37 Disinfection or destruction of verminous article.

Health and Social Care Act 2008

Section 129 Public Health Protection

Licensing Act 2003

179 To exercise power of entry by an authorisation within the meaning of Parts 3 and 4 of the Act and within the meaning of Section 108(5)

Building Act, 1984

- 78 Giving of notice, and taking such steps as are necessary to remove danger, in respect of dangerous building or structure.

Town and Police Clauses Act 1847

Commissioner for the purposes of the Act

General Powers

All powers necessary and appropriate for the operational discharge of those functions for which the Senior Officer with responsibility for Environmental and Regulatory Services is responsible, whether mandatory or discretionary, delegated or allocated to the Council by statute, regulation, ministerial or European directive, law or agreement are deemed delegated to the Group Manager without the necessity of a specific resolution of Council unless the specific statute, regulation, etc. requires a positive resolution of Council or a specific procedure to be adopted before the function may be undertaken by the Council. Such delegated powers are to be exercised with due professional skill and diligence relevant to the post and are subject to the limitations, if any, set by the Council and budgetary resources and must be exercised in compliance with and consistent with the principles of this constitution, the policy framework and the law. The Group Manager is authorised to appoint such officers from amongst the staff in the group, as they consider necessary to assist in the discharge of the functions.

This general power will be interpreted as including those specific powers delegated to the Senior Officer with responsibility for Environmental and Regulatory Services

Note: 'Operational discharge of functions' relates to those decisions and actions, which are required to be made or taken to undertake the day to day operational activities arising with regard to those functions allocated to the Senior Officer with responsibility for Environmental and Regulatory Services

Chapter 11: Powers Delegated to the Senior Officer with responsibility for Licensing

Licence type	Legislation	Delegation
Animal boarding establishments licence	Animal Boarding Establishments Act 1963	Officers
Dangerous wild animals licence	Dangerous Wild Animals Act 1976	Officers
Pets shops licence	Pet Animals Act 1951, section 1	Officers
Riding establishments licence	Riding Establishments Act 1964	Officers
Zoo licence	Zoo Licensing Act 1981	Officer or refer to Licensing Committee if representations are received
Bingo licence Premises	Gambling Act s 163,164 and 165	Officer or refer to Licensing Committee if representations are received
Adult gaming centre licence Premises	Gambling Act s 163,164 and 165	Officer or refer to Licensing Committee if representations are received
Family entertainment centre Licence Premises	Gambling Act s 163,164 and 165	Officer or refer to Licensing Committee if representations are received
Betting (track) licence Premises	Gambling Act s 163,164 and 165	Officer or refer to Licensing Committee if representations are received
Betting (other) licence – including betting shops Premises	Gambling Act s 163,164 and 165	Officer or refer to Licensing Committee if representations are received
Temporary use notice (temporary gaming activities)	Gambling Act 2005, section 215 Gambling Act 2005 (Temporary Use Notices) Regulations 2007	Officer or refer to Licensing Committee if representations are received
Occasional use notice	Gambling Act 2005, section 39	Officers

Unlicensed family entertainment centre gaming machine permit	Gambling Act 2005, section 247 and Schedule 10	Officers
Club gaming permit	Gambling Act 2005, section 271 Gambling Act 2005 (Club Gaming Permits)(Authorised Gaming) Regulations 2007	Officers
Small society permit – lotteries	Gambling Act 2005, Schedule 11, Part 4 and 5	Officers
Licensed premises gaming machine permit	Gambling Act 2005, section 283 and Schedule 13	Officers
Prize gaming permit	Gambling Act 2005, section 289 and Schedule 14	Officers
Licensed premises gaming machine registration	Gambling Act 2005, section 282 Gaming Machines in Alcohol Licensed Premises (Notification Fee) (England and Wales) Regulations 2007	Officers
Premises licence	Licensing Act 2003, Part 3 The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005	Officer or refer to Licensing Committee if representations are received
Personal licence	Licensing Act 2003, Part 6	Officers or refer to Licensing Committee if police objection or unspent convictions
Temporary event notice	Licensing Act 2003, Part 5 The Licensing Act 2003 (Permitted Temporary Activities)(Notices) Regulations 2005	Officers or refer to Licensing Committee if police or environmental health objection
Club premises certificate	Licensing Act 2003, Part 4 The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005	Officer or refer to Licensing Committee if representations are received
Camp site licence	Public Health Act 1936, section 269	Officers

Caravan and tent site licence	Caravan Sites Act 1968, Part 1 Caravan Sites and Control of Development Act 1960, section	Officers
Cosmetic piercing and skin colouring licence	Local Government (Miscellaneous Provisions) Act 1982, section 15	Officers
Food premises licence	EC Regulation 853/2004	Officers
Hackney Carriage licence	Local Government (Miscellaneous Provisions) Act 1976, Part 2 Town Police Clauses Act 1847	Officers or refer to Licensing Committee if previous convictions
Hackney Carriage/Private Hire Dual Drivers Licence	Local Government (Miscellaneous Provisions) Act 1976, Part 2	Officer or Licensing Committee subject to Policy Guidelines
Private Hire licence	Local Government (Miscellaneous Provisions) Act 1976, Part 2 Town Police Clauses Act 1847	Officers or refer to Licensing Committee if previous convictions
Private Hire Operators licence	Local Government (Miscellaneous Provisions) Act 1976, Part 2	Officer or Licensing Committee subject to Policy Guidelines
House-to-house collections licence	House to House Collections Act 1939, section 2	Officers
Hypnotism licence	Hypnotism Act 1952, section 2	Officers
Scrap metal dealers licence	Scrap Metal Dealers Act 2013	Officers or refer to Licensing Committee if previous convictions
Sex shop and cinema licence	Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3	Officer or refer to Licensing Committee if representations are received
Street collection licence	Charities Act 1992, section 66 and 68	Officers
Street traders licence	Local Government (Miscellaneous	Officers

	Provisions) Act 1982, section 3 and Schedule 4	
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Schedule of functions which cannot be delegated to Publica

Legislation/Service Area	Function
Counter Fraud	
Prevention of Social Housing Fraud (Power to require information) (England) Regulations 2014	Power to require information
Regulation of Investigatory Powers Act 2000	Acquisition and Disclosure of Communications Data Surveillance Covert human intelligence sources
Prevention of Social Housing Fraud (Power to require information) (England) Regulations 2014	Power to require information
Planning	
Planning	All planning decisions, including enforcement are non-delegable
Environmental & Regulatory Services	
Housing Act 2004	<p>Housing Conditions:</p> <ul style="list-style-type: none"> • Improvement notices relating to Category 1 hazards: duty of authority to serve notice • Improvement notices relating to Category 2 hazards: power of authority to serve notice • Prohibition orders relating to Category 1 hazards: duty of authority to make order • Prohibition orders relating to Category 2 hazards: power of authority to make order • Hazard awareness notices relating to category 1 hazards: duty of authority to serve notice • Hazard awareness notices relating to category 2 hazards: power of authority to serve notice • Emergency prohibition orders <p>Licensing of houses in multiple occupation and Selective licensing of other residential accommodation</p> <p>Additional control provisions in relation to residential accommodation:</p> <ul style="list-style-type: none"> • Making of interim management orders • Making of final management orders • Power to require document to be produced • Empty dwelling management orders • Powers of entry

Public Health (Control of Disease) Act 1984	Authentication of documents Power to enter premises
Building Control	All building control decisions are non-delegable
Environmental Protection Act 1990	<p>Preliminary Local authority may require person to provide information reasonably required (by notice in writing)</p> <p>Waste on land</p> <ul style="list-style-type: none"> • Fixed penalty notice may be issue in specified cases by “authorised officer” • Authorised officer has power to search and seize vehicles, etc., in certain circumstances • Written warnings and penalties (including FPNs) for failure to comply with requirements relating to household waste receptacles • Obtaining of information from persons and authorities
Refuse Disposal (Amenity) Act 1978 – Abandoned Vehicles	<ul style="list-style-type: none"> • Fixed Penalty Notice may be issued by authorised officer for offence of abandoning a vehicle • Authorised officer may require the person to be served with a FPN to give his name and address
Clean Neighbourhoods and Environment Act 2005	<ul style="list-style-type: none"> • Designation of alarm notification areas • Authorised officer may issue Fixed Penalty Notices • Powers of entry to silence continuously sounding alarms and which give reasonable cause for annoyance
Licensing	All Licensing decisions are non-delegable
Car Parking Appeals	
The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007	Decision whether to contest appeal or write off ticket

PART 4 – PROCEDURE RULES

Chapter 1: Access to Information Procedure

1.1 Access to information relating to meetings

- (a) This rule applies to all meetings of the Council, whether Full Council, scrutiny and review committee, Cabinet or regulatory committees or subcommittees and does not restrict any more specific rights to information contained elsewhere in the constitution or the law.
- (b) The Council will give at least five clear days' notice of any meeting by posting details of the meetings at the reception area of the designated offices.
- (c) The Council will make copies of the agenda and reports available for public inspection at the designated offices at least five clear days before the meeting. If an item is added to the agenda later, the designated officer will make each such report available to the public as soon as it is completed and sent to the members.
- (d) The Council will supply copies of:
 - (i) Any agenda and reports which are open to public inspection.
 - (ii) Any further statements or particulars necessary to indicate the nature of the items in the agenda.
 - (iii) If the proper officer thinks fit, copies of any other documents supplied to members in connection with an item to any person on payment of a charge for postage and any other costs.

The Council will publish the agenda, reports and minutes of all public meetings on its website

1.2 Access to documents after meetings

- (a) For six years after a meeting the Council will make available (via its website) copies of:
 - (i) The minutes of the meeting, excluding any part of the meeting which was not open to the public or which disclosed exempt or confidential information.
 - (ii) A summary of all proceedings not open to the public, where the minutes open to public inspection would not provide a reasonably fair and coherent record.
 - (iii) The agenda for the meeting.
 - (iv) Reports relating to items discussed in the open part of the meeting.

- (b) The proper officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which, in their opinion:
 - (1) Disclose any facts or matters on which the report or an important part of the report is based.
 - (2) Has been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined)
- (c) The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

1.3 Summary of public rights

A written summary of the public's rights to attend meetings and to inspect and copy documents will be made available from the Monitoring Officer at the Council Offices, High Street, Coleford, Gloucestershire GL16 8HG.

1.4 Exclusion of access by the public to meetings

1.4.1 Confidential information - requirement to exclude public

The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

1.4.2 Exempt information - discretion to exclude public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in article 6.

1.4.3 Meaning of confidential information

Confidential information means information given to the Council by a government department on terms that forbid its public disclosure, or information which cannot be publicly disclosed by court order.

1.4.4 Meaning of exempt information

Exempt information means information falling within the following categories (subject to any condition).

Category	Condition
<p>Para. 1. Information relating to any individual.</p>	<p>Information is exempt information if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>Para. 2. Information that is likely to reveal the identity of an individual.</p>	<p>Information is exempt information if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>Para. 3. Information relating to the financial business affairs of any particular person (including the authority holding that information).</p>	<p>Information is not exempt information if it is required to be registered under:</p> <ul style="list-style-type: none"> (a) the Companies Act 1985; (b) the Friendly Societies Act 1974; (c) the Friendly Societies Act 1992; (d) the Industrial and provident Societies Act 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1938. <p>Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning (General Regulations) 1992.</p>
<p>Para. 4. Information relating to 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.</p>	<p>Information is exempt information if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>Para. 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Information is exempt information if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p>
<p>Para. 6. Information which reveals that the authority) proposes:</p>	<p>Information within paragraph 7 is not exempt if it must be registered under various statutes, such as the Companies</p>

Category	Condition
(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.	Act or Charities Act. To be exempt the information must relate to a particular third person who must be identifiable.
Para. 7. Information relating to any action taken or to be taken in connection with the prevention investigation or prosecution of crime.	Information is exempt information if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

1.5 Exclusion of access by the public to reports

If the Head of Paid Service thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which the meeting is likely not to be open to the public. Such reports will be marked 'not for publication' together with the category of information likely to be disclosed.

Chapter 2: Budget and Policy Framework Procedure Rules

2.1 Framework for decision-making

Full Council will be responsible for the adoption of its budget and policy framework. Once a budget or a policy framework is in place, it will be the responsibility of the Cabinet to implement it.

2.2 Process for developing the framework

- (a) In July of each Council year the Cabinet may commence a review of the Council's financial resources, having regard to the priorities of the corporate plan, and will establish the budgetary and policy framework for the following three years in a report to Full Council by February, with proposals for the next Council year's budget.
- (b) When the Cabinet publishes the programme for the budget and policy framework for the following three years, it may identify up to six strategic policy or resource issues on which it wishes to request studies by the Strategic Overview and Scrutiny Committee.
- (c) Within the overall programme, the Cabinet may identify a study it wishes to request a scrutiny and review committee to undertake on issues upon which they wish to make recommendations to Full Council as part of the policy framework.
- (d) Policy studies undertaken by scrutiny and review committees should engage as widely as possible with citizens and stakeholders in the community and use a variety of methods to gauge public views. The results should be presented to the Cabinet, who will then draw on them in developing their proposal to Full Council
- (e) The policy and budget framework presented to Full Council will be available for public consultation for a period of four weeks before being referred to Full Council. As part of this public consultation, the Council may hold a forum debate to set the proposals in context.
- (f) In approving the policy and budgetary framework, Full Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the Cabinet, in accordance with the rules relating to virement and in-year adjustments contained in this chapter. Any other changes to the policy and budgetary framework are reserved to Full Council.

2.3 Virement

The amount that Cabinet will be permitted to vire between budget heads approved by Full Council will be limited to 10 per cent of the total budget provision, and is detailed in the financial procedure rules in Part 4, Chapter 3 of this constitution.

2.4 In-year changes to policy framework

- (a) The responsibility for agreeing the budget and policy framework lies with Full Council, and decisions by the Cabinet or officers with delegated authority must be in line with it.
- (b) No changes to any policy and strategy, which make up the policy framework, may be made by the Cabinet or officer with delegated authority except changes:
 - (i) Which result in the closure or discontinuance of a service or part of a service to meet a budgetary constraint.
 - (ii) That are necessary to ensure compliance with the law, ministerial direction or government guidance.
 - (iii) In relation to the policy framework, in respect of a policy which would normally be agreed annually by the Council following consultations, but where the existing policy document is silent on the matter under consideration.

Chapter 3: Financial Procedure Rules

These financial rules relate to Forest of Dean District Council although they largely align with the financial rules of Cotswold District Council, Cheltenham Borough Council, and West Oxfordshire District Council, all of whom will receive finance services from Publica.

FINANCIAL RULES

A: Financial Management

- A1 Introduction
- A2 Emergencies
- A3 Full Council
- A4 Cabinet
- A5 Strategic Overview and Scrutiny Committee
- A6 Audit Committee
- A7 Standards Panel
- A8 Other committees
- A9 Head of Paid Service
- A10 Monitoring Officer
- A11 Section 151 Officer
- A12 Head of Paid Service and Senior Officers
- A13 Employees
- A14 Internal Audit
- A15 External Audit

B: Financial Planning, Budget Preparation and Budget Monitoring

- B1 Introduction
- B2 Full Council
- B3 Cabinet
- B4 Section 151 Officer
- B5 Head of Paid Service and Senior Officers
- B6 Budget Holders and Other Employees
- B7 Preparation of Capital Programme
- B8 Resource Allocation
- B9 Increases in Estimate
- B10 Carry Forward of Budget
- B11 Maintenance of Reserves

C: Scheme of Virement

- C1 Introduction
- C2 Full Council
- C3 Budget variations within a Service
- C4 Virement Rules/Limits

D: Risk Management and Insurance

- D1 Introduction
- D2 Cabinet
- D3 Audit Committee

- D4 Section 151 Officer
- D5 Head of Paid Service and Senior Officers
- D6 Budget Holders and Other Employees

E: Internal Controls and Audit

- E1 Introduction
- E2 Internal Audit
- E3 External Audit and Inspection
- E4 Audit Committee
- E5 Section 151 Officer
- E6 Senior Officers
- E7 Preventing Fraud and Corruption
- E8 Ex-Gratia/Maladministration Payments

F: Assets

- F1 Introduction
- F2 Cabinet
- F3 Monitoring Officer (or other delegated Officer)
- F4 Senior Officer responsible for asset management
- F5 Monitoring Officer
- F6 Section 151 Officer
- F7 Head of Paid Service, Senior Officers and Budget Holders
- F8 Information and Communication Technology (ICT)
- F9 Stocks and Stores
- F10 Write-off of assets
- F11 Petty Cash and Cash Floats
- F12 Intellectual Property

G: Treasury Management

- G1 Introduction
- G2 Full Council
- G3 Cabinet
- G4 Section 151 Officer
- G5 Banking Arrangements
- G6 BACS Payments and Cheques

H: Financial Systems and Accounting Procedures

- H1 Introduction
- H2 Section 151 Officer
- H3 Head of Paid Service, Senior Officers and Budget Holders
- H4 Employees
- H5 Orders for Work, Goods and Services
- H6 Payment of Accounts
- H7 Payments to Employees and Members
- H8 Travel and Subsistence Claims
- H9 Value Added Taxation (VAT)
- H10 Trading Accounts/Business Units
- H11 Journals

I: Income

- I1 Introduction
- I2 Cabinet
- I3 Section 151 Officer
- I4 Head of Paid Service and Senior Officers
- I5 Budget Holders
- I6 Employees
- I7 Accounts Receivable (Debtors)
- I8 Debt Recovery
- I9 Write off of unrecoverable debt

J: Council Tax and Non-Domestic Rates

- J1 Introduction
- J2 Section 151 Officer
- J3 Revenues and Benefits

K: Council Tax Benefit and Housing Benefit

- K1 Introduction
- K2 Section 151 Officer
- K3 Revenues and Benefits Performance Manager

L: External Arrangements

L1 Partnerships:

- L1.1 Introduction
- L1.2 Cabinet
- L1.3 Section 151 Officer
- L1.4 Head of Paid Service and Senior Officers

L2 External Funding:

- L2.1 Introduction
- L2.2 Section 151 Officer
- L2.3 Head of Paid Service and Senior Officers

L3 Work for Third parties:

- L3.1 Introduction
- L3.2 Cabinet
- L3.3 Section 151 Officer
- L3.4 Head of Paid Service and Senior Officers

1.0 Introduction

1.1 Financial Rules, together with Contract Procedure Rules and other forms of guidance on procedure and conduct, provide the framework for managing the council's financial affairs, ensuring high integrity and accountability. They apply to every Member and Officer of the council and anyone acting on behalf of the council.

1.2 To conduct its business efficiently the council needs to ensure that there are sound financial management policies in place and that these are strictly adhered to. Part of this process is the establishment of Financial Rules that set out the financial policies of the council.

1.3 These Financial Rules are made pursuant of the Local Government Act 1972, Section 151 the Accounts and Audit Regulations 2003 (as amended) and all other enabling powers.

1.4 The Financial Rules provide clarity over the accountabilities of individuals, ensure that the council uses best practice when dealing with financial matters and that council resources are used wisely.

1.5 For the purpose of these Financial Rules, the description "Council" shall refer to the Full Council, made up of elected members, and the term "council" shall relate to the local authority.

1.6 The financial limits approved as part of these Financial Rules are summarised in Appendix A1 – Schedule of Financial Limits.

2.0 Status of Financial Rules

2.1 These Financial Rules relate to Cotswold District Council, Cheltenham Borough Council, Forest of Dean District Council and West Oxfordshire District Council, all of whom receive financial, payroll, procurement and human resources services from Publica.

2.2 The Financial Rules shall be complied with by all Officers and Members from each of the above Local Authorities. If job titles and roles differ between the councils, the responsibilities defined in the Rules shall be adopted by the most appropriate level of employee within each council's structure, agreed locally.

2.3 The Financial Rules shall apply to all Officers of the council and Publica. Full access to financial systems and records shall be given to delegated Officers within the Shared Services in order to facilitate transactional processing and other finance related work, as required.

2.4 The Financial Rules identify the financial responsibilities of Council, Cabinet and Cabinet Members, other Members, the Head of Paid Service, the Monitoring Officer,

the Section 151 Officer and Senior Officers and all other employees and agents of the council.

2.5 The Head of Paid Service and Senior Officers are responsible for ensuring that all staff in their services are aware of their responsibilities according to the Financial Rules and other internal regulatory documents and comply with them.

2.6 Cabinet Members and Senior Officers should maintain a written record where these responsibilities have been delegated to members of staff, including seconded staff.

2.7 Where responsibilities have been delegated or devolved to other responsible Officers, references to the Members or Senior Officers in the rules should be read as referring to them.

2.8 All Members and Employees 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 and provides value for money. Nothing included in or omitted from these Financial Rules shall detract from this responsibility.

2.9 The Section 151 Officer is responsible for maintaining a continuous review of the Financial Rules and advising the Cabinet of any non-material additions or changes necessary.

2.10 The Rules will be formally reviewed every 5 years under the control of the Section 151 Officer, in consultation with those who deal with financial matters within and on behalf of the council. The revised Rules will be reported to each council for approval. In the meantime, if material changes make a review of the Rules necessary, this should be the subject of a report by the Section 151 Officer at each council.

2.11 Should an instance of non-compliance with these rules be discovered the Section 151 Officer may, after consultation with the Head of Paid Service, make a report to the Leader, Full Council and/or Cabinet, as appropriate. Non-compliance with financial rules may also lead to disciplinary action being taken.

FINANCIAL RULES

A: FINANCIAL MANAGEMENT

A1 Introduction

A1.1 Financial management covers all financial accountabilities in relation to the running of the council, including the policy framework and budget.

A1.2 Key processes and controls must be in place to ensure good financial management and help the council conduct affairs in an efficient, effective and economic manner.

A1.3 Monitoring systems must be in place to review compliance with financial standards and to ensure compliance with legal and corporate requirements for accountability.

A2 Emergencies

A2.1 Nothing in these Financial Rules or the Contract Rules shall prevent the Cabinet, the Corporate Leadership Team or Head of Paid Service or Senior Officers from incurring expenditure essential to meet any immediate needs created by an emergency, or which is referable to Section 138 of the Local Government Act 1972. This should be done in accordance with the council's constitution. Any such action shall be reported as soon as possible to Cabinet, detailing the nature of the emergency, the action taken, the financial implications and any other consequences.

A3 Full Council

A3.1 The Full Council for each authority is responsible for:

- Adopting the council's Constitution and Members' Code of Conduct and for approving the policy framework and budget within which the Cabinet operates.
- Approving and monitoring compliance with the council's overall framework of accountability and control. The framework is set out in the council's written Constitution.
- Approving procedures for recording and reporting decisions taken. This includes decisions taken by the Council, the Cabinet, Committees and Officers. These delegations and details of who has responsibility for which decisions are set out in the council's Constitution

A3.2 The Full Council (together with the Section 151 Officer) has a statutory responsibility to ensure:

- The setting of the annual budget, including the allocation of financial resources to different services and projects, proposed reserves, the Council tax base and the setting of the Council tax
- The preparation of the annual Statement of Accounts, in accordance with the Accounts and Audit Regulations 2015, before 31st May following the year end to which they relate. The Section 151 Officer shall sign and date the draft Statements before 31st May of each year and the final audited Statements before 31st July each year.
- The publishing of the Statement of Accounts, and the external auditor's Certificate, Opinion or Report by 31st July each year following the year end to which they relate. The Council has given delegated authority for the Statement to be approved by Audit Committee or other approved Committee as per the council's constitution, and signed by the person presiding at the Committee meeting at which the approval is given.
- The Statement of Accounts are made available for public inspection for 30 days prior to the date set by the external auditor, on or after which the electors rights under Section 15 (2) and 16 (1) of the Audit Commission Act 1988 can be exercised in accordance with the Accounts and Audit Regulations 2015. Also to ensure the publishing of the Annual Audit and Inspection letter received from the external auditor.
- That public notice is given by advertisement of the conclusion of the audit and that the Statement of Accounts and the external auditor's report are available for inspection.

A4 Cabinet

A4.1 The Cabinet is responsible for discharging executive functions in accordance with the policy framework and budget and for monitoring compliance with the agreed policy and related executive decisions.

A4.2 Executive decisions can be delegated to a Committee of the Cabinet, an individual Cabinet Member, an Officer or a Joint Committee.

A4.3 The constitution contains a requirement to ensure that an individual Cabinet Member consults with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

A4.4 No member shall ask an employee to incur expenditure for which there is no appropriate provision in the budget, unless in consultation as part of an emergency as detailed in paragraph A2.1.

A4.5 A record shall be kept of the decision making process.

A5 Strategic Overview and Scrutiny Committee

A5.1 The council has a Strategic Overview and Scrutiny Committee, responsible for the scrutiny of Cabinet decisions before or after they have been implemented and for holding the Cabinet to account. This Committee is also responsible for making recommendations on future policy options and reviewing the general policy and service delivery of the council.

A5.2 The Strategic Overview and Scrutiny Committee does not have authority over any financial activity, other than to support the work of the Committee itself, but can make reports to Cabinet and the council concerning any matter.

A6 Audit Committee

A6.1 The council has an Audit Committee, responsible for ensuring effective internal control and independent assurance mechanisms across all areas of the council.

A6.2 The Audit Committee is responsible for Internal Audit, External Audit provision, risk management, the signed approval of the Annual Statement of Accounts and the Corporate Governance Framework. This Committee does not have authority over any financial activity, other than to support the work of the Committee itself, but can make reports to other Committees and the council concerning any matter.

A7 Standards Panel

A7.1 The council has a Standards Panel, responsible for promoting and maintaining high standards of conduct amongst Members of the Council and co-opted Members on its Committees and Sub-Committees.

A7.2 The Standards Panel does not have authority over any financial activity.

A8 Other Committees

A8.1 Planning and Licensing Committees-

Planning regulation and licensing are quasi-judicial functions and are exercised through Planning and Licensing Committees within the council, under powers delegated by Full Council. The terms and references of these committees are set out in the Constitution.

A8.2 Joint Committees-

The council can set up Joint Committees with other organisations to oversee the management of activities or facilities. The financial activity of Joint Committees is governed by their terms of reference. The council's procedural and Financial Rules apply to Joint Committees unless there has been specific agreement in line with the constitution to operate under other rules.

A9 Head of Paid Service

A9.1 The Head of Paid Service is responsible for the corporate and strategic management of the council and fulfils the statutory role of Head of Paid Service. He or she must report to and provide information for Full Council, Cabinet, Strategic Overview and Scrutiny Committee, Audit Committee and any other Committees as required. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

A9.2 The Head of Paid Service is also responsible, together with the Monitoring Officer and/or other delegated Officer, for the system of record keeping in relation to all Full Council's decisions.

A10. Monitoring Officer

A10.1 The Monitoring Officer is a statutory role within the council. This role cannot be the Head of Paid Service or the Section 151 Officer. The Monitoring Officer's role is defined in the Constitution, including responsibility for:

- Advising, as appropriate, the Council on amendments to the constitution or making such amendments as necessary to take account of decisions of the Council, a Committee, the Cabinet or Leader and changes of law or fact. He or she shall notify Members, the Head of Paid Service and other Officers as he/she considers appropriate.
- Contributing to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Panel.
- After consultation with the Head of Paid Service and the Section 151 Officer, reporting to Council (or Cabinet in relation to an Executive function), if he or she considers that any proposal, decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

A11 Section 151 Officer

A11.1 Section 151 of the Local Government Act 1972 requires that every local authority in England and Wales should make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs. This Officer must be a member of a specific accounting body recognised by the Consultative Committee of Accountancy Bodies.

A11.2 The Section 151 Officer is therefore a statutory role of the council, with statutory duties in relation to the financial administration and stewardship of the council. He or she (or his/her designated deputy) shall have the right and duty to advise the Council, Cabinet, Committees and Corporate Leadership Team on priorities in relation to resources and capital expenditure. This statutory responsibility cannot be overridden.

A11.3 The Section 151 Officer is responsible for:

- The proper administration of the council's financial affairs.
- Determining the council's accounting records, including the form of accounts and supporting accounting records and its accounting control systems, in compliance with the Accounts and Audit Regulations 2015.
- Providing financial information and advising on the corporate financial position to the authority as required.
- Signing the Annual Statement of Accounts and certifying that it presents a true and fair view of the financial position of the council at the financial year end. Ensuring that the Annual Statements of Accounts are prepared in accordance with CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom.
- Preparing the Medium Term Financial Strategy and the Annual Revenue Budgets and Capital Programmes, within the Policy Framework
- Reporting to Full Council (under the requirement of Section 25 of the Local Government Act 2003), when it is considering its budget, council tax and housing rents (if applicable) for the new financial year. This 'Section 25' report to include the robustness of estimates and adequacy of reserves.
- Advising the council on the level of reserves needed for meeting estimated future expenditure, in accordance with the statutory requirement for billing authorities to maintain financial reserves (under Sections 32 and 43 of the Local Government Finance Act 1992).
- Treasury Management.
- Advising the Cabinet or Full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the approved budget.
- Providing regular reports to the Cabinet on the council's finances and financial performance.
- Monitoring compliance with the Financial Rules and Contract Procedure Rules and reporting, where appropriate, breaches of these rules to the Cabinet and/or full Council.

- Formally reviewing the Financial and Contract Procedure Rules every 5 years and reporting the revised Rules to the council for approval.
- Maintaining a continuous review of the Financial and Contract Procedure Rules and making any non-material changes to the Rules, as considered necessary, or as part of the formal 5 year review.
- Advising the Cabinet of any material additions or changes necessary to the Financial Rules.
- Issuing advice and guidance to underpin these rules for Members, employees and agents of the council to follow.

A11.4 Section 114 of the Local Government Finance Act 1988 requires:

- The Section 151 Officer to nominate a properly qualified member of his or her staff to deputise should he or she be unable to perform the Section 151 Officer duties personally.
- The council to provide the Section 151 Officer with sufficient staff, accommodation and other resources, including legal advice where necessary, in order to carry out the Section 151 Officer duties.

A12 Head of Paid Service and Senior Officers

A12.1 Head of Paid Service and Senior Officers are responsible for the delivery of their own service and for the day to day management of their service budgets. Spending and income generation should be in accordance with service budgets and performance monitored against budget.

A12.2 The Head of Paid Service and Senior Officers are responsible for:

- Complying with the Financial and Contract Rules and other internal regulatory documents and ensuring that all employees within his or her service(s) are aware of the existence and content of these Rules.
- Advising Cabinet Members of the financial implications of all proposals and ensuring that the financial implications have been agreed by the Section 151 Officer.
- Consulting with the Section 151 Officer or delegated Deputy and seeking approval on any matter liable to affect the Council's finances materially (defined as in excess of £10,000), before any commitments are incurred.
- Ensuring that all systems and controls within his or her service are operated to prevent, minimise and detect any opportunity for fraud, theft or other irregularity. He or she should ensure the accountability and control of

employees and the security, custody and control of all other resources within the service.

A13 Employees

A13.1 All employees and/or agents acting on behalf of the council are responsible for:

- Complying with the Financial and Contract Procedure Rules and any other internal regulatory documents of the council.
- Keeping accurate and comprehensive records to support transactions they undertake on the council's behalf. These records must be in accordance with the accounting systems and policies established by the Section 151 Officer.
- Avoiding conflicts of interest and ensuring compliance with the employees code of conduct.

A14 Internal Audit

A14.1 The Accounts and Audit Regulations 2015 (England) requires that the council must undertake an adequate and effective internal audit of its accounting records and its system of internal control, in accordance with the proper practices in relation to internal control.

A14.2 The Section 151 Officer is responsible for ensuring that arrangements are put in place to ensure financial stewardship, probity and compliance with laws and regulations within the council.

A14.3 The Head of Internal Audit is responsible for providing a written report to those charged with governance, which includes an opinion on the adequacy and effectiveness of the council's control environment under the Public Sector Internal Audit Standards, CIPFA Code of Practice for Internal Audit in Local Government and the Accounts and Audit Regulations 2015.

A14.4 The council's Internal Audit function is responsible for reviewing and reporting on corporate and departmental internal control arrangements, both financial and operational, as appropriate. This function can be provided by a suitably qualified external body (for example a shared Internal Audit Service).

A14.5 Internal Audit shall provide positive assurance when financial controls are effective and recommendations for improvement where they are not. They shall advise all levels of management on the operation of financial and operational controls to help prevent things going wrong.

A14.6 Internal Audit are responsible for the investigation and reporting of all suspected irregularities, at the request of the Section 151 Officer, Monitoring Officer, the Head of Paid Service or Senior Officers.

A15 External Audit

A15.1 The council's External Auditor is responsible for considering whether the council has proper arrangements in place for:

- Securing financial resilience; reviewing the council's financial governance, financial planning and financial control processes.
- Challenging how it secures economy, efficiency and effectiveness; looking at how the council is prioritising resources and improving efficiency and productivity.

B:FINANCIAL PLANNING, BUDGET PREPARATION AND BUDGET MONITORING

B1 Introduction

B1.1 Full Council is responsible for agreeing the council's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are the corporate plan, the annual revenue budget, the capital programme and the Medium Term Financial Strategy.

B1.2 The policy framework comprises a number of statutory plans and strategies that are listed in the council's Constitution.

B1.3 The budget is the financial expression of the council's plans and policies. It reflects Council, Cabinet and Committee priorities and gives authority to Budget Holders to incur expenditure or collect income in accordance with the Scheme of Devolved Budgetary Control. It should take due account of the risks and opportunities facing the council.

B1.4 The revenue budget must be constructed to ensure that resource allocation properly reflects the service plans and priorities of the council. Budgets are needed so that the council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for the council to budget for a deficit.

B1.5 Medium term financial planning covering a minimum period of 4 years, which incorporates both revenue and capital plans, involves a planning cycle in which Members, the Head of Paid Service, Senior Officers and Budget Holders plan for significant events and changes to spending and income. This allows for measured and appropriate action to be taken each year when setting detailed budgets and avoids the need for urgent or undesirable action.

B2 Full Council

B2.1 Full Council is responsible for the approval and adoption of its annual Budget in February of each year prior to the start of the next financial year.

B2.2 This includes:

- The allocation of financial resources to services and projects.
- The control of capital expenditure.
- The approval of the Medium Term Financial Strategy.
- The control of the council's borrowing requirement (if applicable)
- Setting the rate of Council Tax.
- Setting the Council Tax base (unless delegated under the constitution)

B2.3 Full Council is responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the Policy Framework, unless otherwise delegated under the constitution.

B2.4 Full Council is responsible for setting the level at which the Cabinet, Cabinet Members and Officers may reallocate budget funds from one service to another (see virement rules, Section C).

B3 Cabinet

B3.1 The general format of the annual budget will be approved by Cabinet, on the advice of the Section 151 Officer, in the autumn of each year prior to the start of the next financial year.

B3.2 The Cabinet is responsible for:

- Co-ordinating the development of the Budget and Policy Framework and submitting budget proposals to Full Council in February prior to the start of the next financial year.
- Taking in-year decisions on resources and priorities in order to deliver the Budget and Policy Framework within the financial limits set by the council.
- Monitoring financial performance against the budget.

B4 Section 151 Officer

B4.1 The Section 151 Officer is responsible for ensuring that a revenue budget is prepared on an annual basis and a Medium Term Financial Strategy is prepared on a minimum 4 year basis for consideration by the Cabinet, before submission to Full Council in February prior to the start of the next financial year.

B4.2 The Section 151 Officer is responsible for:

- Determining the format and the timetable for the budget, to be agreed by Cabinet in the autumn prior to the start of the next financial year.
- Supplying the financial information that needs to be included in policies, strategies and performance plans in accordance with statutory requirements and agreed timetables.
- Providing guidance to Officers on budget preparation.
- Advising Full Council on Cabinet budget proposals in accordance with his or her responsibilities under Section 151 of the Local Government Act 1972. This advice to be presented to Full Council at its budget setting meeting in February, as part of his or her Section 25 Report.
- Ensuring that expenditure is committed only against an approved budget and that all Officers responsible for committing expenditure comply with the Financial Rules and other relevant guidance.

- Establishing a framework of budgetary management and control, ensuring that financial performance information is monitored sufficiently frequently, on a minimum quarterly basis, to allow corrective action to be taken if targets are not likely to be met.
- The preparation of budget monitoring information, to be reported to Cabinet, reflecting significant variations to income and expenditure budgets (in excess of £10,000) and the overall financial position.
- Ensuring that appropriate and timely information is provided on receipts and payments, in order to allow budgets to be monitored effectively.
- Ensuring that systems are in place to measure activity and collect accurate financial information for use in local financial performance indicators, where these are utilised.
- Complying with all legal requirements and CIPFA's Code of Practice on Local Authority Accounting and CIPFA's Service Reporting Code of Practice for Local Authorities.

B5 Head of Paid Service and Senior Officers

B5.1 The Head of Paid Service and Senior Officers should manage their budgets responsibly and prudently and not create future commitments without approved budget.

B5.2 The Head of Paid Service and Senior Officers are responsible for:

- Contributing to the development of the Policy Framework, budgets and performance plans within their areas of responsibility. Budget estimates should be prepared in line with guidance issued by the Section 151 Officer and have regard to known spending patterns, legal requirements and agreed corporate and/or service plans.
- Contributing to the development of corporate and service targets, objectives and performance information in their areas of responsibility.
- Developing their services' performance plans in line with statutory requirements and corporate guidance.
- Achieving the targets, objectives and levels of performance as set out in the corporate plans (including achievement of budgetary targets within their areas of responsibility).
- Complying with the accounting guidance provided by the Section 151 Officer and ensuring that income and expenditure is properly recorded and accounted for in their service areas. Income and expenditure should not be miscoded as a means of applying unauthorised virement.

- Monitoring income and expenditure within their approved budgets and reporting to the Section 151 Officer and Cabinet Member significant variations to budget (in excess of £10,000). He or she should also take the necessary action required to improve the financial position.

B5.3 Senior Officers are able to delegate budget responsibilities to Service Managers within their given area of responsibility under the council's Scheme of Devolved Budgetary Control. Any such delegation should be documented in accordance with the council's Scheme of Devolved Budgetary Control. Adequate training and support should be provided to Budget Holders to enable them to carry out their financial responsibilities and internal controls should be established to ensure that budgets are properly monitored.

B6 Budget Holders and Other Employees

B6.1 Each delegated budget holder and employee shall be responsible for the sound financial management and budgetary control of their delegated area. This will include the monitoring and control of all financial and finance related systems and the monitoring and control of access to computerised financial records. Significant variations to budgets should be reported to the Chief Finance Officer (s151 Officer)

B7 Preparation of Capital Programme

B7.1 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant and equipment or vehicles. Capital assets shape the way services are delivered for the long-term and create financial commitments for the future in the form of financing costs and revenue running costs. Capital expenditure may include loans and grants which are used by others for capital purposes.

B7.2 The Section 151 Officer is responsible for defining whether expenditure is classed as capital or revenue expenditure, having regard to Government regulations and accounting requirements.

B7.3 The council can set a "de minimis" level for treating capital expenditure as revenue, to avoid unnecessary work in identifying potential capital spend. The current "de minimis" level is set at £10,000 (excluding VAT), except for vehicles where the "de minimis" level is £5,000 (excluding VAT). Expenditure falling within the definition of capital expenditure will be charged to revenue if it is below these levels.

B7.4 The Section 151 Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by Cabinet, before submission to Full Council for approval as part of the annual Budget setting process.

B7.5 The Head of Paid Service and Senior Officers will prepare a business case for each new item to be included in the capital programme, including details of the scheme, the capital budget requirement, a project plan, associated revenue expenditure and any other details requested by the Section 151 Officer.

B7.6 No capital scheme shall commence which will increase the revenue expenditure of the council until such revenue provision has been approved.

B7.7 The Government places strict controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

B7.8 New capital schemes in year should be approved as follows:

- Amounts not exceeding £100,000 – by Cabinet
- Amounts in excess of £100,000 – by Full Council.

This approval is subject to the availability of the approved budget.

B7.9 As part of the capital programme, an asset management plan shall be maintained by a designated Senior Officer and a capital strategy shall be maintained by the Section 151 Officer. The plan and strategy shall be reported to Cabinet every year.

B7.10 Once a capital project has been approved, the Head of Paid Service, Senior Officers, or delegated employee, will be accountable for the delivery of the scheme and must comply with the council's Contract Procedure Rules, Financial Rules and any other internal regulatory documents.

B8 Resource Allocation

B8.1 Where there is a mismatch between available resources and required resources, service needs should be prioritised and resources fairly allocated.

B8.2 The Section 151 Officer is responsible for:

- Developing and maintaining a resource allocation process that ensures due consideration of the council's policy framework.
- Advising on methods available for accessing additional resources and assessing their financial implications.
- Assisting in the allocation of resources to budget holders.

B9 Increases in Estimates

B9.1 Other than by virement or supplementary estimate, expenditure estimates may not be increased as a result of increased income, unless the service is designated as a trading service by the Section 151 Officer, in consultation with the Head of Paid Service, Senior Officers and Cabinet Member. In these circumstances expenditure

estimates approved by the Council may be increased as a result of increased income, in line with the virement rules set out in section C of these Financial Rules.

B10 Carry Forward of Budget

B10.1 Carry forward of planned underspend of revenue budgets into the following financial year will only be allowed with the agreement of the Section 151 Officer, in order to meet the needs of approved service delivery. All applications shall be submitted to the Section 151 Officer in accordance with the agreed year end timetable.

B10.2 Section 151 Officer approval is subject to evidence that the underspend is as a result of timing, has been committed for the same purpose as originally intended, and will be spent in the new financial year. The Section 151 Officer will report agreed carry forwards to the Cabinet each year.

B10.3 All other carry forward requests, including budget under spends that have been carried forward in previous financial years, will be subject to Cabinet approval at the meeting to consider financial outturn held after the year end (unless otherwise delegated under the constitution).

B11 Maintenance of Reserves

B11.1 Full Council must set the level of general reserves it wishes to maintain before it can decide the level of the Council Tax. Reserves are maintained as a matter of prudence. They enable the council to provide for unexpected events and thereby protect it from overspending should such events occur.

B11.2 The Section 151 Officer has a statutory obligation under the Local Government Act 2003 to report on the adequacy of the council's reserves to Cabinet and Full Council, at the time the Council considers its budget for the coming year.

B11.3 Reserves can be maintained for three main purposes:

- A working balance to help cushion the impact of uneven cash flows and avoid unnecessary temporary borrowing (This forms part of general reserves).
- A contingency to cushion the impact of unexpected events or emergencies (This also forms part of general reserves).
- A means of building up funds to meet known or predicted requirements (Earmarked reserves).

B11.4 The Section 151 Officer has delegated authority to approve in year transfers to and from earmarked reserves to support the activities of the council.

B11.5 The transfer to and from general reserves shall be the responsibility of Full Council, as part of the annual budget approval process. Full Council may delegate the amount by which such funds may be utilised and approved by Cabinet in meeting unforeseen expenditure.

C: SCHEME OF VIREMENT

C1 Introduction

C1.1 The scheme of virement is intended to enable the Cabinet, Head of Paid Service, Senior Officers and Budget Holders to manage budgets with a degree of flexibility within the overall Policy Framework determined by the council, and therefore to optimise the use of available resources.

C1.2 Virement is the switching of resources between approved budgets at a service or cost centre level. This transfer of budgetary provision may be used if additional expenditure is required on an existing budget, providing that an equal expenditure saving or additional income can be made on another budget, subject to the Virement Rules.

C2 Full Council

C2.1 Full Council is responsible for agreeing procedures for virement of expenditure between budget headings. The virement scheme is administered by the Section 151 Officer within the guidelines set by Full Council. Any variation from this scheme requires the approval of Full Council.

C2.2 Virements in excess of £100,000 are deemed to change the Budget and Policy Framework and require the approval of Full Council.

C3 Budget Variations within a Service

C3.1 Action to correct actual or projected variations in budgeted income or expenditure within an approved cost centre / service is delegated to the relevant Senior Officer or Budget Holder, in consultation with the Section 151 Officer. These variations should not have a financial impact on the approved net budget on the cost centre / service.

C4 Virement Rules / Limits

C4.1 The prior approval of the relevant Cabinet Member and the Section 151 Officer is required for any virement, of whatever amount, where it is proposed to vire as a result of a fortuitous increase in income to a cost centre not designated as Trading. The rules below cover the delegated virement limits.

C4.2 The following rules apply to virement between services:

C4.2.1 Revenue budgets:

- **Amounts up to £10,000 –**
Approval by the Head of Paid Service or relevant Senior Officer. The Section 151 Officer should be informed of this virement.

- **Amounts over £10,000 but not exceeding £25,000 –**
Approval by the Head of Paid Service or relevant Senior Officer and the Section 151 Officer. Relevant Cabinet Member(s) to be informed of this virement.
- **Amounts over £25,000 but not exceeding £50,000 –**
Approval by Cabinet Member(s) in consultation with Section 151 Officer.
- **Amounts over £50,000 but not in excess of £100,000 –**
Approval of Cabinet.
- **Amounts in excess of £100,000 –**
Approval of Full Council, or as delegated in the constitution.

C4.2.2 Capital Schemes:

- **Amounts up to £50,000 –**
Approval of the Head of Paid Service or relevant Senior Officer, with the agreement of the Section 151 Officer. Cabinet Member(s) to be informed.
- **Amounts over £50,000 but not exceeding £100,000 –**
Approval by Cabinet
- **Amounts in excess of £100,000 –**
Approval of Full Council, or as delegated in the constitution.

C4.3 Virement that is likely to have a financial impact on the level of service activity falling under the responsibility of another Senior Officer should only be implemented with the approval of each Senior Officer or Cabinet Member concerned.

C4.4 Virement must not be aggregated or disaggregated in order to avoid the Virement Rules.

C4.5 No virement relating to a specific financial year will be made after 31st March in that year.

C4.6 Where an approved budget is a lump sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:

- the amount is used in accordance with the purposes for which it has been established.
- the Cabinet or Full Council has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Cabinet or Full Council as required.

C4.7 The virement must not contravene any statutory requirement.

C4.8 All virements must be properly documented and approved. A record of all virements will be maintained by the Section 151 Officer and reported to the appropriate Cabinet Member.

D: RISK MANAGEMENT AND INSURANCE

D1 Introduction

D1.1 Risk is the chance of something going wrong which may result in loss, damage, injury, failure to achieve objectives or missed opportunity caused by an unwanted, uncertain or lack of action or event. It includes corporate and strategic risks. All organisations, whether they are in the private or public sectors, face risks to credibility, people, property and continued operations.

D1.2 Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the organisation's opportunities and assets and to ensure its continued financial and organisational well-being. Risk management is, therefore, an integral part of good business practice.

D1.3 It is essential that robust systems are developed and maintained for identifying and evaluating all significant opportunities and risks to the council as an integral part of management. This should include the active participation of all those associated with the planning and delivery of services.

D1.4 The Council's Risk Management Policy sets out criteria for risk assessment and guidance on how it should be managed.

D2 Cabinet

D2.1 The Cabinet is responsible for:

- Implementing the council's Risk Management Policy.
- Promoting a culture of risk management awareness throughout the council
- Ensuring that adequate insurance cover exists where appropriate.

D3 Audit Committee

D3.1 The Audit Committee is responsible for:

- Approving the council's annual risk management strategy.
- Ensuring that risk management procedures are satisfactorily carried out.
- Ongoing monitoring and review of the risk management policy.

D4 Section 151 Officer

D4.1 The Section 151 Officer is responsible for:

- Preparing the Risk Management Strategy for Audit Committee.
- Promoting the culture of Risk Management throughout the council.
- Advising the Cabinet on appropriate insurance cover for known insurance risks and assets owned and/or used in connection with the council's activities.
- The negotiation, and where appropriate, settlement, of insurance claims, in consultation with the Monitoring Officer and other Employees as appropriate.
- Ensuring that all appropriate Employees are included in a suitable fidelity guarantee insurance.
- Reviewing annually, or at any such other period considered necessary, all insurances, in consultation with the Head of Paid Service and other Employees as appropriate.

D5 Head of Paid Service and Senior Officers:

D5.1 The Head of Paid Service and Senior Officers are responsible for risk management and the regular review of risk and opportunity within their services, having regard to advice from the Section 151 Officer and other specialist Officers (e.g. Health & Safety Advisor).

D5.2 The Head of Paid Service and Senior Officers are responsible for:

- Actively managing opportunities and risk in their area of responsibility.
- Providing prompt notification to the Section 151 Officer for all new risks, properties, services or vehicles which require to be insured and of any alterations affecting existing insurances. This should include any areas of responsibility undertaken in respect of an external organisation, whether or not linked to the council's activities.
- Providing notification to the Section 151 Officer in writing of any loss, liability or damage or any event likely to lead to a claim. Further notification should be given to the Section 151 Officer immediately on receipt of any insurance claim.
- Consulting with the Section 151 Officer and the Monitoring Officer concerning the terms of any indemnity which the council is requested to give.
- Ensuring that all employees:-

- are aware of their responsibilities for risk management and insurance.
- receive adequate support and training to carry out their responsibilities.
- comply with the council's standards of financial management.
- are personally protected from risk.

D6 Budget Holders and Other Employees

D6.1 Budget Holders and other Employees are responsible for:

- Identifying opportunities and risks in their service areas.
- Assessing the likelihood of their occurrence and evaluating the possible impact. This involves arranging them in order of priority, recording the risks and judging the potential financial cost, lost time, inconvenience or upheaval, disruption to service, bad publicity or loss of service quality.
- Taking steps to minimise potential losses. Effective action will represent a judgement between the likely risk and the cost or effort required to safeguard against it.
- Notifying the Section 151 Officer promptly of all new risks, properties or vehicles which require insurance and of any alterations affecting existing insurance.
- Notifying the Section 151 Officer immediately of any loss, liability or damage which may lead to a claim against the council, together with any information or explanation required by the Section 151 Officer or the council's insurers.
- Recording any incident which may result in a loss.
- Consulting the Section 151 Officer and the Monitoring Officer on the terms of any indemnities which the council is required to give.
- Ensuring that the council's employees, or anyone covered by the council's insurance, do not admit liability or make any offer to pay compensation which may prejudice the assessment of liability in respect of an insurance claim.

E: INTERNAL CONTROLS AND AUDIT

E1 Introduction

E1.1 Internal control refers to the systems of control devised by management to help ensure the council's objectives are achieved in a manner which promotes economical, efficient and effective use of resources and that the council's assets and interests are safeguarded.

E1.2 The council faces a wide range of financial, administrative and commercial risks, both from internal and external factors. Internal controls are necessary to help manage these risks and to monitor progress towards its strategic objectives.

E2 Internal Audit

E2.1 The Accounts and Audit Regulations 2015 require that the council must undertake an adequate and effective internal audit of its accounting records and of its system of internal control, in accordance with proper practices in relation to internal control.

E2.2 The internal audit function should operate in accordance with the CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom, the Chartered Institute of Internal Auditors (UK and Ireland) Standards for the Professional Practice of Internal Auditing, Public Sector Internal Audit Standards (PSIAS) and with any other statutory obligations and regulations.

E2.3 Internal Audit shall provide an independent, objective, assurance and consulting activity for the review of the council's system of internal control.

E2.4 The Head of Internal Audit is responsible for providing a written report to those charged with governance, which includes an opinion on the adequacy and effectiveness of the council's control environment under the CIPFA Code of Practice for Internal Audit in Local Government and the PSIAS.

E2.5 The Head of Internal Audit has the right to meet the Chair of the Audit Committee in private.

E2.6 Internal Audit shall have direct access to the Head of Paid Service, the Section 151 Officer, the Monitoring Officer, all levels of Management and Elected Members.

E2.7 Internal Audit shall have full and complete access to all information, records, facilities and personnel relevant to the performance of an audit review.

E3 External Audit and Inspection

E3.1 Public Sector Audit Appointments Limited (PSAA) is responsible for appointing external auditors to each local authority in England and Wales who opt in to its national scheme. The basic duties of the external auditors are defined in the Local

Audit and Accountability Act 2014.

E3.2 The external auditor's main objectives are to review and report on the financial aspects of the council's corporate governance arrangements, the financial statements and the arrangements to manage its performance.

E3.3 External Audit is responsible for considering whether the council has proper arrangements in place for:

- Securing financial resilience; reviewing the council's financial governance, financial planning and financial control processes.
- Challenging how it secures economy, efficiency and effectiveness; looking at how the council is prioritising resources and improving efficiency and productivity.

E3.4 The council may, from time to time, be subject to audit, inspection or investigation by other external bodies, such as HMRC, all of whom have statutory rights of access.

E4 Audit Committee

E4.1 The Audit Committee provides a broad audit role across all areas of the council, promoting and ensuring effective governance, internal control and assurance mechanisms.

Audit Committee is responsible for:

- Reviewing internal and external reports and assessments in respect of corporate governance.
- Considering the Head of Internal Audit's annual report and opinion and annual Internal Audit plan and the level of assurance it gives over the council's corporate governance arrangements.
- Monitoring the operational Internal Audit plan and the audit planning process; ensuring that internal audit work is planned with due regard to risk, materiality and supports the council's corporate aims and priorities.
- Arranging the appointment of the council's external auditor.
- Consideration and review of the external audit annual Report to those charged with governance (ISA 260) and all associated reports and other documents.
- Reviewing all matters relating to external audit, including audit and inspection planning, action points and reports

- Monitoring and review of actions required arising out of external and internal audit recommendations.
- Ensuring effective liaison between external and internal audit and any other inspection agency.
- Reviewing and signing approval of the audited annual statement of accounts and the Annual Governance Statement by 31st July of each year following the financial year end.

E5 Section 151 Officer

E.5.1 The Section 151 Officer is responsible for:

- Advising and assisting the council to put in place a control environment which provides reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- Ensuring that an adequate and effective Internal Audit Service is maintained, with the authority to access all assets, records, documents, correspondence and control systems of the council, and such records belonging to third parties, such as contractors, when required.
- Ensuring that effective procedures are in place to investigate promptly any suspected fraud or irregularity.
- Ensuring that all External Auditors and Inspectors are given access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.
- Working with the appointed External Auditors and Inspectors and advising the Audit Committee, Cabinet, Head of Paid Service and Senior Officers on their responsibilities in relation to external audit and inspection.
- Ensuring there is effective communication between External and Internal Audit.

E.6 Head of Paid Service and Senior Officers

E6.1 The Head of Paid Service and Senior Officers are responsible for:

- Establishing sound arrangements for planning, appraising, authorising and controlling their operations, in accordance with the Code of Corporate Governance and the Annual Governance Statement.
- Achieving continuous improvement, economy, efficiency and effectiveness within services.

- Implementing processes to check that established controls are being complied with and to evaluate their effectiveness.
- Reviewing existing controls and establishing new controls where necessary, in order to reflect changes within the council.
- Consulting with Internal Audit on any proposed new systems, before implementation.
- Ensuring that Internal Auditors are given access to all records and assets of the authority, in accordance with their authority as set out above.
- Ensuring that all External Auditors and Inspectors are given access at all reasonable times to premises, personnel, documents and assets which they consider necessary for the purposes of their work.
- Considering and responding promptly to recommendations in audit reports. Implementing agreed actions arising from audit recommendations in a timely and efficient fashion.
- Notifying the Section 151 Officer and the Head of Internal Audit immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources.
- Ensuring that, as far as possible, the same officer is not responsible for receiving or paying money and rendering accounts or issuing receipts for the same.

E7 Preventing Fraud and Corruption

E7.1 The council has an Anti-Fraud and Corruption Policy and maintains a culture which will not tolerate fraud or corruption. The council's expectation of propriety and accountability is that Members and all Officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

E7.2 The council also expects that individuals and organisations (e.g. service providers, contractors and suppliers) that it comes in contact with, will act towards the council with integrity and without thoughts or actions involving fraud and corruption.

E7.3 The Section 151 Officer is responsible for the development and maintenance of an Anti-Fraud, Corruption and Whistle-blowing Policy.

E7.4 The Monitoring Officer is responsible for ensuring that all legislation, including the Public Interest Disclosure Act 1988, the Bribery Act 2010 and the Fraud Act 2006, is adhered to.

E7.5 The Head of Paid Service and Senior Officers are responsible for ensuring that the systems operated within his or her control seek to prevent or minimise the opportunity for fraud, corruption or irregularity to arise and that all staff are aware of and comply with the council's anti-fraud and whistle blowing policies.

E7.6 Whenever any matter arises which involves, or is thought to involve, irregularities concerning cash, stores or other property of the council, or any suspected irregularity in the exercise of the functions of the council, the Head of Paid Service and Senior Officers have a duty to immediately notify the Section 151 Officer and the Monitoring Officer, who shall take such steps as they consider necessary by way of investigation and report.

E7.7 All Members and Employees must be aware of the maintenance of the Register of Interests, which should be updated annually or more frequently if other changes occur. Any offer of hospitality or gifts must be recorded, whether accepted or refused.

E8 Ex-Gratia / Maladministration Payments

E8.1 A payment is sometimes made to compensate someone for loss or damage incurred through no fault of the council. Most usually, this is to an employee who has suffered loss or damage in the course of their duties but can be to a member of the public for a minor loss within the influence of the council. This is funded through the council's insurance arrangements.

E8.2 Compensation payments under the local complaints procedure up to £5,000 shall only be made following an investigation by the Section 151 Officer and the Head of Paid Service or Senior Officers and/or the Monitoring Officer, and with the approval of both the Section 151 Officer and the Monitoring Officer.

E8.3 Compensation payments in excess of £5,000 shall only be made following a report from one of the employees named in Financial Rule E8.2, above and with the following approval:-

- Amounts £5,001 to £50,000 – by Cabinet Member
- Amounts £50,001 to £100,000 – by Cabinet
- Amounts in excess of £100,000 – by Council

F: ASSETS

F1 Introduction

F1.1 The council holds assets in the form of property, vehicles, equipment, furniture, cash and other items worth many millions of pounds. It is important that assets should be safeguarded and used efficiently in the delivery of services. Assets should be used to achieve the approved policies and objectives of the council with the minimum of waste, inefficiency or loss.

F1.2 This involves ensuring that appropriate assets are acquired, in line with the Council's Procurement Strategy; that they are recorded and kept securely and are disposed of effectively and economically when no longer required.

F2 Cabinet

F2.1 Cabinet is responsible for deciding the extent of the Property Portfolio and for agreeing acquisitions and disposals.

F2.2 Assets no longer required should be disposed of in accordance with the law and the rules and policies of the council, so as to maximise benefits.

F2.2 The Cabinet is responsible for approving terms for land / property acquisitions, as above F2.1.

F3 Senior Officer with responsibility for Legal

F3.1 The Senior Officer with responsibility for Legal (or other delegated officer) is responsible for:

- Determining applications for the assignment of leases and granting sub-leases and under-leases and other applications for consent required by leases, as delegated in the constitution.
- Signing contracts for the sale or purchase of land, for which the disposal/acquisition has been agreed by the Cabinet or Full Council.

F4 Senior Officer responsible for Land and Property

F4.1 The Senior Officer responsible for Land and Property is responsible for:

- Maintaining a terrier / asset register of all properties and assets owned by the council, in a form approved by the Section 151 Officer. This shall record the purpose for which the property is held, its location, its extent and plan reference, purchase details, particulars of nature of interests and rents payable and particulars of tenancies granted.

- Advising Members, the Section 151 Officer, Cabinet, Council and other Officers on property-related issues.
- Processing all authorised acquisitions and disposals of land and property.
- The maintenance of council-owned property including open-spaces. Such maintenance work to be carried out within the terms of contracts for responsive maintenance to Council properties.
- In the case of non-housing capital building contracts, consulting with the relevant Cabinet Member and the Section 151 Officer, where the contingency sum in the contract is likely to be exceeded. Financial Rules in respect of budget approval and /or virement are to be followed.

F4.2 The relevant Senior Officer (or other delegated Officer) has authority to sell surplus equipment on receipt of bids where appropriate, with the following notifications:-

- Estimated residual value not in excess of £5,000 – in consultation with the Section 151 Officer.
- Estimated residual value £5,001 to £10,000 – in consultation with Section 151 Officer. Cabinet Member to be informed.
- Estimated residual value in excess of £10,000 – in consultation with the Section 151 Officer. Cabinet to be informed.

F5 Senior Officer with responsibility for Legal

F5.1 The Senior Officer with responsibility for Legal, in consultation with the relevant Cabinet Member and the Head of Paid Service, has authority, in the case of the resale of former Council houses, to give the Council's consent in all cases under Section 157(1) of the Housing Act 1985 where consent is obligatory and in other cases approved by the Cabinet; and authority to approve applications for the sale of former Council houses in Areas of Outstanding Natural Beauty.

F5.2 The Senior Officer with responsibility for Legal (or in his/her absence the S151 Officer), in consultation with the relevant Cabinet Member, has authority to approve all transactions relating to the council's properties (except residual housing land) within their existing classifications; including:

- New leases granted by the Council
- Determination of applications for the Council's consent as landlord, required under leasehold covenants, including assignments, sub-letting and alterations/improvements
- Rent reviews
- Lease terminations (including surrenders);
- Lease renewals

- Institution of proceedings for breach of any leasehold covenant (including recovery of rent arrears and forfeiture) and enforcement of any resultant Court Order or Warrants for Possession (in consultation with the Property Services Manager)
- Licences regulating the use or occupation of council property.

F5.2.1 Such approval (where appropriate) is to be on terms recommended by the District Valuer, or an independent Valuer, or a suitably qualified internal valuer.

F5.3 The Senior Officer with responsibility for Legal (or in his/her absence the S151 Officer), in consultation with the relevant Cabinet Member has authority to agree the sale of Council-owned land on terms recommended by the District Valuer, or an independent Valuer, or a suitably qualified internal valuer where the following conditions are fulfilled:

- The sale price of the land and easements does not exceed £50,000 and easements up to £25,000 per annum
- The terms of the sale are not unusual or contentious.
- The Cabinet Member has no objection to the sale.

F5.4 The Senior Officer with responsibility for Legal (or in his/her absence the Section 151 Officer), in consultation with the relevant Cabinet Member has similar delegated authority in relation to land purchases and easements, as set above.

F5.5 The Senior Officer with responsibility for Legal (or in his/her absence the Section 151 Officer), in consultation with the relevant Cabinet Member, has authority to approve the granting of way leaves, licences and other rights of use in respect of Council property.

F5.6 The Senior Officer with responsibility for Legal (or in his/her absence the Section 151 Officer), has the authority to instigate any investigations he/she considers necessary in particular cases regarding the lease of Council-owned commercial premises.

F5.7 The Senior Officer with responsibility for Legal shall have custody of all title deeds under secure arrangements agreed with the Head of Paid Service.

F6 Section 151 Officer

F6.1 The Section 151 Officer is responsible for:

- Ensuring that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of £10,000 (or £5,000 in the case of vehicles). The purpose of an asset register is to provide the Council with information about fixed assets so that they are safeguarded, used efficiently and effectively and are adequately maintained.

- Ensuring that assets are valued in accordance with CIPFA's Code of Practice on Local Authority Accounting in the United Kingdom.
- Maintaining a property database for all land, properties, plant and machinery, and moveable assets currently owned and used by the Council.
- Managing the risk implications of the Property Portfolio, particularly in terms of insurance cover.
- Arranging for the valuation of assets for accounting purposes to meet requirements specified by CIPFA Code of Practice on Local Authority Accounting.

F7 Head of Paid Service, Senior Officers and Budget Holders

F7.1 The Head of Paid Service, Senior Officers and Budget Holders are responsible for:

- Ensuring that records and assets are properly maintained.
- Drawing up contingency plans for the security of assets and continuity of service in the event of disaster or system failure.
- Ensuring that lessees and other prospective occupiers of council land or property are not allowed to take possession or enter the land until a lease or agreement has been established. The lease or agreement should be in a form approved by the Senior Officer with responsibility for Legal Services in consultation with the Section 151 Officer, where appropriate.
- Ensuring the proper security and safe custody of all buildings, vehicles, equipment, furniture, stock, stores, money and other property belonging to the council.
- Where land or buildings are surplus to requirements, preparing a report containing a recommendation for the disposal of the land, in consultation with the Section 151 Officer.
- Maintaining an inventory of moveable assets (all furniture, fittings and equipment, plant and machinery) above the value of £500, held within his or her areas of responsibility.
- Passing title deeds of council property to the Senior Officer with responsibility for Legal who is responsible for the custody of all title deeds on behalf of the council.
- Ensuring that council assets are not taken, borrowed or used by a Member or Employee for their personal use without proper authority.

- Ensuring, in accordance with arrangements agreed by the Section 151 Officer that all assets are correctly identified and insured.
- Notifying the Section 151 Officer, the Head of Paid Service and the Senior Officer with responsibility for Legal Services of any proposals to acquire or dispose of council property.
- Ensuring that all Employees under their management are aware that they have a personal responsibility with regard to safeguarding the council's assets and information, including the requirements of the Data Protection Acts and software copyright legislation. This should include confidentiality of information, whether held in manual or computerised records.

F8 Information and Communication Technology (ICT)

F8.1 All ICT equipment, irrespective of its individual value, shall be procured by, or with the prior approval of the Group Manager- Business Support (or his or her delegated Officer), particularly where the equipment has a strategic value or requires network access.

F8.2 The Group Manager- Business Support or delegated Officer shall maintain a register of all ICT equipment above the value of £250 (excluding VAT) owned by the council, including its location and serial number.

F8.3 Certain equipment to be determined by the Group Manager- Business Support, such as cameras, blackberries, etc shall be procured by him or her and recorded in the ICT inventory.

F8.4 The Council's internal IT policies and guidance should be followed, and in particular, no unofficial or unlicensed software shall be used on the council's computer equipment, under any circumstances.

F8.5 Computer games supplied as part of licensed software shall not be played in council time.

F9 Stocks and Stores

F9.1 Disposable items such as stationery, goods for sale or materials may be held in store. They should be properly controlled and accounted for to ensure they are used only for council purposes.

F9.2 Stocks shall not be in excess of normal requirements except in special circumstances, with the approval of the Head of Paid Service or Senior Officer, who shall keep a written record and justification of such circumstances.

F9.3 The Head of Paid Service or Senior Officer shall be responsible for the care and custody of the stocks and stores within his or her service.

F9.4 The Head of Paid Service and Senior Officers shall arrange for periodical test examinations of stocks and ensure that all stocks are checked at least once a year, where appropriate, as determined by the Section 151 Officer. This is to be under the supervision of persons without direct responsibility for the custody of the stocks or stores being checked.

F9.5 The Section 151 Officer shall be entitled to receive from the Head of Paid Service and Senior Officers such information as he or she requires in relation to stocks or stores, for the accounting, costing and financial records at the financial year end.

F9.6 Budget holders are responsible for investigating discrepancies and pursuing them to a satisfactory conclusion. Where this is not possible or the amount is over £250, this should be reported to the Section 151 Officer and Head of Internal Audit.

F9.7 Adjustments in respect of stock deficiencies and surpluses shall be subject to the approval of the Section 151 Officer, or in the case of major items, the Cabinet.

F9.8 Private individuals or companies shall not be permitted to purchase items previously acquired by the council unless they:

- Are sold through a retail outlet incidental to the provision of a specific service (e.g. Leisure centre or Museum shop), or
- Are obsolete or surplus to requirements and are sold as a means of disposal, in accordance with the council's disposal policies.

F9.9 Individual Members and Employees of the council must not use the auspices of the council to purchase works, goods or services for their personal use.

F10 Write-offs

F10.1 Limit of the council to write off and/or dispose of obsolete stock, per individual item:

- Estimated residual value up to £250 (excluding VAT) - Head of Paid Service, and Senior Officers
- Estimated residual value over £250 (excluding VAT) - Section 151 Officer.

F10.2 At any one time up to £5,000 (excluding VAT) may be written out of stock records with the Section 151 Officer approval. If the accumulated amount to be written out exceeds £10,000 (excluding VAT) during the financial year, a report must be made to Cabinet. Individual amounts in excess of £5,000 (excluding VAT) shall be approved by Cabinet.

F11 Petty Cash and Cash Floats

F11.1 Maximum limits for cash holdings shall be agreed with the Section 151 Officer and shall not be exceeded without his or her express permission.

F11.2 The Section 151 Officer may provide petty cash advance accounts or cash floats for such Employees as may need them for the purpose of defraying petty cash or other expenses. Petty cash accounts shall be maintained in the imprest system and shall be controlled by the Employee designated by the Head of Paid Service or Senior Officer concerned.

F11.3 Payments from any such account shall be limited to minor individual items of expenditure up to a maximum of £50. The Section 151 Officer has discretion to allow larger payments in exceptional circumstances.

F11.4 All payments shall normally be supported by a receipted voucher and proper VAT receipts where appropriate. However, the Section 151 Officer has discretion to allow payments to be obtained without obtaining receipts in exceptional circumstances.

F11.5 Payments in reimbursement of travelling or subsistence expenses shall not be paid out of petty cash accounts.

F11.6 An employee responsible for a petty cash or cash float shall, if so requested, give the Section 151 Officer a certificate as to the state of such a float.

F11.7 Change floats are not to be used for any other purpose than for providing change, with the exception of cash advances in special circumstances, subject to the approval of the Section 151 Officer. Such approval should be recorded.

F11.8 When an Employee responsible for such an account leaves the employment of the council, or ceases to be entitled to hold an advance, the Head of Paid Service or Senior Officer shall ensure that he or she accounts to him for the amount advanced.

F12 Intellectual Property

F12.1 Intellectual Property is a generic term that includes inventions and writing. If these are created by an Employee during the course of employment, as a general rule they belong to the Employer. There is a variety of legislation covering different types of intellectual property.

F12.2 Certain activities undertaken by the council may give rise to items which are patentable e.g. the development of software. These are collectively known as Intellectual Property.

F12.3 The Monitoring Officer, in conjunction with Section 151 Officer shall determine a policy and procedure guidance relating to intellectual property of the Council.

F12.4 The Head of Paid Service and Senior Officers are responsible for implementing the council's intellectual property procedures and for putting controls in place to ensure that Officers do not carry out private work in the council's time.

F12.5 Officers should be made aware of the Employer's rights with regard to intellectual property.

G: TREASURY MANAGEMENT

G1 Introduction

G1.1 Many millions of pounds pass through the council's books each year and must be carefully managed in a way which balances risk with return, but with the overriding consideration being the security of the council's funds.

G1.2 The general policy objective is that the council should invest prudently the surplus funds held on behalf of the community, giving priority to security and liquidity of the funds.

G1.3 The council has adopted CIPFA's Code of Practice for Treasury Management in Local Authorities. All of the council's borrowings and investments are carried out in accordance with this code.

G2 Full Council

G2.1 Full Council is responsible for approving the Treasury Management Strategy Statement, proposed by the Cabinet, setting out the matters detailed in CIPFA's Code of Practice for Treasury Management in Local Authorities.

G3 Cabinet or other appropriate Committee

G3.1 The Cabinet is responsible for:

- Proposing the Treasury Management Strategy to the Council, in accordance with advice from the Section 151 Officer and the Audit Committee.
- Decisions relating to Treasury Management within the Policy Statement.
- Delegating responsibility for borrowing, investment and financing to the Section 151 Officer.

G3.2 The Audit Committee is responsible for:

- Implementing and monitoring performance against the Treasury Management Strategy.
- Reporting performance against the Treasury Management Strategy to Cabinet.

G4 Section 151 Officer

G4.1 The Section 151 Officer is responsible for:

- Controlling all money in the hands of the council.
- Acting in accordance with the CIPFA's Code of Practice for Treasury Management in Local Authorities.
- Reporting to the Audit Committee and Cabinet a proposed Treasury Management Strategy for the coming financial year at or before the start of the financial year.
- Implementing and monitoring the council's Treasury Management Statement.
- Reporting to the Full Council twice in each financial year on treasury management activity and prudential indicators and the exercise of his or her delegated treasury management authority. One such report will comprise an annual report on treasury management outturn, for presentation by 30th September of the succeeding financial year.
- Ensuring that all investment and borrowing is made in the name of the council.
- Ensuring that all securities that are the property of the council and the title deeds of all property in the council's ownership are held securely in accordance with F5.7.
- Acting as the council's registrar of stocks, bonds and mortgages and maintaining records of all borrowing and investment of money by the council.
- Arranging for all trust funds to be held, where possible, in the name of the council. All Officers acting as Trustees by virtue of their official position, shall deposit securities, etc. relating to the trust with the Section 151 Officer unless the deed otherwise provides.
- Where funds are held on behalf of third parties, arranging for their secure administration, approved by the Section 151 Officer, and maintaining written records of transactions.
- Ensuring that all trust funds are operated within any relevant legislation and the specific requirements of each trust.

G5 Banking Arrangements

G5.1 The Section 151 Officer is responsible for:

- Operating bank accounts as he/she considers necessary. No bank accounts may be opened in the council's name, or closed, without the prior approval of the Section 151 Officer.
- Instructing the council's bankers to prohibit an overdrawn position on the aggregate bank accounts of the council beyond the level set out in the facilities agreement between the council and its bankers.
- Ensuring that an up to date list of all authorised bank signatories on the council's bank accounts is maintained and made available to the council's bankers.
- Designated Officers from within finance are permitted to act as authorised bank signatories for each of the councils being served by the Shared Services.
- Ensuring that an up to date list of Officers holding Business Charge Cards or Government Procurement cards on behalf of the council is maintained, showing individual approved credit limits.
- Advising on secure arrangements for banking and cash handling.
- Authorising the provision of change floats at the request of the Head of Paid Service or Senior Officers (see Financial Rule F11).
- Ensuring that designated Officers within finance are given access to the bank account details of each of the councils being served by the Shared Services, to facilitate transactional processing and other finance related work, as required.

G5.2 Head of Paid Service and Senior Officers are responsible for:

- Ensuring that banking and cash handling is carried out in accordance with Financial Rules.
- Ensuring that Officers are properly trained and aware of their responsibilities.
- Ensuring that Officers are personally protected against risk.
- Ensuring that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Council, following consultation with the Section 151 Officer.

G5.3 Budget Holders are responsible for:

- Ensuring that all Officers are aware of the controls required over banking and cash handling and follow instructions thereon.
- Ensuring that cash held on the premises is kept to a minimum, held securely, and is always within the limits agreed with the council's insurers. Cash in excess of these limits should be banked before the end of the day. Cash should not be held at an Officer's home as this may negate the Council's insurance cover.
- Holding change floats issued to the service by the Section 151 Officer and accounting for them when required to do so.
- Ensuring that keys to safes and other receptacles used for holding cash are kept secure by the person responsible at all times. Loss of keys must be reported to the Section 151 Officer as soon as possible.
- Ensuring that, where money passes from one Officer to another, there are procedures in place to evidence the transfer, the amount and the certification of the Officers involved.
- Ensuring that payments are not made from cash received.
- Implementing documented procedures for recording, receipting and banking money. Banking should be carried out as frequently as is necessary to keep the amount of money within insurance limits. Each deposit to the bank should be accompanied by a properly completed bank paying-in slip showing:
 - the name and title of the Officer making the banking.
 - the total deposited, analysed in denominations of cash and cheques.
 - the name of the cheque payees and a debtors reference, where this is available, on the reverse of the slip (also on the reverse of the cheque where payment is by cheque).

N.B. Cheques received to a value in excess of £10,000 must be banked on the day of receipt.

- Reconciling income records to the Council's financial information system, checking that all money received has reached the correct budget head. Discrepancies should be investigated and corrected immediately.

G6 BACS Payments and Cheques

G6.1 The payment of all monies from the council, with the exception of sums payable from advance accounts or business credit cards or procurement cards, shall be by BACS or other instrument drawn on the council's bank account by the Section 151 Officer, including cheques when payment by BACS is not possible nor appropriate.

G6.2 All BACS transmissions, irrespective of value, will be supported by an authorisation form signed by the Officer responsible for producing the payment, plus either the Section 151 Officer or another authorised bank signatory.

G6.3 All individual cheques drawn for an amount in excess of £25,000 shall be countersigned by another authorised employee, who shall be an authorised bank signatory to the bank account

G6.4 All cheque stocks shall be ordered only on the authority of the Section 151 Officer, who shall make proper arrangements for their safe custody.

G6.5 All cheques drawn on the council's main bank accounts shall bear the facsimile signature of the Section 151 Officer or other employee authorised to do so.

G6.6 All cheques for an amount in excess of £25,000 shall be countersigned by another authorised bank signatory.

H: FINANCIAL SYSTEMS AND ACCOUNTING PROCEDURES

H1 Introduction

H1.1 Sound systems and procedures are essential to an effective framework of accountability and control. They are needed to ensure that accounting records can be relied upon to present a true and fair view of the council's financial activity and that management information is appropriate, accurate and timely.

H1.2 The council must operate within legal requirements and adopt best practice guidance. The council will follow the CIPFA Code of Practice on Local Authority Accounting and the Service Reporting Code of Practice for Local Authorities.

H2 Section 151 Officer

H2.1 The Section 151 Officer has a statutory and professional responsibility for ensuring that the council's financial systems are sound and for making arrangements for the proper administration of the council's financial affairs, including:-

- Selecting suitable accounting policies that comply with legislation and best practice guidance, and ensuring that they are applied consistently.
- Determining the accounting systems and procedures, form of accounts and supporting financial records.
- Ensuring that delegated Officers within finance are given access to the financial records of each of the councils being served by the Shared Service, to facilitate transactional processing and other finance related work, as required.
- Issuing advice, guidance and procedures for Officers and others acting on the council's behalf.
- Establishing arrangements for the audit of the council's financial affairs.
- Approving any new financial system to be introduced and any changes to be made to existing financial systems.
- Producing timetables for accounting tasks such as the production of budgets and final accounts and the collection or submission of other financial information for processing (e.g. Accounts Payable deadlines).
- Ensuring that all suspense and holding accounts are controlled and reconciled on a monthly basis.
- Ensuring that all bank accounts are controlled and reconciled to the main accounting system regularly (at least monthly) to confirm that all transactions have been processed into the Council's accounts

- Establishing and documenting an effective scheme of budget delegation, in accordance with the council's Scheme of Devolved Budgetary Control.

H2.2 The Section 151 Officer has a statutory responsibility for ensuring that the annual Statement of Accounts is prepared in accordance with the CIPFA Code of Practice on Local Authority Accounting and the Service Reporting Code of Practice for Local Authorities.

H3 Head of Paid Service, Senior Officers and Budget Holders

H3.1 The Head of Paid Service and Senior Officers shall ensure that all financial and computerised systems for which he or she is responsible are adequately controlled and comply with the requirements laid down by the Section 151 Officer. Any proposed changes to these systems / procedures or any new systems / procedures must be also approved by the Section 151 Officer.

H3.2 The Head of Paid Service, Senior Officers and Budget Holders are responsible for:-

- The proper operation of financial processes in their areas of responsibility and ensuring that all Officers under their management are aware of, and properly operate, the financial systems relevant to their area of work.
- Establishing and maintaining sound financial processes within their areas of management.
- Documenting systems and ensuring that Officers are properly trained in their use.
- Ensuring that financial transactions are recorded in a timely and accurate manner, and are processed into the main accounting system using correct accounting codes. Transactions should not be processed to incorrect accounting codes as a way of avoiding virement rules.
- Using only their own accounting codes unless they have the express written permission of another Budget Holder to use theirs.
- Properly recording the nature and value of income, expenditure and assets and referring to original documentation where possible.
- Ensuring that income and expenditure are accounted for separately and are not set off against each other.
- Accounting for revenue and capital income and expenditure separately.
- Maintaining a complete audit trail allowing financial transactions to be traced from the accounting records to the original documentation and vice versa.

- Ensuring that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements under Data Protection legislation, approved by the Section 151 Officer.
- Implementing organisational structures that, wherever possible, provide adequate segregation of duties to minimise the risk of fraud, error or other malpractice. In particular, ensuring that Employees charged with the duty of examining and checking the amounts of cash transactions (or cash equivalents) shall not themselves be engaged in any of these transactions.
- Implementing an effective scheme of delegation in accordance with the Scheme of Devolved Budgetary Control, identifying Officers authorised to act on their behalf in respect of financial transactions, determining the limits of their authority and ensuring that the scheme operates effectively.
- Head of Paid Service and Senior Officers shall still remain responsible for the activities of delegated functions.
- Implementing and documenting effective contingency arrangements in a disaster recovery plan, including back-up procedures, to allow systems to resume operation quickly in the event of an interruption in service. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off-site, or in an alternative location within the building.
- Ensuring that computer and other systems are registered in accordance with Data Protection legislation and that staff are aware of their responsibilities under this and the Freedom of Information legislation.
- Carrying out accounting tasks to meet the standards and timescales set by the Section 151 Officer or his/her delegated Deputy.

H4 Employees

H4.1 Each nominated employee shall ensure that all financial and finance related systems are reconciled to the council's main financial management system quarterly, unless more frequent reconciliation is required by the Section 151 Officer.

H4.2 Any amendments to a prime record should be made in ink and initialled by the Employee making it. Correcting fluid, or any other means of obliteration, shall not be used to amend prime financial records.

H5 Orders for Work, Goods and Services

H5.1 Requisitions and official orders shall, in addition to any requirement under the Contracts Procedure Rules, be in a form approved by the Section 151 Officer and are to be authorised only by Employees designated for that purpose, in accordance with the council's Scheme of Devolved Budgetary Control.

H5.2 Requisitions and official orders shall be issued for all works, supplies or services to be supplied to the council, except for:

- Supplies of utilities for which corporate contracts are in place
- Subscriptions
- Car park refunds
- Building Control refunds
- Improvement Grants
- Housing Supporting People programme
- Rents
- Voluntary sector grant payments
- Petty cash purchases or such other exceptions as the Section 151 Officer may approve.

H5.3 Requisitions or official orders shall clearly indicate the nature and quantity of the work or services required and any relevant contract or agreed prices.

H5.4 Each requisition and order shall conform to the guidelines contained in the council's Contract Procedure Rules.

H5.5 Prior to placing an order Employees shall ensure that provision has been made in the budget for the cost of the works, goods or services to be supplied. Where applicable, these should comply with European Community Strategic Directives and prescribed procedures.

H5.6 All goods and services shall only be ordered by an authorised Officer, in accordance with written delegations and procedures.

H5.7 All orders for goods and services must be approved by budget holders before being issued to the supplier. The approval limits will normally be assigned in accordance with the following levels of authority:-

- Authorised Budget Holder –Up to £10,000, subject to individual approved limit
- Senior Officer – Up to £100,000
- Head of Paid Service – Up to £250,000
- Section 151 Officer (or deputy) - unlimited
- The Head of Paid Service or Senior Officer will agree the appropriate approval limit for individual Officers within their service with the Section 151 Officer or Deputy Section 151 Officer, in accordance with the council's Scheme of Devolved Budgetary Control.

H5.8 All ICT equipment, irrespective of its individual value, shall only be procured by, or with the prior approval of the Group Manager Business Support (or his or her delegated Officer), particularly where the equipment has a strategic value or requires network access.

H5.9 All goods and services received shall be checked, to ensure that they are in accordance with the order, are for the correct quantity and quality standards and that any work has been completed satisfactorily. Proper entries shall be made in inventories or stores records, where appropriate, as well as the council's financial system.

H5.10 All orders should be checked to ensure prices, calculations, trade discounts, other allowances and credits are correct

H5.11 All expenditure, including VAT shall be accurately recorded against the correct allocated budget and any exceptions corrected.

H5.12 All appropriate evidence of the transaction and payment documents shall be retained and stored for the defined period, in accordance with the council's document retention schedule.

H6 Payment of Accounts

H6.1 The payment of all monies from the council, with the exception of sums payable from advance accounts or business credit cards (if applicable), shall be by BACS or other instrument drawn on the council's bank account by the section 151 Officer, including cheques when payment by BACS is not possible or appropriate.

H6.2 Payment will only be made against an approved invoice when the requirements of Financial Rules H5.9 and H5.10 have been met. All payments should be made to the correct organisation /individual, for the correct amount. Where purchase orders have not been raised in accordance with H5.2, budget holder approval of the supplier invoice is deemed to confirm that the prices are correct and the goods or services have been received.

H6.3 VAT invoices must not be altered. If the amount of the invoice is incorrect, either a replacement or a credit note shall be requested

H6.4 Purchase invoices received into a department shall be passed without delay to the Accounts Payable team in the finance department, to be examined as considered necessary. For this purpose, the Accounts Payable team are entitled to make such enquiries and to receive such information and explanation as they may require.

H6.5 Payment will not be made on the basis of a statement or a reminder account.

H6.6 Payments shall be made within 30 days of receipt by the council or within any mutually agreed terms, in order to avoid the possibility of penalty interest becoming payable.

H6.7 Any penalty interest becoming payable under the Late Payment of Commercial Debts (Interest) Act 1998 shall be charged back to the appropriate budget head

unless, in the view of the Section 151 Officer, unreasonable delays were occasioned by another Employee.

H6.8 The Head of Paid Service and Senior Officers must consult with the Section 151 Officer before entering into any mutual payment terms with a supplier. All such agreements must be made in writing.

H6.9 Prepayment for goods and services should be avoided where possible, in order to minimise risk to the council.

H7 Payments to Employees and Members

H7.1 The interpretation and application of pay scales, conditions of service and other related matters shall be the responsibility of the Head of Paid Service, with whom Senior Officers shall confer, as necessary, in connection with their application to employees in their areas of responsibility.

H7.2 The Section 151 Officer is responsible for ensuring that budget provision exists for all existing and new employees and for making all payments of salaries to all staff and Members, in accordance with agreed terms and conditions and timescales.

H7.3 The Section 151 Officer is responsible for the maintenance of proper national insurance, income tax and other statutory pay records and for the accurate and timely payment of pension contributions and other deductions to third parties.

H7.4 The Senior Officer with responsibility for Human Resources in consultation with the Section 151 Officer, shall approve and control the arrangements for payments of salaries and wages to all staff, including the process for payments for overtime and for payment of allowances to Members.

H7.5 The Head of Paid Service and Senior Officers must notify the Publica HR team, as early as possible of all appointments, dismissals, resignations, absences from duty, transfers and proposed changes of employees, together with such other information as is necessary to maintain adequate personnel records for the council.

H7.6 No new appointments or changes to arrangements for existing employees are permitted without adequate budget provision. All appointments shall be made in accordance with the council's rules and approved establishments, grades and scales of pay.

H7.7 The Head of Paid Service, Senior Officers and/or budget holders are responsible for the monitoring of spending against approved employee-related budgets, ensuring that the manpower budget is not exceeded without appropriate authority and that it is managed to enable the agreed level of service to be provided.

H7.8 All Employees and Members shall notify Human Resources Service of any discrepancy between what they expected to be paid and what they have received, including payments made in error. In the event of an overpayment the recipient will normally be asked to refund the council over the same time period for which the error

was made. If the council makes an underpayment it will be corrected as soon as is reasonably practical, each case being agreed individually. Failure to report an overpayment may result in disciplinary action.

H8 Travel and Subsistence Claims

H8.1 Claims for payment of allowances, travelling and subsistence shall be made in a form approved by the Senior Officer with responsibility for Human Resources, in consultation with the Section 151 Officer. All such claims shall be processed through the council's payroll system.

H8.2 Claims shall normally be submitted monthly and always by the end of April following the financial year end. Employees are responsible for ensuring that journeys made and expenses claimed have been properly incurred and supporting VAT receipts are obtained. All claims are to be authorised by an employee's line manager.

H8.3 The council reserves the right not to pay any travel and/or expense claims that are not submitted in a timely manner, without good reason. Line Managers are responsible for approving or not approving all claims. In the case of any queries, Line Managers should consult with the Head of Paid Service or Senior Officer as appropriate.

H9 Value Added Taxation

H9.1 The Section 151 Officer is responsible for advising the Head of Paid Service, Senior Officers and Members, in the light of guidance by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the council. Written advice shall be made available to all relevant Employees.

H9.2 The Section 151 Officer is responsible for maintaining the council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

H9.3 The Section 151 Officer or his /her authorised representative shall be responsible for liaising with HM Revenue and Customs on all VAT related matters and for submitting and signing the necessary returns/claims in a timely manner.

H9.4 VAT must be correctly claimed on expenditure (Input Tax) and valid tax invoices retained by the council

H9.5 VAT must be correctly charged on income from works, goods and services supplied by the council (Output Tax) and a valid VAT invoice or VAT receipt issued to any party outside the council, in accordance with the form approved by the Section 151 Officer.

H9.6 Under no circumstances shall an Officer or Member use the auspices of the council to purchase goods or services for their own private purposes to avoid paying VAT. To do so may result in disciplinary action.

H10 Trading Accounts

H10.1 It is the responsibility of the Section 151 Officer to advise on the establishment and operation of trading accounts and business units. These shall be accounted for in accordance with CIPFA's Service Reporting Code of Practice.

H10.2 The Section 151 Officer shall be consulted if a business unit wishes to enter into a contract with a third party, where the contract exceeds the remaining life of their main contract with the council. In general, such contracts should not be entered into unless they are capable of being terminated within the main contract period without penalty. A service designated as a trading service may increase expenditure estimates approved by the Council, in consultation with the Head of Paid Service or Senior Officer and Cabinet Member and the Section 151 Officer as a result of increased income, in line with the virement rules set out in the Financial Rules.

H10.3 A trading account or business unit for the provision of sports, recreation or cultural activities may increase its fees and charges during the year in order to remain in line with competitors and demand, in consultation with the relevant Cabinet Member.

H11 Journals

H11.1 All journal entries and other daily input into the council's financial management system may only be processed by authorised Employees, with the approval of the Section 151 Officer. This will normally be restricted to Officers within Financial Services.

H11.2 Journals shall only be processed within the general ledger of the council. No journals are permitted between different company / council general ledgers.

H11.3 The Senior Officer with responsibility for Finance is responsible for ensuring that a daily report of all journals raised on the finance system is produced and retained for audit purposes. This report shall be checked and signed as agreed by a delegated senior Officer within Financial Services.

I: INCOME

I1 Introduction

I1.1 The council seeks to maximise its income to enable it to meet its financial objectives. The Local Government Act 2003 enables authorities to charge for discretionary services. Sources of income need to be identified and fees and charges authorised at an appropriate level.

I2 Cabinet

I2.1 The Cabinet is responsible for:-

- Setting fees and charges for services, approved as part of the annual budget setting process.
- Approving procedures for the write off of bad debts.
- Approving the write off of bad debts in excess of the approved Section 151 Officer limit, under Financial Rule I9

I2.2 Statutory fees and charges shall be set in accordance with the relevant legislation and the prescribed notice period for changes to fees and charges shall be given.

I2.3 Non statutory fees and charges may be increased or reduced during the year by the Head of Paid Service or Senior Officers, in order to remain in line with competitors and demand, in consultation with the relevant Cabinet Member and Section 151 Officer.

I3 Section 151 Officer

I3.1 The Section 151 Officer is responsible for:-

- Agreeing arrangements made for the collection of income due to the council and approving the procedures, systems and documentation for its collection.
- Ensuring that all claims for funds, including grants are made by the due date
- Agreeing the arrangements for ordering and supplying all receipt forms, books or similar items and satisfying him/herself regarding the arrangements for their control.
- Operating the approved procedures for the write off of bad debts (Financial Rule I9).
- Recommending to Cabinet the fees and charges to be set for all services.

I4 Head of Paid Service and Senior Officers

I4.1 The Head of Paid Service and Senior Officers are responsible for:-

- Recommending to the Section 151 Officer the fees and charges to be set for goods or services falling within their control, apart from those charges fixed on a statutory or nationally agreed basis.

This shall not apply to ad-hoc charges of a minor nature where a flexible pricing policy has been agreed, charges associated with partnership working which are set on a cost recovery basis, or rechargeable works.

- Informing the Section 151 Officer and relevant Cabinet Member of the particulars of all new sources of income arising from the work of their service, as soon as it becomes known.
- The identification, prompt collection, control and monitoring of all income due to the council within their area of responsibility.

I5 Budget Holders

I5.1 Budget Holders are responsible for:-

- Identifying all activities in their areas of management for which charges should be made, to whom, when, how much and whether VAT should be added.
- Maximising income within the council's policies and legislation.
- Maintaining a record of all income due to the council, including details of contracts, leases, grants and other arrangements.
- Ensuring that all income generated by their service is accounted for and that proper records are maintained, using systems and documentation approved by the Section 151 Officer.
- Ensuring that all Employees under their management are aware of, and operate, the internal controls that exist in their area.
- Where money is to be collected by debtor account, ensuring that the details of work done, goods supplied, services rendered or other amounts due, are correctly recorded and the debtor accounts rendered promptly.
- Assisting in the collection of debts that they have originated by providing further information requested by the debtor and by pursuing the debt on the Council's behalf and taking prompt action to recover debts, in conjunction with the Section 151 Officer, whilst having regard for the cost of collection. Debtor accounts should be reviewed regularly to identify unpaid accounts and recovery action required.

- Where responsibility for the collection of a debt has not been passed to the Section 151 Officer, establishing and initiating appropriate recovery procedures, including legal action, where necessary, for debts which have not been paid promptly.
- Ensuring that at least two employees are present when post is opened so that money received by post is properly identified, recorded and accounted for.
- Securing all income to safeguard against loss or theft and ensuring the security of cash handling.
- Ensuring that income is paid fully and promptly into the appropriate Council bank account in the form in which it is received and that appropriate details are recorded on the paying-in slip to provide a complete audit trail.
- Ensuring that no expenditure is paid from income received.
- Reconciling income systems with the council's main accounting system monthly to ensure that all income received has reached the correct budget head and investigating where there is a discrepancy.
- Monitoring levels of income received and outstanding to establish trends and anomalies which should be investigated.
- Notifying the Section 151 Officer of outstanding income relating to the previous financial year as soon as possible after 31st March, in line with the financial year end timetable.

I6 Employees

I6.1 Personal cheques must not be cashed from Council money nor cash advances taken against credit card transactions out of any money held on behalf of the Council.

I7 Accounts Receivable (Debtors invoices)

I7.1 A Budget Holder or delegated Officer must authorise all debtors' invoices for amounts less than £5.00, and all credit notes raised, irrespective of value.

I7.2 VAT must be properly recorded. Failure to do so may result in the council being unable to reclaim VAT and, in some circumstance, a penalty payment imposed by HMRC.

I7.3 Cash payments must be checked on receipt. In situations where electronic receipting is not available, an official, sequentially numbered receipt must be issued for a cash payment at the time of its receipt. A receipt must be issued for other forms of payment if requested by the payer.

17.4 Payments received in “Full and Final Settlement” shall only be accepted and accounted for if they are sufficient to clear fully the appropriate debt, unless with the approval of the Section 151 Officer and the Monitoring Officer.

18 Debt Recovery Procedures

18.1 Once raised, a debtor’s invoice may not be cancelled except by full payment, the issue of a credit note or by its formal writing off. A credit note can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt, or to recognise that an overpayment of housing benefit is being recovered from an on-going benefit entitlement.

18.2 There must be proper documented systems for the payment of outstanding debtors’ invoices, including milestones and timelines, which shall be followed by delegated Officers.

18.3 Outstanding debtors that are to be chased through legal proceedings are to be dealt with following the council’s debt recovery procedures.

18.4 Interest can be charged on unpaid debts, in accordance with the debt recovery procedures.

18.5 Solicitor fees incurred in the recovery of unpaid debt can be charged to the debtor, in accordance with debt recovery procedures.

19 Write off of unrecoverable Sundry Debts

19.1 The limits on the council to write off individual sundry debts are:-

- The Section 151 Officer can write off any debt for which a bankruptcy or liquidation notice has been received.
- The Section 151 Officer can write off any debt of a deceased person who has a nil estate.
- The Section 151 Officer can write off any other individual debt to a maximum amount of £5,000, where the amount is unlikely to be recovered or where proceedings are inappropriate or unjustified. This authority cannot be delegated.
- All other individual debts, in excess of £5,000 can only be written off with the approval of Cabinet or other delegated Committee.

19.2 The value of unrecoverable debts written off will be charged back against the cost centre / service from which the original invoice was raised, thus canceling the original credit to the service. This can be overwritten in exceptional circumstances, with the approval of the Section 151 Officer.

19.3 A record will be maintained by the Section 151 Officer of all bad debts written off under delegated approval.

19.4 The Section 151 Officer can delegate the waiving of standard off-street car park charge notices to the Publica Group Manager responsible for Car Parking, who shall maintain records detailing the reason and amounts waived. This authority cannot be delegated further. The records shall be made available to the Section 151 Officer or Cabinet on request.

19.5 An additional policy and procedure for writing off debts for Council Tax, NNDR, Housing/Council Tax benefits is included in the council's Scheme of Devolved Budgetary Control.

J: COUNCIL TAX AND NON-DOMESTIC RATES

J1 Introduction

J1.1 The council collects large amounts of money for its own purposes, for other authorities and, in the case of Non-Domestic Rates, for the Government.

J1.2 The rules that apply to the collection of these sums are set out in legislation, regulation and good practice guidance.

There are documented procedures and a timetable for tax calculation, billing, refunds, recovery and enforcement that accord with statutory requirements and the council's own regulations.

J2 Section 151 Officer

J2.1 The Section 151 Officer is responsible for the collection and recovery of Council Tax and Non-Domestic Rates. He or she should ensure that accounting procedures are in place to support the correct treatment and presentation of transactions in the council's accounts.

J3 Senior Officer responsible for Council Tax and Non-Domestic Rates

J3.1 The Senior Officer responsible for Council Tax and Non-Domestic Rates is responsible for ensuring the day to day management of the Council Tax and Non-Domestic Rates systems. He or she should ensure that:-

- All transactions, records and accounts are calculated accurately, completely and promptly. They should be supported by evidence and handled only by authorised staff.
- Adequate separation of duties is in place to enable the work of one Officer to be subject to check by another.
- Accounting procedures reflect the correct treatment and presentation of transactions in the Council's accounts.

K: COUNCIL TAX BENEFIT AND HOUSING BENEFIT

K1 Introduction

K1.1 The council is responsible for paying Council Tax Benefit and Housing Benefit to entitled claimants. It is also responsible for guarding against fraud and investigating where it is suspected. The council receives subsidy from the Government to pay for most of the Benefits. It has to demonstrate sound administration and accurate payment to prove its entitlement to subsidy.

K1.2 All benefit transactions must be legitimate, appropriate and in accordance with relevant verification framework regulations.

K2 Section 151 Officer

K2.1 The Section 151 Officer is responsible for the payment of Council Tax Benefit and Housing Benefit. He or she should ensure that accounting procedures are in place to support the correct treatment and presentation of transactions in the Council's accounts and subsidy claims.

K3 Senior Officer responsible for Council Tax and Non-Domestic Rates

K3.1 The Senior Officer responsible for Council Tax and Non-Domestic Rates is responsible for ensuring the day to day management of the Council Tax Benefit and Housing Benefit systems. He or she should ensure that:-

- All transactions, records and accounts are calculated accurately, completely and promptly. They should be supported by evidence and handled only by authorised staff.
- Adequate separation of duties is in place to enable the work of one Officer to be subject to check by another.
- Overpayments are dealt with in accordance with the Council's policy and recovery is efficient and effective.
- All fraud prevention and detection is in accordance with statute, professional guidance and the council's financial rules and other policies.

L: EXTERNAL ARRANGEMENTS

L1 PARTNERSHIPS

L1.1 Introduction

L1.1.1 The council provides a distinctive leadership role for the community and brings together the contributions of a variety of stakeholders. It must also act to achieve the promotion or improvement of the economic, social and environmental well-being of its area.

L1.1.2 Partnerships play a key role in delivering community strategies and delivering the shared vision of services, based on user needs.

L1.1.3 A partner is defined as being either an organisation (public or private) undertaking, part funding or participating in a project or a body whose nature or status gives it a right or obligation to support the project.

L1.1.4 This section of the Financial Rules sets out the financial implications of working in partnership with external organisations.

L1.2 Cabinet

L1.2.1 The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

L1.2.2 The Cabinet can delegate functions, including those relating to partnerships, to Officers. These are set out in the Scheme of Delegation that forms part of the council's Constitution. Where functions are delegated, the Cabinet remains accountable for them to full Council.

L1.2.3 The Head of Paid Service or delegated Officer shall represent the council on partnership and external bodies, in accordance with the Scheme of Delegation.

L1.3 Section 151 Officer

L1.3.1 The Section 151 Officer is responsible for:-

- Ensuring that the accounting arrangements to be adopted relating to partnerships and joint arrangements are satisfactory.
- Promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the council.
- Considering the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.

- Ensuring that the risks have been fully appraised before agreements are entered into with external bodies. He or she should advise on effective controls to ensure that resources are used efficiently and effectively.
- Ensuring that all funding notified by external bodies is received and properly recorded in the council's accounts.

L1.4 Head of Paid Service and Senior Officers

L1.4.1 The Head of Paid Service and Senior Officers are responsible for:-

- Ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.
- Carrying out risk management appraisals, prior to entering into an arrangement with an external body, in accordance with procedures specified by the Section 151 Officer.
- Ensuring that partnership agreements do not impact adversely on the services provided by the council.
- Ensuring that partnership agreements and arrangements are properly documented and information provided to the Section 151 Officer to enable a note to be entered into the council's Statement of Accounts concerning material items.
- Maintaining a register of all contracts entered into with external bodies, in accordance with procedures specified by the Section 151 Officer.

L2 EXTERNAL FUNDING

L2.1 Introduction

L2.1.1 External funding can be an important source of income to the council, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the council.

L2.1.2 The council shall seek to maximise its resources by attracting external funding where appropriate. However, in some instances, available funding may be linked to tight specifications and may not be sufficiently flexible to link to the council's strategies.

L2.2 Section 151 Officer

L2.2.1 The Section 151 Officer is responsible for:-

- Ensuring that any match funding requirements are considered prior to entering into an external agreement and that adequate future revenue budgets are in place to meet these requirements.
- Ensuring that all funding notified by external bodies is received and properly recorded in the council's accounts.
- Ensuring that all audit requirements are met.

L2.3 Head of Paid Service and Senior Officers

L2.3.1 The Head of Paid Service and Senior Officers are responsible for ensuring that:-

- Funds are acquired only to meet the priorities approved in the policy framework by the council.
- Any match funding requirements are considered prior to entering into an external agreement and consulting with the Section 151 Officer to ensure that adequate future revenue budgets are in place to meet these requirements.
- Key conditions of funding and any statutory requirements are complied with and that the responsibilities of the Accountable body are clearly understood.
- All claims for funds are made by the due date and income received in accordance with the agreement.
- The project progresses in accordance with the agreed project outline and that all expenditure is properly incurred and recorded in the council's accounts.

L3 WORK FOR THIRD PARTIES

L3.1 Introduction

L3.1.1 Current legislation enables the council to provide a range of services to other bodies. Such work may enable a Service area to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work are minimised and that such work is within current legislation.

L3.1.2 Contracts for the work should be drawn up using guidance provided by the Monitoring Officer and the Section 151 Officer to the council. The proposals should be costed properly in accordance with guidance provided by the Section 151 Officer.

L3.1.3 Guidance with regard to the financial aspects of third party contracts and the maintenance of the contracts register should be followed.

L3.2 Cabinet

L3.2.1 The Cabinet is responsible for approving contractual arrangements for any work carried out by the council for third parties or external bodies in addition to the normal business. This responsibility can be delegated to the Corporate Leadership Team of the council.

L3.3 Section 151 Officer

L3.3.1 The Section 151 Officer is responsible for issuing guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

L3.4 Head of Paid Service and Senior Officers

L3.4.1 The Head of Paid Service and Senior Officers are responsible for ensuring that:-

- Approval is obtained before any negotiations for the work are concluded.
- Contracts operate to the benefit of the council and do not impact adversely upon the services provided for the council.
- No contract is subsidised by the council.
- The Service area has the appropriate expertise to deliver the contract.
- Appropriate insurance arrangements are put in place.
- Wherever possible, payment is received in advance of the delivery of the service to the third party.
- The council is not put at risk from any bad debts.
- All contracts are properly documented and appropriate information given to the Section 151 Officer to enable a note to be entered into the Statement of Accounts.

Chapter 4: CONTRACT PROCEDURE RULES

Section 1 – General Compliance and Scope

1. Compliance
2. Scope

Section 2 – Common Requirements

3. Calculation of Contract Values
4. Authorised Officers and their responsibilities
5. Contract Values
6. Exemptions and Waivers

Section 3 – Tendering Process

7. Advertising
8. Suitability assessment and Pre-Qualification
9. Electronic Tendering
10. Dividing into Lots
11. Invitation to Tender
12. Submission and Opening of Tenders and Quotes
13. Arithmetical Errors and Post Tender Clarification
14. Tender Evaluations
15. Awarding Contracts
16. Debrief

Section 4 – Contract Formalities

17. Execution of contracts
18. Records of tender and contract
19. Bonds and Parent Company Guarantees
20. Embedded Leases and Embedded Derivatives

Section 5 – Specific Types of Tendering

21. Framework Agreements
22. Draw Down Agreements
23. Collaborations and joint working
24. Procurement by Consultants
25. Amendments to Contracts

Definitions

SECTION 1: GENERAL COMPLIANCE AND SCOPE

1. COMPLIANCE

- 1.1 Every contract entered into by the Authority shall be entered into pursuant to or in connection with the Authority's functions and shall comply with:
 - 1.1.1 All relevant statutory provisions including codes and statutory guidance e.g. transparency code;
 - 1.1.2 The relevant European procurement rules when applicable (i.e. the EC Treaty, the general principles of EC law and the EC public procurement directives implemented by the UK Regulations);
 - 1.1.3 The Authority's Constitution including these Contract Rules, the Authority's Financial Rules and Scheme of Delegation;
 - 1.1.4 The Authority's strategic objectives, Procurement Strategy, Procurement Code (which includes template documentation) and relevant policies
- 1.2. The policy of the Authority, and the objective of these Contract Rules, is to ensure that all works, goods and services:
 - 1.2.1 Are obtained with probity and propriety to ensure the proper expenditure of public funds;
 - 1.2.2 Are appropriate for the purpose for which they are obtained;
 - 1.2.3 Ensure Best Value for Money.

2. SCOPE

- 2.1 These Contract Rules apply to any arrangement made by, or on behalf of, the Authority for the carrying out of works or for the supply of goods or services.
- 2.2. These Contract Rules do not apply to:
 - 2.2.1 contracts of employment which make an individual a direct employee of the Authority;
 - 2.2.2 the acquisition, disposal, or transfer of land except where services or works are required by the Authority as part of the land transaction. E.g. regeneration projects
 - 2.2.3 contracts relating to the placement of deposits or raising of loans under the treasury management strategy;
 - 2.2.4 purchases made at public auction.
 - 2.2.5 the giving of grants

SECTION 2: COMMON REQUIREMENTS

3. CALCULATION OF CONTRACT VALUES

- 3.1 Unless otherwise stated, the calculation of the estimated value of a procurement shall be based on the total amount payable in pounds sterling, net of VAT, as estimated by the Authority over the entire contract period, including any proposed extension to the initial contract period.
- 3.2 The estimated value is to be calculated as at the date the contract is first advertised or the Candidates are contacted, whichever occurs first.
- 3.3 Contracts should be for a fixed term, but where this is not possible (e.g. hire agreements) the contract value should be calculated by multiplying the monthly value by 48.
- 3.4 Contracts must not be artificially under or over-estimated or divided into two or more separate contracts where the effect is to avoid the application of the Contract Procedure Rules.

4. AUTHORISED OFFICERS AND THEIR RESPONSIBILITIES

- 4.1 Authorised Officers are persons responsible for carrying out the procurement in question and who have received training on these Contract Procedure Rules.
- 4.2 The Authorised Officer must proceed with the procurement in a manner commensurate with its complexity and value, by:
 - 4.2.1 appraising the need for the expenditure and its priority;
 - 4.2.2 defining the objectives of the procurement;
 - 4.2.3 assessing the risks associated with the procurement and how to manage them;
 - 4.2.4 considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium and frameworks;
 - 4.2.5 consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring;
 - 4.2.6 Checking to see if a corporate contract already exists. E.g. stationery contract.
 - 4.2.7 Where the procurement involves a potential change to services provided by the Authority the Authorised Officer ensuring compliance with:

- the Authority's duty to consult under Section 3 Local Government Act 1999
- the Authority's duties under the Equality Act 2010.
- The Public Social Value Act 2012 for contracts for services over the EU threshold

4.2.8 Ensuring the Budget Holder has sufficient budget to sustain the contract for the life of the contract.

4.2.9 for Quotes and Tenders below £10,000.00 attaching the relevant standard terms and conditions to the purchase order or otherwise draw the attention of the Supplier to these standard terms and conditions;

4.2.10 for Quotes and Tenders above £10,000.00, instructing the Council's Solicitor in writing to draft or approve the formal written contract terms and conditions that are to apply to the proposed contract;

4.2.11 ensuring that a purchase order is raised for the contract.

4.3 Where any procurement may result in any employee either of the Authority or of a service provider being affected by any transfer arrangements, Authorised Officers must ensure that the application of the Transfer of Undertaking Protection of Employment Regulations 2006 (TUPE) is considered and obtain legal advice before proceeding with inviting Tenders or Quotes.

4.4 Any procurement that is:

- over EU threshold and TUPE applies or
- is over budget

shall be referred to the Cabinet for decision, unless otherwise stated elsewhere in the Authority's Constitution.

5. CONTRACT VALUES

5.1 Where the total value for a purchase is within the values in the first column below, the award procedure in the second column must be followed:

Estimated Total Contract Value	Contract Letting Requirements & Forms of Contract
Up to £10,000	<p>The Budget Holder can purchase from the source that offers the Best Value for Money to the Authority.</p> <p>This must be demonstrated by the obtaining of 2 written Quotes, where this is possible.</p> <p>Contracts shall be by purchase order with standard terms and conditions attached.</p>
From £10,001 to £50,000	<p>Shall be advertised on the website of the Authority (and/or other public advertisement as determined by the Authorised Officer) unless, in consultation with the Section 151 Officer, and the Monitoring Officer, it is agreed to approach suppliers on an ad hoc basis (in which case 3 written quotes shall be sought).</p> <p>Any procurement opportunity over £25,000.00 that is advertised shall also be advertised on Contract Finder using the Authority's e-procurement system within 24 hours of any other adverts appearing. Procurement opportunities advertised on Contract Finder shall be procured using the Open Procedure.</p> <p>A formal written contract approved by the Council's Solicitor must be utilised.</p>
From £50,001 to EU Threshold	<p>Shall be advertised on the website of the Authority and on Contract Finder using the Authority's e-procurement system (within 24 hours of any other adverts appearing) (and/or other public advertisement as determined by the Authorised Officer)</p> <p>The open procedure must be followed.</p> <p>A formal written contract prepared/approved by the Council's Solicitor must be utilised.</p>
EU Threshold and Above	Shall be advertised in the Official Journal of the European Journal (OJEU), on the website of the

	<p>Authority and on Contract Finder using the Authority's e-procurement system (within 3 days of the receipt of OJEU notice at publications office or within 24 hours of the OJEU notice being published) (and/or other public advertisement as determined by the Authorised Officer)</p> <p>The Council Solicitor shall advise on the most appropriate EU procurement procedure to be used for the relevant goods, services and/or works to be procured. The two most common procedures are:</p> <ul style="list-style-type: none"> • Open Procedure – anyone can submit a tender • Restricted Procedure – following receipt of expressions of interest a pre-qualification questionnaire (PQQ) is used to shortlist Candidates who are then invited to submit a tender.
Light Touch Regime	<p>Some contracts are subject to a 'light touch' regime if the value of the contract is below the prescribed threshold contained in the EU Regulations. Some examples of these include:-</p> <ul style="list-style-type: none"> • Administrative social, educations, healthcare and cultural services • Benefit services • Legal services • Other administrative services and government services • Provision of services to the community • Investigation and security services <p>Advice must be sought from the Procurement Adviser before undertaking light touch regime procurement.</p> <p>A formal written contract prepared/approved by the Council's Solicitor must be utilised.</p>
Disposal of assets (other than land)	<p>Where the Authority is selling or disposing of assets without the provision of services then the Authority's obligation is to achieve the best value for the items. This could be achieved by obtaining quotes or conducting a full tender depending upon the items being disposed of. Any disposal must be in accordance with the Authority's Financial Rules.</p>

6. EXEMPTIONS AND WAIVERS

6.1 Subject to the written approvals referred to in Contract Rule 6.2 below, waivers of any of these Contract Rules shall only be given in the following exceptional circumstances:-

6.1.1 Where the goods, materials, works or services are of a unique or specialised nature or are identical or similar to or compatible with an

existing provision so as to render only one or two sources of supply appropriate, including:

- an upgrade or
- where the contract concerns, wholly or mainly, repairs to or the supply of parts for existing proprietary machinery, plant or equipment and the repairs to or the supply of parts cannot be carried out practicably by alternative Contractors;

or

6.1.2 The goods or materials to be purchased are proprietary articles or are sold only at fixed prices; or

6.1.3 The price of services, goods or materials to be purchased is controlled by trade organisations, or if for other reasons there would be no genuine competition; or

6.1.4 Where in the opinion of the Authorised Officer in consultation with the Section 151 Officer and the Monitoring Officer considers that the services to be provided or the work to be executed or the goods or materials to be purchased are urgent; (subject to the action being reported to the next Cabinet Meeting) or

6.1.5 Specialist consultants, solicitor, barrister, agents, artist or professional advisers are required and:

- There is no satisfactory alternative; or
- Evidence indicates that there is likely to be no genuine competition; or
- It is, in the opinion of the Authorised Officer, in the Authority's best interest to engage a particular consultant, solicitor, barrister, agent, artist or adviser;

or

6.1.6 The goods or materials to be purchased are within a bulk purchasing agreement made between the Authority and a consortium or other organisation approved by the Authority; or

6.1.7 The works to be executed or the goods or materials to be purchased can only be carried out or supplied by a statutory body.

6.2 These Contract Rules cannot be waived for the procurements above the relevant EU Threshold.

Where it is possible to waive these Contract Rules, any such waiver must be agreed by:

6.2.1 Cabinet for contracts above £100,000.00 or the Head of Paid Service in consultation with the Leader of the Authority if the matter requires an urgent decision and a meeting of the Cabinet cannot be called; or

6.2.2 The Budget Holder, in consultation with the Section 151 Officer and the Monitoring Officer if the contract is £100,000.00 or less.

6.3 A record of the decision and the reasons for it shall be kept and the wavier itself shall be kept by the Monitoring Officer

SECTION 3: TENDERING AND QUOTATION PROCESS

7 ADVERTISING

7.1 Adverts shall include as a minimum:

- Date and time response to be received by the Authority
- How and to whom the Supplier must respond
- Any requirements for participating in the procurement

7.2 Where adverts are placed on Contract Finder unrestricted and full direct internet access to relevant contract documents shall be available on the Authority's website and the Authority's e-procurement system free of charge when the advert is placed.

7.3 Opportunities with a value over the relevant EU Threshold must also be advertised in the Official Journal of the European Union (OJEU) by submitting a Contract Notice using the Authority's e-procurement system

8. SUITABILITY ASSESSMENT (under EU threshold) AND PRE-QUALIFICATION (above EU threshold only)

8.1 Authorised Officers are responsible for ensuring that all Candidates for a contract are suitably assessed.

Under EU Threshold

8.2 As part of the tender or quotation process Authorised Officer shall establish that the potential Candidates meet minimum requirements or minimum standards of :

- Suitability.
- Capability.
- Legal status; and
- Financial standing
-

8.3 The assessment questions must be

- relevant to the subject matter of the procurement and
- proportionate

8.4 For works contracts above the lower EU threshold (supply and services level)a Pre-Qualification Questionnaire (PQQ) stage is permitted. Officers must use form PAS91 or such other required PQQ template.

Above EU Threshold

- 8.5 Officers must use the PQQ form issued by the Government. As any deviations from the standard form must be reported to the Cabinet Office changes to the form are not permitted without the consent of the Procurement Adviser, Section 151 Officer and the Monitoring Officer.
- 8.6 Financial and due diligence checks must be undertaken for all contracts where the value of the contract is above £10,000.00
- 8.7 Any procurement subject to the EU Regulations shall comply with the appropriate EU Regulations.

9. ELECTRONIC TENDERING

- 9.1 Until electronic tendering becomes compulsory, the Authorised Officer following consultation with the Procurement Adviser or Council's Solicitor may authorise:
 - 9.1.1 the transmission of Quotes and Tenders by electronic means;
 - 9.1.2 the carrying out of an electronic auction where satisfied that it is in the interests of the Authority to do so;
 - 9.1.3 the carrying out of the whole tendering process and the award of the contract by electronic means, using the Authority's e-procurement system, where satisfied that it is in the interests of the Authority to do so .

10 DIVIDING TENDERS INTO LOTS

- 10.1 Authorised Officers may decide to award a contract in the form of separate lots and may determine the size and subject-matter of such lots.
- 10.2 For an above EU threshold procurement, if the contract is not split into lots the main reasons for this decision shall be included in the procurement documents and the Regulation 84 Report.
- 10.3 Authorised Officers shall include in the notice and or tender documents:
 - 10.3.1 if tenders can be submitted for one, for several or for all of the lots.
 - 10.3.2 if there is a limit on the numbers of lots that can be tendered for.
- 10.4 Where more than one lot may be awarded to the same tenderer, Awarding Officers may award contracts combining several or all lots where they have specified in the contract notice or in the invitation to tender that they reserve the possibility of doing so and indicate the lots or groups of lots that may be combined.

11. **INVITATION TO TENDER**

11.1 The Invitation To Tender shall state that no Tender will be considered unless it is received by the date and time stipulated in the Invitation To Tender. Subject to Contract Procedure Rule 13 below, no Tender delivered in contravention of this Contract Procedure Rule shall be considered.

11.2 All Invitations to Tender shall be in accordance with the Contract rules, codes and policies.

12. **SUBMISSION AND OPENING OF TENDERS AND QUOTES**

12.1 Tenders and Quotes shall be submitted in accordance with requirements set out in the Invitation to Tender or Request to Quote as appropriate.

Tenders

12.2 Tenders shall be opened by at least one officer nominated by the Budget Holder and the Procurement Adviser or their nominated officer. An immediate record shall be made of the Tenders received including names, amount of tender and the date and time of opening.

12.3 No Tenders or Quotes received after the specified date and time for receipt shall be accepted or considered by the Authority unless the Authorised Officer, after consulting the Section 151 Officer and the Monitoring Officer, is satisfied that there is sufficient evidence for the Tender or Quote having been despatched in sufficient time for it to have arrived before the closing date and time

13. **ARITHMETICAL ERRORS, POST TENDER CLARIFICATION AND ABNORMALLY LOW TENDERS**

13.1 Suppliers can only alter their Tenders or Quotes after the date specified for their receipt but before the formal acceptance of the Tender or Quote, where examination by officers of the Tender or Quote reveals arithmetical errors or discrepancies which affect the Tender or Quote figure. The Candidate shall be given details in writing of such errors or discrepancies and afforded an opportunity of confirming, amending or withdrawing their offer in writing.

13.2 In an EU Procurement the Authority must require tenderers to explain the price of costs proposed in the tender where the tender appears to be abnormally low in relation to the works, supplies or services.

13.3 All other post-tender clarifications shall:

13.2.1 only be undertaken following consultation with the Procurement Adviser and the Council's Solicitor; and

13.2.2 not disclose commercially sensitive information supplied by other Candidates for the contract

14 **TENDER EVALUATION**

- 14.1 Tenders shall be evaluated in accordance with the relevant regulations and the award criteria set out in the Invitation to Tender.
- 14.2 All contracts shall be awarded on the basis of the offer which represents the most economically advantageous, taking into account price and/or quality, to the Authority.
- 14.3 The award criteria shall be predetermined and listed in the Invitation to Tender documentation. In addition, the criteria shall be strictly observed at all times throughout the contract award procedure by any officer involved in the tender evaluation.
- 14.5 Where Authorised Officers intend to carry out site visits, presentations or interviews as part of the evaluation process, this must be made clear in the invitation to tender.

15. **AWARDING CONTRACTS**

- 15.1 The Authority shall only accept a tender and award a contract to the Candidate submitting the Most Economically Advantageous Tender/Quote
- 15.2 Depending on what is being procured and whether or not it is an EU procurement, the Most Economically Advantageous Tender/Quote can be assessed as follows;

- Price (i.e. the lowest bid)
- Cost (where the assessment is based on cost-effectiveness basis such as an asset life-cycle assessment (cost of the asset, maintenance costs, end of life costs)
- Best Price/Quality Ratio (the award criteria can include quality, including technical merit, aesthetic and functional characteristics, delivery date, delivery process, after-sales service and technical assistance as well as environmental and/or social matters and any other matters relevant to what is being procured).

The award criteria and the scoring methods must be disclosed in the Invitation to Tender/Quote.

- 15.3 A contract may only be awarded by an Awarding Officer with the requisite delegated authority to award contracts. Prior to award, the Authorised Officer should ensure that the Budget Holder responsible for the contract has sufficient funds in place to sustain the contract.
- 15.4 Where the contract award opportunity was advertised, a contract award notice containing the name of the Contractor, the date the contract was entered into and the value of the contract must be published on Contract Finder no later than 90 days after contract award. If below EU Threshold include whether or not Contractor is a Small and Medium-sized Enterprise (SME) or voluntary, community and social enterprise (VCSE)

15.5 A Contract Award Notice must be published in OJEU where there has been an above EU Threshold Procurement.

15.6 A purchase order shall not be issued until the formal written contract has been completed.

16. DEBRIEFING

16.1 The Authorised Officer shall provide a written debriefing to unsuccessful Tenderers as required by the law.

17. EXECUTION OF CONTRACTS

17.1 All contracts not exceeding £10,000.00 shall be signed by the relevant Budget Holder.

17.2 All contracts exceeding £10,000.00 but not exceeding £50,000.00 shall be signed by the Senior Officer

17.3 All contracts exceeding £50,000.00 shall be executed as a deed by the Monitoring Officer, Head of Paid Service or Chief Finance Officer (S151 Officer) and the common seal affixed to the contract.

18. RECORDS OF TENDERS AND CONTRACTS

18.1 The Procurement Adviser shall maintain a list of all Tenders received.

18.2 A Contracts Register of all contracts awarded over £5,000.00 shall be maintained by the Authority

18.3 All contracts over £10,000.00 shall be kept by the Council's Solicitor

19. BONDS AND PARENT COMPANY GUARANTEES

19.1 Bonds or Parent Company Guarantee will be required on all works contracts above £1,000,000.00 or for a contract of a lesser value if considered appropriate by the Section 151 Officer following consultation with the Council's Solicitor

19.2 Bonds or Parent Company Guarantee may be required for any contract if considered appropriate by Section 151 Officer following consultation with the Council's Solicitor

19.3 Bonds shall be a minimum of 10% of the contract value.

20. EMBEDDED LEASES & EMBEDDED DERIVATIVES

20.1 Prior to the award of a contract the Authorised Officer must notify the Section 151 officer where under the contract:

20.1.1 the Authority will have use or control of or will be paying for the use of a specific asset or group of assets; or

20.1.2. contains a clause that caps the price the Authority has to pay for supplies or services or there is floor price on the price the Authority has to pay for supplies or services; or

20.1.3 the prices the Authority has to pay under the contract, increase by more than 2 times RPI; or

20.1.4 the prices the Authority has to pay, increase by some other form of Indices or commodity price.

SECTION 5: SPECIFIC TYPES OF TENDERING

21 FRAMEWORK AGREEMENTS

21.1 FRAMEWORK AGREEMENTS SET UP BY OTHER CONTRACTING AUTHORITIES

21.2 External Framework Agreements, where the Authority is named or identified as part of a class of permitted users, can be used where the Authority wishes to contract for the sourcing of supplies, services or works without conducting a new procurement exercise.

21.3 The Framework Agreement may include within its terms a requirement for a mini competitive exercise between some or all of those Suppliers who are parties to the Framework Agreements and can provide the goods/services being tendered. Other Framework Agreements may allow for a direct award or the choice of either direct award or mini competition
Any Call-Off from a Framework Agreement shall be tendered in accordance with the procedure set out in the Framework Agreement.

21.4 The approval of the Procurement Adviser or Council's Solicitor shall be sought before signing up to a new Framework Agreement.

21.5 A Call-Off contract as set out in the Framework Agreement will need to be entered into. If no pre agreed contract is provided for a contract approved by the Council's Solicitor, shall be entered into.

FRAMEWORK AGREEMENTS SET UP BY THE AUTHORITY

21.6 The Authority may carry out procurement exercises to set up Framework Agreements to allow it to choose contractors or suppliers who meet its pre-qualification requirements. The Authority can then Call-Off Suppliers from the Framework Agreement without having to carry out a further procurement exercise. This could be useful where the Authority has need to call on Contracts urgently or often. The Authority could also set up a framework agreement for itself and other local authorities to use in order to make efficiency savings.

21.7 Once a Framework Agreement is established, Quotes and Tenders for contracts may be invited from Suppliers included on Framework Agreement up to the limit stated in the Framework.

- 21.8 The Authority will need to carry out a procurement exercise to select the Suppliers to include on the Framework. This procurement will need to be advertised in accordance with these Contract Rules. The Contract Value is to be determined by the anticipated level of spend per Framework Agreement.

PUBLISHING THE AWARD OF CALL-OFF CONTRACTS UNDER ALL FRAMEWORK AGREEMENTS

- 21.9 The call off of a contract under a framework with a value of £25,000.00 or over shall be published on Contract Finder

22. DRAW DOWN AGREEMENTS

- 22.1 Authorised Officers may award Draw Down Agreements to individual suppliers where services, supplies or works are required on an ad hoc basis. E.g. JCT measured terms agreements. More than one Draw Down Agreement may be awarded to different Suppliers for the same services supplies or works.

- 22.2 Authorised Officer shall carry out a procurement process for the award of the Draw Down Agreement in accordance with these contract rules

23. COLLABORATIONS AND JOINT PROCUREMENT

- 23.1 The Authorised Officer may participate in any collaborative or joint procurement arrangements with other Local Authorities or public bodies including membership or use of Purchasing Consortia subject to the prior approval of the relevant Senior Officer and Procurement Adviser.

24. PROCUREMENT BY CONSULTANTS

- 24.1 Any consultants used by the Authority shall be appointed in accordance with these Contract Rules. The Authorised Officer shall ensure that the consultant's performance is monitored.

- 24.2 Where the Authority uses consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the consultant carries out any procurement in accordance with these Contract Rules.

- 24.3 Consultants may advise the Authorised Officer as to the most suitable candidate. The Authorised Officer can use the advice given by the Consultant to make their recommendation to the Awarding Officer.

- 24.4 No Consultant shall make any decision on whether to award a contract or who a contract should be awarded to. This decision rests with the Awarding Officer who should sign the Tender Acceptance Form

SECTION 6

CONTRACT MANAGEMENT AND AMENDMENTS TO CONTRACTS DURING THEIR TERM

25 AMENDMENTS TO CONTRACTS

25.1 A contract may be changed in any of the following circumstances:

- a) The contract contains a clear review or option clause which specifies the conditions as to when an amendment can be made. The scope and the nature of the change and the overall nature of the contract must not change
- b) Additional works, services or goods that have become necessary and a change of supplier would not be practicable for economic or technical reasons or would involve substantial inconvenience/duplicate cost (limited to 50% of original contract price).
- c) the need for change could not have been foreseen by a diligent contracting authority; and
 - the changes do not affect the overall nature of the contract; and
 - any increase in price does not exceed 50% of the price of the original contract.
- d) where a new contractor replaces the one to which the contracting authority had initially awarded the contract as a consequence of—
 - (i) an unequivocal review clause or option in conformity with Rule 26(1) (a), or .
 - (ii) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative selection initially established, provided that this does not involve other substantial changes to the contract and is not aimed at circumventing the application of the EU Regulations
- e) The changes, irrespective of their value, are not Substantial (see the Definitions section for the definition of Substantial)
- f) It is a change that does not affect the overall nature of the contract or Framework Agreement and the value of the change does not exceed
 - The relevant EU Threshold

- 10% (goods and/or services) 15% (works) of the initial value of the contract.

- 25.2 Where successive changes are made, the value shall be the net value of the successive changes.
- 25.3 Where changes to a contract have been made under Contract Rule 25.1 b) or c) above and the initial contract value exceeded the EU Threshold, a modification of contract notice shall be published in the OJEU

DEFINITIONS

Authorised Officer	An officer who is authorised to undertake the procurement in question and who has received corporate training on these Contract Rules.
Awarding Officer	The officer with the delegated authority to award the contract
Best Value for Money	The best solution for the Authority taking into account price, quality and deliverability.
Bond	An insurance policy: if the Contractor does not do what it has promised under a contract with the Authority, the Authority can claim from the insurer the sum, of money specified in the bond (often 10% of the contract value). A bond is intended to protect the Authority against a level of cost arising from the Contractor's failure.
Budget holder	The officer responsible for the budget for the relevant procurement
Candidate	Any person who asks or is invited to submit a Quote or Tender.
Call-Off Contract	Means a contract awarded to a supplier under a Framework Agreement
Concessions	an agreement where Suppliers are given the right to exploit works or services provided for their own gain.
Consultant	Someone appointed (but not under a contract of employment) for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role.
Contracting Authorities	Bodies which are subject to the EU Regulations.
Contractor	any person, company or supplier who has been awarded a contract in accordance with these contract rules.
Council's Solicitor	Means the senior legal Adviser for the Authority

Director	Means the Senior Officers for the Authority, director or the Council's Solicitor
Draw down contract	A contract with a single supplier where goods, services or works are requested on an ad hoc basis
EU Regulations	The UK regulations implementing the EC public procurement directives.
EU Threshold	Means the values set by the European Commission which determine whether a procurement has to be carried out in accordance with the EU Regulations.
Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Head of Paid Service	Means the officer designated as head of paid service for the Authority under section 4 of the Local Government and Housing Act 1989
Invitation to Tender (ITT)	Invitation to tender documents in the form required by these Contract Rules.
Most Economically Advantageous Tender	The most economically advantageous tender will be evaluated on the basis of either <ul style="list-style-type: none"> • Price (i.e. the lowest price) • Cost (on the basis of a cost-effectiveness approach e.g. life-cycle costing) • Best price/quality ratio
OJEU	Official Journal of the European Union – where notices for all above EU Threshold procurements opportunities and contract awards must be placed.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Authority, the Authority can require the company to do so instead.
Procurement Adviser	The procurement officer for the Authority
Quote	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Regulation 84 Report	Means the report about the procurement required to be compiled under Regulation 84 of the Public Contracts Regulations 2015
Substantial	In relation to a change to an existing contract of framework agreement means where one of the following conditions is met:- <ul style="list-style-type: none"> (a) the change renders the contract or the framework agreement materially different in character from the one initially concluded; .

	<p>(b) the modification introduces conditions which, had they been part of the initial procurement procedure, would have— .</p> <p>(i) allowed for the admission of other candidates than those initially selected, .</p> <p>(ii) allowed for the acceptance of a tender other than that originally accepted, or .</p> <p>(iii) attracted additional participants in the procurement procedure; .</p> <p>(c) the modification changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement; .</p> <p>(d) the modification extends the scope of the contract or framework agreement considerably;</p> <p>(e) a new contractor replaces the one to which the contracting authority had initially awarded the contract in cases other than those provided for in Rule 28(1)(d).</p>
Supplier	A person or body of persons providing, or seeking to provide, supplies, services or works to the Authority.
Tender	A Candidate's proposal submitted in response to an Invitation to Tender.

Chapter 5 Officer employment procedure rules

5.1 Filing Staff vacancies

- (a) From 1st November 2017, with the exception of appointing the statutory Chief Officers, all staffing matters will transfer to Publica, including the appointment and dismissal of employees.

5.2 Appointments of statutory Chief Officers

- (a) Where the Council proposes external recruitment to appoint a statutory Chief Officer as defined in the Local Authorities (Standing Orders)(England) Regulations 2001 or any replacement legislation, it shall appoint an Appointments Committee of not more than five members (political balance will not be essential but should be striven for as the objective) which will comprise at least one member of the Cabinet.
- (b) The Appointments Committee will be consulted on the duties of the officer concerned and the qualifications required, and will, assisted by appropriate officers take an active part in the interview process.
- (c) Where the Appointments Committee identifies a suitable candidate then they will recommend the appointment to Full Council who will make the ultimate decision as to the suitability of the candidate.
- (d) Where the Council proposes an internal appointment of a statutory Chief Officer, then a report will be presented to Full Council recommending the appointment and Full Council will determine the suitability of the appointment and confirm or reject the recommendation.

5.3 Attempts to influence the appointment of statutory Chief Officers

- (a) A candidate for any appointment who canvasses a member or officer will be disqualified.
- (b) A member may give a written reference to accompany any candidate's application, but must not attempt to influence an appointment improperly.

5.4 Candidate for statutory Chief Officers related to a member or officer

- (a) A candidate who is related to a member or officer must state this when applying. This will be included on application forms. Anyone who fails to do this will be disqualified, or if appointed will be liable to dismissal without notice.
- (b) A member or officer who knows that they are related to a candidate must notify the Head of Paid Service or Monitoring Officer, who will inform the Appointments Committee.
- (c) A relative is a spouse or partner, child, parent, grandparent or grandchild, brother, sister, uncle, aunt, nephew or niece of the candidate or of the candidate's husband or wife. Reference to child, parent or sibling includes 'step' and adopted relationships.

5.5 Disciplinary action concerning Statutory Chief Officers and the Monitoring Officer

- (a) No disciplinary action in respect of the Statutory Chief Officers, as defined in employment procedure rule 5.4(a) above (except such action described in rule 5.5(b) below, may be taken by the authority, or by the Council or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person and in compliance with the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- (b) The disciplinary action, mentioned in employment procedure rule 5.5(a) above, is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action. Any such suspension shall be on full pay and terminate no later than the expiration of two months (unless a longer period is agreed between the parties having regard to the circumstances of the issue), beginning on the day on which the suspension takes effect.
- (c) Where the Council proposes to investigate a disciplinary offence that could result in the dismissal of a Statutory Chief Officer as defined in employment procedure rule 5.4(a) above, it shall appoint a Review Panel of not more than five members (political balance will not be essential but should be striven for as the objective), which will comprise at least one member of the Cabinet and one of the Council appointed Independent Persons.
- (d) The disciplinary function of Council, including dismissal, relating to a Statutory Chief Officer may be delegated by Council to the Review Panel save where the function relates to the dismissal of the Head of Paid Service, which will be a decision made by Council following a review and recommendation from the Review Panel.
- (e) All the steps specified in this section shall be taken by the authority acting through Review Panel or the Head of Paid Service or other Chief Officer appointed as the proper officer and will be in accordance with the adopted disciplinary procedures.
- (f) Following an investigation into a disciplinary offence the Review Panel may resolve (or recommend to Council) to take such action as deemed appropriate and justified by the facts found. If satisfied that a disciplinary offence has been committed by the statutory Chief Officer to impose such penalty as is proportionate and justified by the disciplinary offence save where dismissal is considered appropriate, in which case the procedure in employment procedure rule 5.5(g)(i) below must be followed.
- (g) (i) Prior to dismissing a statutory Chief Officer or recommending the dismissal of the Head of Paid Service or statutory Chief Officer to

the Council, the Review Panel shall notify the proper officer of the name of the statutory Chief Officer to be dismissed together with all relevant particulars, justifying the decision regarding the disciplinary matter.

- (iii) Within five working days the Leader of Council must notify the proper officer either of any objection received from a Cabinet member to the proposed dismissal and the reason(s) for the objection or that no objection has been received from a Cabinet member.
- (iii) The proper officer shall inform the Review Panel of the Cabinet's response and if an objection is received the Review Panel will consider whether the objection is material and well founded. If no objection is received or the Review Panel resolve that an objection is not material nor well founded it may then fulfil its role and its decision, including a letter of dismissal, to the proposed officer or make the appropriate recommendation to Council.
- (iv) If the Review Panel considers the objection received is either material or well founded the Review Panel will review the process undertaken and its decision before notifying the statutory Chief Officer of its final decision or making a recommendation to Council.

PART 5 – PROTOCOLS AND CODES

Chapter 1: Member Code of Conduct

Forest of Dean District Council Councillors' Code of Conduct

Introduction

Part 1	Rules of Conduct:
	Section One Overarching Principles
	Section Two Relationship with Others
	Section Three Interests
	Section Four Management of Information
Part 2	The Complaints process
Part 3	Sanctions

INTRODUCTION

Purpose of the Code

The Localism Act 2011 requires this Council to promote and maintain high standards of conduct by its Members and Co-opted Members. In discharging this duty, the Council is required to adopt a Code of Conduct which sets out the conduct expected of councillors.

The Council's Code of Conduct is divided into 3 sections:

1. The Rules of Conduct
2. The Complaints process
3. The Investigation and Determination of complaints

The Purpose of this Code of Conduct is to assist Members in the discharge of their obligations to the Council, their local communities and the public at large by:

- a) Establishing the standards and principles of conduct expected of all Members in undertaking their duties; and
- b) Ensuring public confidence in the standards expected of all Members and in the commitment of the Council to upholding the Code through an open and transparent process

Who and what does the Code apply to:

The Code applies to Members in all aspects of their activities as a Member, including when acting on Council business, ward/division business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.

Town and Parish Councils

This Code does not apply to town and parish councils who are required to have their own Code of Conduct.

Part 1: Rules of Conduct

It is a Member's responsibility to comply with the provisions of the Code of Conduct and to follow any advice given to them on the interpretation or application of this Code.

Section 1: Overarching Principles

As a Member of the Council:

- 1.1 It is your responsibility to comply with the provisions of this Code
- 1.2 You must comply with the Code wherever you –
 - a) Conduct business of the Council; or
 - b) Are acting as a representative of the Council

General Principles of Conduct

- 1.3 When acting in your role as a Member of the Council, you must ensure that you conduct yourself in such a manner that complies with the Seven Principles of Public Life (referred to in the Code as the "7 Principles"). These general principles of conduct were identified by the Committee on Standards in Public Life in its First Report. These principles will be taken into account when considering the investigation and determination of any allegations of breaches of the Rules of Conduct. For the avoidance of doubt a breach of any of the 7 Principles will be seen as a breach of this Code.

The Seven Principles

- 1.4 The Seven Principles of Public Life are:

Principle 1. Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Principle 2. Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Principle 3. Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Principle 4. Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Principle 5. Openness

Holders of public office should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Principle 6. Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Principle 7. Leadership

Holders of public office should promote and support these principles by leadership and example.

Section 2: Relationship with Others
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- 2.1 Members must treat others with respect
- 2.2 Members have a duty to uphold the law, including the general law against discrimination
- 2.3 Members have a duty to act with honesty and integrity and must never attempt to mislead officers, other members or the public.
- 2.4 Members must never present or submit any information to the Council or any of its committees which they know to be false or inaccurate
- 2.5 Members shall never undertake any action which would cause significant damage to the reputation and integrity of the Council as a whole, or of its Members generally
- 2.6 Members must not undertake any act or omission that would undermine the Council's duty to promote and maintain high standards of conduct for members
- 2.7 When reaching decisions on any matter, Members must have regard to any relevant advice provided to them by the Council's Section 151 Officer and/or the Monitoring Officer.
- 2.8 It is contrary to law for a Member to accept a bribe to influence his or her conduct as a Member, including any fee, compensation or reward in kind, in connection with the promotion of, or opposition to, any Motion, or other matter submitted, or intended to be submitted, to the Council.

- 2.9 Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, including in their use of public resources. 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.
- 2.10 Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is applied for the support or in assistance of the carrying of their duties as Members.
- 2.11 Members must not use their position as a Councillor to exert influence on relations with Council Officers or attempt to undermine the independence or impartiality of Council Officers when such Officers are acting in the course of their duties.

Use of Resources

- 2.12 When using Council resources, Members must ensure that they:
- a) comply with the protocol on the use of resources as set out in the constitution;
 - b) do not use or attempt to use their position as a Member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
 - c) when using or authorising the use by others of the resources of the Council-
 - (i) act in accordance with the Council's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - d) have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Additional Codes and Protocols

- 2.13 The obligations set out in this Code are also complementary to, and include those obligations which apply to Members falling within the scope of related Codes and Protocols of the Council, specifically.
- the Member/Officer Protocol
 - protocol for members determining planning applications (Part 2, Chapter 7.8)
 - the protocol for members determining Licensing applications (Part 2, Chapter 6.3)
 - the Information Security Policy

- the Acceptable ICT Usage Policy

2.14 For the avoidance of doubt a breach of any of these Codes/Policies/Protocols will be deemed to be a breach of the Code of Conduct

Section 3: Interests

- 3.1 As a public figure, a Member's public role may, at times, overlap with their personal and/or professional life and interests, however when performing a public role as a Member, you must,
- (a) act solely in terms of the public interest and
 - (b) not act in a manner to gain financial or other material benefits for yourself, your family, your friends, your employer or in relation to your business interests.
- 3.2 All members are required to complete and keep up to date a register of interests. To assist members, annual reminders are issued however it is the responsibility of individual members to ensure their register is kept up to date.
- 3.3 It is a legal requirement that the registers of interests are published on the Council's website. If you feel that your interest should be treated as sensitive because it could lead to you, or a person connected with you, being subject to violence or intimidation you should speak to the Monitoring Officer
- 3.4 All members are required to declare interests at meetings of the district council at which they are present and for which an agenda has been produced.

3.5 Disclosable Pecuniary Interests

A pecuniary interest is defined as:

“an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person”

You will have a pecuniary interest in a matter if:

- (1) the Member, or
 - (2) the Member's spouse or civil partner, or
 - (3) a person with whom the Member is living as husband and wife, or
 - (4) a person with whom the Member is living as if they were civil partners
- and the Member is aware that that other person has any interest which fall within the table below:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority²) made or provided within the relevant period³ in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body⁴ in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; <u>and</u></p> <p>(b) which has not been fully discharged.</p>
Land⁵	<p>Any beneficial interest in land which is within the area of the relevant authority</p> <p>NB This includes the property in which a member resides</p>
Licences	Any licence to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	<p>Any tenancy where to the member's knowledge</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body⁶ in which the relevant person has a beneficial interest</p>

² "relevant authority" means the authority of which the Member is a member

³ "relevant period" means a period of 12 months ending on the day on which the Member gives a notification to the Monitoring Officer of any Disclosable Pecuniary Interest.

⁴ "body in which the member has a beneficial interest" means (a) a firm in which the Member is a partner, or (b) a body corporate of which the Member is a director, or (c) in the securities of which the Member has a beneficial interest

⁵ "Land" excludes as easement, servitude, interest or right in or over land which does not carry with it a right for the Member to occupy the land or to receive income

⁶ See footnote 3

Securities⁷	<p>(a) Any beneficial interest in securities of a body where</p> <p>(b) that body (to the member's knowledge) that has a place of business or land in the area of the relevant authority; and</p> <p>(c) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or 1/100th of the total issued share capital of that body, or</p> <p>(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 which exceeds 1/100th of the total issued share capital of that class</p>
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A pecuniary interest must be added to the member's register of interests within 28 days of the member becoming aware of it and must be declared at any meeting of the Council at which they are present and for which an agenda has been produced.

Upon declaring a pecuniary interest the member must not take part in the debate or vote and should leave the meeting for that item of business. For the avoidance of doubt, even if a member is not a member of the committee or sub-committee etc which is considering the matter, the member is not entitled to sit within the public gallery where items are being discussed in which they have a pecuniary interest

Failure to declare a pecuniary interest is a criminal offence which is punishable by a fine of up to £5,000.

3.6 Other Interests

An other interest is any interest which relates to or is likely to affect:

- 1) any body of which the Member is in a position of general control or management, and to which he / she is appointed or nominated by the Council.⁸
- 2) any body:
 - a) exercising functions of a public nature;
 - b) directed to charitable purposes;
 - c) one whose principal purposes include the influence of public opinion or policy (including any political party or trade union)

⁷ "Securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000, and other securities of any description, other than money deposited with a building society

⁸ Example: where a Member has been appointed to a village hall committee by the Council

of which the Member of the Council is a member or in a position of general control or management;

- 3) any gifts or hospitality worth more than an estimated value of £50 which the Member has received by virtue of his / her office.

Other interests, which includes the disclosure of membership of any secret society should be contained within the member's register of interests and must be declared at any meeting of the Council at which they are present and for which an agenda has been produced. However, the member is entitled to remain within the meeting and to take part in the debate and vote.

3.7 Prejudicial Interests

A prejudicial interest is one where the well-being or financial position of the Member, members of their family, or people with whom the Member has a close association is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward or electoral division affected by the decision.

A member of your family should be given a very wide meaning. It includes a partner (someone you are married to, your civil partner, or someone you live with in a similar capacity), a parent, a parent-in-law, a son or daughter, a stepson or stepdaughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece, and the partners or any of these people.

A person with whom you have a close association is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects them. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.

Prejudicial Interests must be declared at any meeting of the Council at which a member is present and for which an agenda has been produced. Upon declaring a prejudicial interest the member must not take part in the debate or vote and should leave the meeting for that item of business. For the avoidance of doubt, even if a member is not a member of the committee or sub-committee etc which is considering the matter, the member is not entitled to sit within the public gallery where items are being discussed in which they have a prejudicial interest.

Do Seek advice if you are unsure whether to make a declaration
Do be aware of the definitions of interests
Do make all decisions on merit
Do keep your register of interest up to date
Do not place yourself in situations where your honesty and integrity may be questioned
Do not use your position improperly for personal gain or to advantage family, friends or close associates

Section 4: Management of Information

- 4.1 Information which Members receive in confidence in the course of their duties as Members should be used only in connection with those duties. Such information must never be used for the purpose of financial gain.
- 4.2 Members must not disclose information given to them in confidence by anyone, or information acquired by them which is believed, or ought reasonably to be believed to be confidential in nature. Members can only do so if:
- (a) they have the express consent of the person authorised to give it;
 - (b) they are required by law to do so (Members must ensure they seek the advice of the Council's Monitoring Officer in this regard before any disclosure);
 - (c) 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
 - (d) they have sought the consent of the Monitoring Officer prior to its release
- 4.3 Members must not prevent another person from gaining access to information to which that person is entitled by law.
- 4.4 Members must ensure that they do not improperly use knowledge gained solely as a result of their role as a Member for the advancement of themselves, their friends, their family members, their employer or their business interests.
- 4.5 Members must ensure that they do not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations.

Part 2: Complaints Process

Initial Assessment

- 5.1 Where a complaint regarding the conduct of a District Council Member, Town or Parish Member of one of the Councils in the Forest of Dean district is received it shall be referred to the District Council's Monitoring Officer (MO).
- 5.2 The person referring the complaint will complete a Code of Conduct complaint form (although complaints made in other forms such as by letter or email will be accepted) and will provide the MO with any documents or other material accompanying or evidencing the complaint and any associated documents and material which will assist in ascertaining if there has been a breach of the Members' Code of Conduct for the relevant Council (the Code).
- 5.3 The MO will ascertain if the alleged breach appears to be an offence under the Localism Act 2011 relating to Disclosable Pecuniary Interests. If it appears it is, the MO will refer it to the Police for investigation. The MO will inform the complainant that this has been done. The conduct of the matter will then be the responsibility of the Police, unless 5.4 applies.
- 5.4 If the Police decide not to investigate, or a decision is taken not to prosecute, then the process for dealing with other breaches of the Code, as set out below, will apply.
- 5.5 If it appears that the alleged breach is not an offence in accordance with 5.3 above the MO will:
 - Send a copy of the complaint and supporting documents/evidence to the Member alleged to have breached the Code and invite their response, either in writing or by meeting the subject member
 - Inform the complainant that an initial assessment is being made
- 5.6 The MO will make an initial assessment of the evidence to establish whether there is a prima facie case and whether the complaint falls within the scope of the remit of the Code of Conduct. If there is no prima facie case the MO will issue a 'No Further Action' decision notice. If the complaint is out of scope the MO will notify the complainant of their decision in writing. If however there does appear to the MO to be a prima facie case the MO will consult one of the Independent Persons (IP) before reaching a decision as to how to resolve the complaint. If the MO and IP consider that there is a possibility of a significant breach of the Code being found the matter will be investigated.

Investigation

- 5.7 If, after the initial assessment, a complaint is to be investigated the MO will arrange for an investigation to establish if the alleged breach or breaches of the Code have occurred. The investigation is to be completed as soon as is practicable and a written report will be provided by the investigator setting out a

summary of the facts, a review of the evidence, the investigator's conclusions as to whether there has been a breach of the Code, and the investigator's recommendations.

- 5.8 Where appropriate the report will then be referred to the Standards Panel for determination
- 5.9 The subject member will be invited to address the Panel and to answer any questions.
- 5.10 The Panel shall decide on whether the alleged breach or breaches are proved, on the balance of probabilities. If a breach or breaches are proved then the Panel shall determine what sanction, if any, should be imposed on the subject member.
- 5.11 Following the Panel's decision the MO shall inform the complainant, the subject member and the relevant group leader (if the complaint is against a member of the District Council) or the clerk (if the complaint is against a Member of a town or parish council) of the conclusions of the Panel and any sanctions imposed. The decision will then become a matter of public record.
- 5.12 The following complaints would not normally be referred for investigation:
- a) The complaint is not considered sufficiently serious to warrant investigation; or
 - b) The complaint appears to be simply motivated by malice or is "tit-for-tat"; or
 - c) The complaint appears to be politically motivated; or
 - d) It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor's private life or is about dissatisfaction with a Council decision; or
 - e) It is about someone who is no longer a Councillor
 - f) There is insufficient information available for a referral; or
 - g) The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances e.g. allegation of bullying, harassment etc.
 - h) The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
 - i) The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Panel; or
 - j) It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or
 - k) Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction.

Part 3: Sanctions

Where a complaint has been determined and a member found to be in breach of the Code of Conduct the following sanctions are available:

- a) The Member is issued with a formal censure (i.e. the issue of an unfavourable opinion or judgement or reprimand) by motion;
- b) Removal from committees or sub-committees of the Council;
- c) Removal from outside bodies, on which the Member represents the Council;
- d) Recommending to the Leader of the Council (or relevant Political Group leader as appropriate) that the Member be removed from the Cabinet/Executive or removed from particular Portfolio responsibilities;
- e) Instructing the Monitoring Officer to arrange training for the Member;
- f) Withdrawal of facilities provided to the Member such as emails access;
- g) Recommendation to Full Council that the Member is excluded from the Council Offices, with the exception of attending for Council and Committee meetings
- h) Instructing the Monitoring Officer to apply the informal resolution process;
- i) Recommending that the Council issue a press release or other form of publicity
- j) Publishing the findings in respect of the Member's conduct in such manner as considered appropriate.

Neither the Monitoring Officer nor the Standards Panel has any power to suspend or disqualify the Subject Member or to withdraw basic or special responsibility allowances.

Chapter 2. Member/Officer Protocol

Preamble

1. Mutual respect and trust between Members and Officers may seem obvious, but what happens when relationships go awry? Where can members and officers turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?
2. Such questions point to the need for a written guide to the basic elements of the relationship between members and officers:
 - to promote trust, openness, fairness and honesty by establishing some ground rules;
 - to define roles so as:
 - to clarify responsibilities (that is, who does what),
 - to avoid conflict, and
 - to prevent duplication or omission;
 - to secure compliance with the law, codes of conduct and a Council's own practices; and
 - to lay down procedures for dealing with concerns by members or officers.
3. The protocol should be recognised both as a central element of the Council's corporate governance, and as a commitment to upholding standards of conduct in public life. It's one way of demonstrating to the public at large that local government is serious about protecting and enhancing its integrity and reputation.
4. Members and officers must at all times observe this protocol. It should not be considered simply a list of do's and don'ts but also as guidance on cultural and behavioural matters to ensure that the Council benefits from good working relationships and achieves its full potential in delivering services to the community it serves.

Definitions

6. Unless the context indicates otherwise, references to the term "Council" includes Full Council, the Cabinet, all Committees, subcommittees and task/working groups.
7. Unless the context indicates otherwise, the terms "member" and "members" includes co-opted members as well as elected councillors.
8. "Officers" and "staff" mean all persons employed by the Council and Publica

"Senior officer" is as defined within the Constitution

"Designated Finance Officer" means the Chief Finance Officer (section 151 Officer) exercising the duties prescribed by law for the financial administration of the Council and the

“Monitoring Officer” means the officer exercising the duties prescribed by law for the ethical and legal administration of the Council.

The role of members

10. Members have a number of elements within their role:

- as politicians with political values and support for the policies of the group to which they belong;
- as representatives of all the electorate of the Council’s administrative area, and their ward in particular;
- as community leaders for the whole population of the administrative area;
- as an elected member with responsibility for the administration and service delivery to the community as a whole; and
- in personal life where they may have to live and/or work in the area in which they serve.

There is a need for members to be alert to the potential for conflicts of interest, which may arise within their role. Where such conflicts are likely, members may wish to seek the advice of senior colleagues, the relevant senior officer(s), and/or the Monitoring Officer.

11. Collectively, members are the ultimate policy-makers determining the core values of the Council and approving the authority's policy framework, strategic plans and budget. In particular, members should: Define the core values of the Council as an organisation, and with assistance from officers, identify the priority objectives
12. Members represent the community, act as community leaders and promote the social, economic and environmental well-being of the community often in partnership with other agencies.
13. Every elected-member represents the interests of, and is an advocate for, his/her Ward and individual constituents. He/she represents the Council in the Ward, responds to the concerns of constituents, meets with partner agencies, and often serves on local bodies.
14. Some members have roles within the Council relating to their position as members of the Cabinet, scrutiny committees or other committees and sub-committees of the Council:
 - a. The Leader and Cabinet collectively decide the day-to-day operational issues not delegated to officers and recommend framework policies and strategies to Council.

- b. Members serving on scrutiny and review committees monitor the effectiveness of the Council's policies and services, develop policy proposals and examine community issues.
 - c. Members who serve on other committees and sub-committees collectively have delegated responsibilities, for example, deciding quasi-judicial matters that, by law, are excluded from the remit of the Cabinet.
- 15. Some members may be appointed to represent the Council on local, regional or national bodies.
- 16. As politicians, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest. The political party values and aspirations should not be formally exercised by a political whip on members undertaking the scrutiny function.
- 17. Members will endeavour to give responses within a reasonable time, for example, 5 working days to enquiries from members of the public.

The rights and duties of members

- 18. Members have no authority to instruct officers other than:
 - through the formal decision-making process of Cabinet, the committees and Council; and
 - to request the provision of consumable resources provided by the Council for members' use;
- 19. Unless authorised by this Constitution under the Cabinet system individual members cannot authorise nor initiate actions nor certify financial transactions, nor enter into a contract on behalf of the Council. However, members who are appointed to certain positions may have to sign authorisations as required by secondary legislation or other requirements of this Constitution.
- 20. Members must avoid taking actions, which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their Code of Conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer and/or the Section 151 Officer.
- 21. A member should not criticise the conduct or capability of an officer at any meeting of Council or committee. Neither should a member write letters or give interviews to the press criticising officers. This is because of the long-standing convention in public service that officers do not have the same means of responding to such criticisms in public. If a member has a concern regarding an officer this should be addressed to a senior officer.
- 22. Members must respect the impartiality of officers and do nothing to compromise it, e.g. by insisting that officers change their professional advice. Members must respect that the officers have a duty to correct information given to Members during the decision-making process.

23. At party group meetings where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not members are not bound by the members' code of conduct. They do not have the same rights to Council information as members.
24. Members have a duty under their code of conduct:
 - To promote equality by not discriminating unlawfully against any person, and
 - To treat others with respect.
25. Under the code, a member must not when acting as a member or in any other capacity:
 - Bring the Council or his/her position as a member into disrepute; or
 - Use his/her position as a member improperly to gain an advantage or disadvantage for his/herself or any other person.

The role of officers

26. Officers should work in partnership with members to deliver the services to the community, to the standard set by the Council. Officers should be committed to the Council as a whole and must not show any bias, partiality or allegiance to any political group or grouping. Officers must always provide advice and information in an impartial and professional manner and in a manner that does not compromise their political neutrality.
27. Officers are employed to undertake the functions of the Council (including management responsibilities) and to help members attain their policy goals. Where operational decisions are delegated to the officers, they must exercise that authority in accordance with the adopted policy and values of the Council. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors and have a duty to advise members that certain courses of action desired by members cannot be adopted. Officers must not enter into a debate during the decision-making process unless to correct factual information or in response to a chairman's request for an opinion.

The rights and duties of officers

28. Officers must assist and advise all parts of the Council. They must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
29. Officers must be alert to issues, which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public. Officers have the right not to support members in any role other than that of member, and not to engage in actions incompatible with this protocol. In particular, there is a statutory limitation on officers' involvement in political activities.

30. Officers must also:
- a. Respond to members' requests for information promptly but within 5 working days (either with the information or an explanation why the period will be longer).
 - b. Act with honesty, respect, dignity, courtesy and integrity at all times.
 - c. Provide support and learning and development opportunities for members to assist members perform their various roles, and
 - d. Respect confidences.

The relationship between members and officers: general

31. Members and officers should inform the Monitoring Officer of any relationship which might be perceived as unduly influencing them in their respective roles.
32. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision that directly affects the officer on a personal basis, or vice versa.
32. There are particular characteristics of the use of e-mails, notably its immediacy, which can create a greater sense of 'bombardment' or 'harassment' than traditional forms of correspondence, which needs to be recognised and managed. Practical guidance for members and officers on the use of emails is referred to later in this protocol under the heading "Correspondence" and also in the Council's protocol on using email.
33. Officers' work priorities are set and managed by senior managers not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be unduly disrupted or asked to exceed the bounds of authority they have been given by their managers. Meetings should be arranged to a timescale that enables officers to complete tasks assigned to them and not at a frequency which disrupts other tasks set by the Council. Except when the purpose of an enquiry is purely to seek factual information on day-to-day matters, members should normally direct their requests and concerns to a senior officer, at least in the first instance.
34. Officers will do their best to give timely responses to members' enquiries within 5 working days but should not have an unreasonable volume of requests placed on them.
35. Officers shall not discuss with a member personal matters concerning themselves or another individual employee. This does not prevent an officer raising, on a personal basis, and in their own time, a matter relevant to a Council function with their ward member.

Relationships between Officers and Cabinet Members, Chairman of Committees and the Leader

36. It is important to the efficient discharge of the Council's functions that there should be a good working relationship between Members of the Cabinet, Head of Paid Service and Senior Officers and between the Chair of a committee and officers. However, such relationships should never be allowed to become close, or appear to be so close, as to bring into question the employee's ability to deal impartially with other Members and other party groups.
37. Officers frequently write reports having undertaken background research and professional and technical appraisals of proposals.
38. These reports are then presented by the Cabinet Member with Portfolio, with the assistance of officers where necessary.
39. Members must accept that in some situations officers will be under a duty to submit an opinion or advice in a report on a particular matter. In those situations the officer will always be fully responsible for those elements of a report submitted in the Member's name.
40. The principles set out in paragraphs 41 and 42 below apply to such elements of the report.
41. Where an officer wishes to consult a Cabinet Member or Chairman as part of the preparation of a report to a decision-making body under the Council's constitution, the following principles will apply. The Cabinet Member or Chairman may ask the report author:
 - (a) To include particular options;
 - (b) To clarify the report by expanding, simplifying or re-phrasing any part of the report or including other particular information;
 - (c) To check or correct any error or omission of any matter or fact including statements of summaries of policy or budget;
 - (d) To check any estimate of costs or savings.
42. The Cabinet Member or Chairman may not ask officers:
 - a. To exclude any option contained in the draft report;
 - b. To exclude or alter the substance of any statement in the draft report of any officer's professional opinion;
 - c. To alter the substance of any recommendation that compromises the officer's integrity or would result in illegality;
 - d. To exclude any report, comments or representations arising from consultations, publicity or supply of information to the community.
43. Certain statutory functions are undertaken by officers. Their reports on such matters are then their own full responsibility.

Scrutiny Arrangements

44. Cabinet arrangements raise particular issues for local authority employees because:
- a. The advice which officers have given to the Cabinet, its Members or to any group may be subject to scrutiny and examined by the Strategic Overview and Scrutiny Committee.
 - b. Officers may have written reports for presentation by a Cabinet Member with Portfolio or provided advice to the Cabinet. Where such a decision is subject to scrutiny by the Strategic Overview and Scrutiny Committee, or when a decision is called-in, an officer may provide information or advice to the Strategic Overview and Scrutiny Committee. Members must recognise that there is an inherent tension between these two roles. As circumstances change or more information comes to light, advice may reflect the difference.
 - c. The Strategic Overview and Scrutiny Committee and its members will need active assistance from officers if they are to perform their role of scrutinising the Cabinet effectively.

These factors will require understanding by Members of the role that officers have to perform.

Overview and Scrutiny

45. The scrutiny role of the Council is performed by the Strategic Overview and Scrutiny Committee and the Audit Committee. Senior Officers may need to attend the Strategic Overview and Scrutiny Committee to give evidence and assist in its scrutiny.
46. Where an employee /Senior Officer is required to attend before the Strategic Overview and Scrutiny Committee, to report to it or provide evidence for it, it is the employee's duty to do so, or to explain why he or she is unable or unwilling to do so. If after considering that explanation the committee insists on the information being provided the employee must do so.
47. Where the Strategic Overview and Scrutiny Committee has resolved to undertake a review it is the duty of Senior Officers to co-operate fully with the review. This duty extends beyond merely answering the Committee's questions and involves a requirement to assist the Committee in addressing the right questions and seeking the information which may be required to help them in their work.

Party group meetings and Officers

48. Party Group Meetings play an important role in the political management of the Council. They provide a useful forum to keep Members up to date with Council and Group business. They can assist in the smooth running of meetings especially in agreeing questions and motions for Full Council Meetings. .

49. Senior officers may properly be asked to provide advice and information on matters concerning Council business by party groups but should not contribute to deliberations of the group. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf. In their dealings with party groups, officers must treat each group in a fair transparent and even-handed manner. If one group requests particular support then other groups will be offered the opportunity to have similar support.
50. Officers have the right to refuse such requests, and will not attend a meeting of a party group where some of those attending are not members of the Council, unless specific authority has been given by the Head of Paid Service who has the discretion to discuss the request with other group leaders.
51. Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
52. Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer does not confer formal status on such meetings in terms of Council business and must not be interpreted as doing so.
53. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this will not be a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
54. It must not be assumed that an officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting of the group.
55. Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
56. Members must not do anything which compromises or is likely to compromise officers' impartiality. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
57. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting.

Local members and officers

58. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their representative role. Issues may affect a single ward. Where they have a wider impact, a number of local members will need to be kept informed.
59. This requirement is particularly important:
- during the formative stages of policy development, where practicable;
 - in relation to significant or sensitive operational matters;
 - whenever any form of public consultation exercise is undertaken; and
 - during an overview and scrutiny investigation.
60. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.
61. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, he/she should inform the relevant officer. Provided the meeting has not been arranged on a party political basis:
- an officer may attend but is not obliged to do so, and
 - the meeting may be held in Council-owned premises.
62. No such meetings should be arranged or held in the immediate four week run-up to Council elections, i.e. within the period following a declaration of an election or of a vacancy.
63. Officers must never be asked to attend ward or constituency political party meetings. Whilst support for members' ward work is legitimate, care should be taken if staff are asked to accompany members to ward surgeries. In such circumstances:
- the surgeries must be open to the general public, and
 - officers should not be requested to accompany members to surgeries held in the offices or premises of political parties.
64. It is acknowledged that some Council staff may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.
65. In seeking to deal with constituents' queries or concerns, members should not seek to jump the queue but should respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

Members' access to documents and information

66. This part of the protocol should be read in conjunction with the statutory provisions relating to access to information, the rules in the Council's constitution and the Freedom of Information guidance.
67. Members may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as members. This may range from general information about some aspect of the Council's services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:
- it is in the public domain, and
 - it is not barred by the Data Protection Act from being given.
68. It will be the task of senior officers to ensure that adequate systems to communicate information etc. are in place and other officers are made aware of the need to provide the information. If a member has need of specific information, other advice or particular support, this should be channelled through the senior officer.
69. Every member of a committee has a right to inspect documents about the business of that committee or subcommittee.
70. A member who is not a member of a specific committee or subcommittee may have access to any document of that specific part of the Council provided:
- the document is in the public domain; or
 - they can demonstrate a reasonable need to see the documents in order to carry out their role as a member (the "need to know" principle); or
 - the documents do not contain "confidential" or "exempt" information as defined by the law, e.g. personal information covered by the Data Protection Acts, and
 - the subject matter is one in which they do not have a personal or prejudicial interest as defined in the members' code of conduct.
71. Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.
72. Members may approach any Senior Officer for information, explanation or advice about that group's functions, as they may reasonably need to know in order to assist them in discharging their role as members of Council, being aware that personal information may not be disclosed without proper authorisation.

73. Information that is of a sensitive nature, e.g. personal data, commercially confidential, etc. which is given to a member or officer must only be used for the purpose for which it was requested, i.e. the better performance of Council duties, and should not be used for personal benefit, including benefit to family, friends and business. Information, which is restricted in circulation, for example, confidential, commercially sensitive or exempt, must not be disclosed by the member to any other party. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
74. When requested to do so, officers will keep confidential from other members advice requested by a member, save the Monitoring Officer if the matters involve maladministration but in that case the source of the information will be kept confidential.
75. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

Media relations

76. Press releases or statements issued by the Council will be factual and consistent with Council policy. They cannot be used to promote a party group. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
77. If a member is contacted by, or contacts, the media on an issue, he/she should:
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
 - take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.
 - Not divulge advice given personally to that member by an officer, and
 - not jeopardise the necessary trust between officers and members by making statements apportioning blame to officers for decisions made by members or personally criticise the officer for the advice he gave. Qualified privilege may not apply to defamatory statements made against officers

Correspondence

78. Correspondence (which includes e-mail) between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no "blind"

copies. Officers may forward copies to other (relevant) officers where specific action is required to be taken or explained.

79. When sending e-mails the following principles apply in addition to the requirements of the Email Protocol:
- a. Keep the distribution to the minimum - only send to the people who actually need the information, etc. Gratuitous copies are intrusive and can cause inefficiency and loss of effectiveness.
 - b. Emails etiquette differs from letter writing - ensure that the content of the email does not offend in its tone and is not ambiguous.
 - c. Check spelling.
 - d. Always read the email before sending to make sure it conveys the right message.
80. Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a member. When writing in an individual capacity as a ward member, that fact must be made clear.

Access to premises

81. Members and officers have a right of access to Council owned land and premises to fulfil their duties. Members have no right of access to any other private land, save that they own.
82. When making visits as individual members, members should:
- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - comply with health and safety, security and other workplace rules;
 - not interfere with the services or activities being provided at the time of the visit;
 - if outside his/her own ward, notify the ward member(s) beforehand; and
 - take special care at schools and establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

Use of Council resources

83. Officers and members must comply with the Information Security Policy and Use of Resources Policy.

Interpretation, complaints and allegations of breaches

84. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Head of Paid Service, Monitoring Officer or Deputy Monitoring Officer.
85. Members should honour the convention which precludes officers responding to statements by members in a public forum. A member who is unhappy about the actions taken by, or conduct of, an officer should:
 - avoid personal attacks on, or abuse of, the officer at all times,
 - ensure that any criticism is well founded and constructive,
 - avoid making a criticism in public, and
 - follow the adopted internal procedures.
86. The Head of Paid Service is responsible for the disciplining of retained staff and processes have been agreed with the trade unions, which allow a fair and thorough review of conduct. It is important that these procedures are adhered to in cases where an officer's conduct gives cause for concern. Publica has its own arrangements in place for the disciplining of Publica employees
87. Officers who have concerns about a member's conduct should initially refer the issue to their line manager, the Head of Paid Service, Monitoring Officer or a Senior Officer and if the issue remains unresolved consider whether internal processes should be initiated or a complaint lodged with the Standards Panel depending on the nature of the grievance.

Chapter 3. Protocol for the attendance of officers and members at meetings of another Public Authority

This protocol is agreed by

Cheltenham Borough Council
Cotswold District Council
Forest of Dean District Council
Gloucester City Council
Gloucestershire County Council
Stroud District Council
Tewkesbury Borough Council

1. An authority may request 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 at least 10 working days before the date of requested attendance 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, having received 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 or whether 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

Chapter 4: Appointments of Members to Outside Bodies

Where meetings of the outside body have not taken place, then it would be prudent to remove these appointments from the Council's list of appointments.

Where members have not attended the meetings of an outside body, this should be deemed to be evidence of a lack of need for appointment to the organisation, and the appointment should be deleted from the Council's list of approved duties.

Unless a clear and resource-neutral benefit from personal representation on an outside body can be identified, the Council should decline to appoint such representatives but will, where providing public finance to the organisation, require formal service level agreements prior to the award of any funds.

Where grants/loans/funding of £5,000 or more are being awarded to outside bodies, these will be preceded by the completion of a service level agreement which will identify the expected outcomes/outputs to be achieved by the recipient organisation, and the necessary methodology for assessing compliance with those objectives set by Council. The organisation will also be required to identify the benefit of having Council representation on its management committee, and confirm the frequency of meetings and the frequency of attendance of members at these meetings.

Where members are appointed to the outside bodies referred to in the previous paragraph, they will report back in writing every six months (in October and April). The report will be circulated to all members of the Council, and will provide details of the work undertaken by the organisation, the continuing benefit of personal representation, a cost/benefit analysis (not necessarily a financial assessment) of the achievements of the organisation, and its effectiveness in delivering the outcomes/outputs required by the Council. Officers will complement these reports with information gleaned under the formal service level agreements.

Where members are appointed to outside bodies not in receipt of grants, loans or other funding of £5,000 or more, the members will provide a written report in April of each year. The report will be circulated to all members of the Council, and will provide details of the work undertaken by the organisation, the continuing benefit of personal representation, a cost/benefit analysis (not necessarily a financial assessment) of the achievements of the organisation, and its effectiveness in delivering the outcomes/outputs required by the Council.

Any member may refer these reports, or issues raised by the reports, to the appropriate overview and scrutiny committee if further consideration is felt necessary.

Members will report back to the Strategic Overview and Scrutiny Committee where they believe that there is little value in continuing personal representation on outside bodies.

Chapter 5: Protocol on the Use of Council facilities & resources by Councillors

1. Introduction

1.1 The Council provides facilities and resources to assist members in carrying out their duties as councillors or as holders of an office within the Council.

1.2 The Members Code of Conduct states:

12. Members shall observe the following rules when using the resources of the Authority, or authorising the use of those resources by others:

- (1) Do act in accordance with the authority's reasonable requirements including the requirement of the authority's IT policy and the policies as set out in this Code which you are deemed to have read;*
- (2) Do make sure that such resources are not used improperly for political purposes (including party political purposes); and*
- (3) Do have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986;*
- (4) Do not improperly use knowledge gained solely as a result of your role as a member for the advancement of your own interests.*

1.3 This protocol seeks to build on the Code of Conduct and explain the limitations placed on the use by Members, of the Council's facilities and resources

2. Use of facilities and resources

2.1 Members may use Council facilities and resources for political purposes, in connection with the following business;

- (a) holding ward surgeries;
- (b) dealing with correspondence from constituents;
- (c) communication group activities;
- (d) meetings between group members

2.2 The Council is prohibited from publishing any material of a party political nature and Members should ensure that when using or authorising the use by others of the Council's facilities and resources, that such facilities and resources are not used for purely political purposes and that the use of Council premises is restricted to premises available to the public generally and paid for at the full hire costs.

2.3 A Member's use of Council facilities and resources must not extend to political parties more generally. Use of Council owned premises for party political purposes (where such meetings are used to further the political aims and objectives of the party concerned) must be restricted to premises available to the public generally and paid for at the full hire costs.

- 2.4 In cases where 2.3 does not apply, such as political group meetings where the purpose includes Council business and is not solely to further political aims and objectives, then Members can make use of rooms available at the Council Offices, without charge provided that:
- (a) rooms are available for the required time;
 - (b) meetings are restricted to Monday – Friday (except Bank holidays or when the offices are closed for example during the Christmas period or at times on inclement weather), and start no earlier than 7.30am and finish no later than 9.00pm Monday –Thursday and 7.00pm on Fridays.
If Members want to hold meetings outside of these days/times then it must be agreed in advance with the Head of Paid Service or other Senior Officer and the expenses incurred must be met by the political party's funds and not Council funds;
 - (c) Evening meetings must be booked at least 7 days in advance through Democratic Services, to ensure the correct number of security officers are on-site for health and safety reasons;
 - (d) Third parties may attend political group meetings held in the Council's offices, provided that the primary purpose of the meeting is the consideration of business relevant to Forest of Dean District Council and not the political party.
- 2.5 Members must not use any Council facilities and/or resources for purely political purposes, including designing and distributing party political material produced for publicity purposes and support of any political party or group activity or elections and campaigning.

3. Private/Personal Use

- 3.1 As a general rule, facilities and resources paid for by the public purse and provided for use in Council business should only be used for Council business.
- 3.2 Members are required to adhere to the Council's Information Security Policy and to sign an acceptable use policy.

4. Complaints and allegations of breaches of this protocol

- 4.1 Allegations of any failure to meet this Protocol must be made in writing, to the Monitoring Officer. The Monitoring Officer will consider how the complaint or allegation should be dealt with.

5. Further Guidance

- 5.1 Further advice or clarification can be sought from the Monitoring Officer