



**Dear Sir / Madam**

You are hereby summoned to attend a meeting of Council to be held in the Council Chamber, Municipal Offices, on **Monday, 10 October 2011 at 2.30 pm** at which meeting the following business will be transacted and any other business which may be legally transacted at such a meeting.

<b>Councillors</b>
Anne Regan, Barbara Driver (Chair), Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Tim Cooper, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Rob Garnham, Les Godwin, Penny Hall, Colin Hay (Vice-Chair), Rowena Hay, Diane Hibbert, Sandra Holliday, Peter Jeffries, Steve Jordan, Robin MacDonald, Paul Massey, Helena McCloskey, Andrew McKinlay, Heather McLain, Paul McLain, John Rawson, Diggory Seacome, Duncan Smith, Malcolm Stennett, Charles Stewart, Klara Sudbury, Lloyd Surgenor, Pat Thornton, Jon Walklett, Andrew Wall, John Webster, Paul Wheeldon, Simon Wheeler, Roger Whyborn and Jo Teakle

## **Agenda**

- 1. PRAYERS**
- 2. APOLOGIES**
- 3. DECLARATIONS OF INTEREST**
- 4. TO APPROVE AND CONFIRM THE MINUTES OF THE MEETING HELD ON THE 27 JUNE 2011** (Pages 1 - 20)
- 5. PUBLIC QUESTIONS**  
None received.
- 6. COMMUNICATIONS BY THE MAYOR**
- 7. COMMUNICATIONS BY THE LEADER OF THE COUNCIL**
- 8. MEMBER QUESTIONS**  
2 received (see separate sheet).
- 9. PETITION REGARDING STARVEHALL FARM AND PLAYING FIELDS** (Pages 21 - 28)  
A debate on a petition received on the 10 August 2011
- 10. REVIEW OF THE CONSTITUTION** (Pages 29 - 146)

- 11. STATEMENT OF ACCOUNTS** (Pages 147 -  
Statement of the Chair of the Audit Committee 150)

- 12. REVIEW OF POLLING DISTRICTS, PLACES AND STATIONS** (Pages 151 -  
Report of the Chief Executive 174)

- 13. NOTICES OF MOTION**  
**Motion A**  
**Proposed by: Councillor Bickerton**  
**Seconded by: Councillor Jeffries**

This Council considers there are alternatives to mass incineration of domestic waste. This is mature technology which has economic advantage both in the short-term and overall life cycle costs, more environmentally friendly, and compatible with the planned future improved recycling rates across the County.

The Council requests of Gloucestershire County Council, as part of the Waste Management Strategy of reducing Landfill, that alternative UK waste technologies are considered in detail along with the existing incinerator schemes being put forward for Javelin Park/Haresfield.

- 14. TO RECEIVE PETITIONS**

- 15. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION**

- 16. NORTH PLACE AND PORTLAND STREET - PROGRESS UPDATE** (Pages 175 -  
Report of the Cabinet Member Built Environment (any discussion on the financial information will be taken in exempt session) 186)

- 17. LOCAL GOVERNMENT ACT 1972 -EXEMPT INFORMATION**  
**The Council is recommended to approve the following resolution:-**

“That in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3 for agenda item 18 and paragraphs 1, 3 and 5 for agenda item 19, Part (1) Schedule (12A) Local Government Act 1972, namely:

**Paragraph 1;** Information relating to any individual.

**Paragraph 3;** Information relating to the financial or business

affairs of any particular person (including the authority holding that information)

**Paragraph 5;** Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

**18. TREASURY MANAGEMENT ISSUE**

Report of the Chief Executive

(Pages 187 -  
194)

**19. REQUEST FOR DISCRETIONARY ALLOWANCE UNDER  
THE LOCAL GOVERNMENT (DISCRETIONARY  
PAYMENTS) REGULATIONS 1996**

Briefing by the Director of People, Organisational  
Development and Change / Borough Solicitor and Monitoring  
Officer

**Contact Officer:** Saira Malin, Democracy Officer, 01242 775153

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**Andrew North  
Chief Executive**

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## Council

**Monday, 27th June, 2011**

**2.30 - 7.30 pm**

<b>Attendees</b>	
<b>Councillors:</b>	Barbara Driver (Chair), Anne Regan, Garth Barnes, Ian Bickerton, Nigel Britter, Chris Coleman, Tim Cooper, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Rob Garnham, Les Godwin, Penny Hall, Colin Hay (Deputy Chair), Rowena Hay, Diane Hibbert, Peter Jeffries, Steve Jordan, Paul Massey, Andrew McKinlay, Heather McLain, Paul McLain, John Rawson, Diggory Seacome, Duncan Smith, Malcolm Stennett, Charles Stewart, Klara Sudbury, Pat Thornton, Jon Walklett, Andrew Wall, John Webster, Paul Wheeldon, Simon Wheeler, Roger Whyborn and Jo Teakle
<b>Also in attendance:</b>	

## Minutes

### 1. APOLOGIES

Apologies were received from Councillors Holliday, McCloskey, McDonald and Surgenor.

Grahame Lewis, Executive Director, had also given his apologies and the Mayor wished him well in his operation on Thursday.

### 2. PRAYERS

Reverend Tim Mayfield opened the meeting with a prayer.

### 3. DECLARATIONS OF INTEREST

Councillors Barnes and Seacome declared a personal interest in agenda item 9 as members of the Cheltenham in Bloom committee. Councillor Thornton declared a personal interest in agenda item 9 as a Friend of Montpellier Bandstand and Gardens. Councillor Smith declared a personal interest in the Notices of Motion relating to the County Council as a member of the County Council. Councillor Garnham declared a similar interest.

### 4. TO APPROVE AND CONFIRM THE MINUTES OF THE MEETING HELD ON 16 MAY 2011

**RESOLVED** that the minutes of the meeting held on the 16 May 2011 be agreed and signed as an accurate record subject to Councillor Holliday and Smith being listed as giving their apologies for the meeting.

### 5. PUBLIC QUESTIONS

The following responses were given to the public questions received:

1.	<b>Question from David Stennet of the Friends of Imperial Square and Gardens</b>
	<p>The Friends of Imperial Square and Gardens have a positive feel about the future of Imperial Gardens and concur with your plans showing the extra pathway entrances to the Gardens. We will remain vigilant.</p> <p>If the virtual images we have seen in the public consultation display regarding the proposed new look of the Gardens become a reality then Councillors, Parks Dept., Friends of Imperial Square and Gardens, Cheltenham in Bloom and the people of Cheltenham can take a bow.</p> <p><b>i) There is a lot to live up to and we would ask for the Council's guarantee that all parties observe their promises.</b></p> <p>Floral grandeur is a major component of the project. It is proposed to reduce the floral overall area from 650 square metres to 620 square metres and from 48 flowerbeds to 33. Meanwhile, The Festivals' tent capacity is increased by one third to nearly 3000 square metres.</p> <p><b>ii) As it is the intention to board over some of the flowerbeds when Festivals take place, why can't extra floral display beds be put on the south and east sections to make up to the present volume?</b></p> <p>We would encourage the planting of mature staked specimen trees instead of young saplings to help restrict any acts of vandalism. The Jazz Festival's move away is welcome. This will relieve the eco-pressure on Imperial Gardens. It is imperative that all damage to flowerbeds and lawned areas be restored promptly after Festival use, otherwise strict penalties should be imposed. It is unfair to drift into a repeat of the past eighteen months when Imperial Gardens has looked like a wasteland. The people of Cheltenham deserve better. Tents must go up and down in double-quick time. There must be a covenant that The Festivals meet the costs of restoration of the lawns and flowerbeds to the highest order.</p> <p>We like the idea of Skillicorne Gardens being opened up, but caution about possible noise and disturbance from loud music and drinking disorders. Use for Wedding Parties is being suggested but this should not lead to the extension of existing licences appertaining to both the Garden Bar and Town Hall.</p> <p><b>iii) Can the Council give us an assurance that they have no such plans?</b></p> <p><b>iv) Can you also re-state your commitment to The Gardens' Code of Conduct Policy being enforced, namely no ball games, no bicycle riding, no alcohol drinking, no litter and no dogs allowed except on leads?</b></p> <p>This is particularly important at any time and more so now you are going to spend £140,000 on the first step of the Imperial Gardens Upgrade."</p>
	<b>Response from Cabinet Member Sustainability, Councillor Roger</b>

	<b>Whyborn</b>
	<p>i) The Council will keep its promises.</p> <p>ii) There will be increased planting of shrubbery and perennials around the periphery of the gardens, also the central avenue with flowering trees, as well as the replanting of Skillicorne gardens using climbing plants, for example roses. Regarding the square meterage of flower beds, officers will look at whether this can be increased in a way that gives a tasteful and practical effect.</p> <p>The contract between the Council and Cheltenham Festivals will require that damage to flowerbeds and lawned areas are restored after Festival use at their expense. Both sides will attempt to undertake this as promptly as the weather allows.</p> <p>A 75 day per annum rule will be applied to the length of time tents may occupy the lawns.</p> <p>iii) The council has no plans to extend the licensing hours in the Gardens.</p> <p>iv) The council is committed to protecting the infrastructure and public enjoyment of Imperial Gardens and will take reasonable and practical steps within our power to deal with unwelcome behaviour. To do this we will continue to work closely with the police and the community.</p> <p>In a supplementary question, David Stennett, commented that recent observations had dented his enthusiasm as the appearance of the Imperial Gardens was not living up to expectations following the recent Festivals. Only a limited amount of restoration work had been done and turf needed reworking. He considered this tarnished the image of Cheltenham and asked who was going to take the possibility for making sure that the reinstatement work was carried out properly?</p> <p>The Cabinet Member replied that some returfing work had already been carried out following the Science Festival. Parks and Gardens staff were still working on this and he asked the Friends to bear with the council as it would be completed shortly.</p>
<b>2.</b>	<b>Question from Diane Lewis</b>
	<p>Why can the argument "option 2 seeming the more likely option was more based on that option being broadly acceptable to the Friends of Imperial Gardens than option 1 being unacceptable to Cheltenham Festivals" be used as a fair, rational and democratic means of arriving at a decision to give the whole of Imperial Gardens to Cheltenham Festivals and deprive the residents of Cheltenham of the most popular recreational area in Cheltenham?</p>
	<b>Response from Cabinet Member Sustainability, Councillor Roger Whyborn</b>
	<p>The plans for Imperial Gardens which were put out on consultation were arrived at after considerable deliberation as to the competing demands for their usage. On the one hand, many tens of thousands of the tickets</p>

	<p>sold for Cheltenham Festivals are bought by citizens of the Borough, whilst on the other hand it is recognised that Imperial Gardens is much loved and well used, and has been dubbed the jewel in Cheltenham's crown by some. We have sought to create a Festival in a Garden approach, and to leave adequate space for circulating and sitting down, and not just for tents. Indeed it is planned to create space around the bar area where currently we have the crazy situation of having to close the garden bar for the Literature festival! Moreover, we propose to reduce the occupancy of the gardens from 107 to 75 days pa. Early indications from the consultation are that we have pitched the design about right, with a generally sympathetic response to the plans displayed.</p> <p>In a supplementary question, Diane Lewis, asked why the council had allowed Cheltenham Festivals to bring in numerous retail outlets providing food and other services on the Saturday of the Jazz Festival when the justification for the festivals being located in Imperial Gardens was that they provided trade for businesses in Cheltenham.</p> <p>In response the Cabinet Member said that the agreement with the caterers, Fosters, at the Imperial Gardens and Town Hall, allowed for certain supplementary services to be offered supplying food and drink which Fosters were unable to supply. The Cabinet Member said he couldn't comment on this particular Saturday.</p>
<b>3.</b>	<b>Question from Fiona Wild</b>
	<p>It should be noted that Imperial Gardens has the highest number of visitors of any similar-sized garden in the country and the new design is certainly ingenious. However, if the experiment of spreading the festival tents more widely but sparsely across the whole area (and including Montpellier Gardens) does not work and Ms Renney carries out her threat to take the Festivals elsewhere, will the (I quote Cllr. Rawson) "historically important gardens", be restored to their former glory. In other words, is there a Plan B?</p>
	<b>Response from Cabinet Member Sustainability, Councillor Roger Whyborn</b>
	<p>No, we are not planning on failure, and the proposed design of Imperial Gardens is considered to be good in its own right. However I recognise that usage of the gardens, including Montpellier Gardens, is a moving situation. So if the Council in the future was faced with a decision to further redesign the gardens - for whatever reason, it would base its thinking on the situation at the time.</p> <p>In a supplementary question, Fiona Wild, held up a photograph showing the damage to a grassed area of Imperial Gardens. She asked whether the council was going to go down as the first in local history to be held over the barrel of a gun by Cheltenham Festivals and allow an act of vandalism on the gardens from which the gardens would never recover.</p> <p>In response, the Cabinet Member said 'No'.</p>



**6. COMMUNICATIONS BY THE MAYOR**

The Mayor said she had written a letter of condolence To the family of Colour Sergeant Kevin Fortuna, who had been killed recently in Afghanistan.

She referred to the recent death of former Councillor Gerry Gearing and asked Council to stand for a minutes silence as a mark of respect. She invited Councillor Garnham to say a few words.

Councillor Garnham reminded members that Gerry Gearing had been a borough councillor for nine years from 1999 to 2008. During that time he had served both his ward and party conscientiously and had been tenacious in getting answers and actions on behalf of his constituents. He had taken pride in being a Councillor and serving the people of both Park Ward and Cheltenham. He thanked him for his personal support and said that the thoughts of everybody were with his wife Diana and the family.

The Mayor referred to the Challenge she had put out to all councillors and officers to help raise money for her charities.

She confirmed that she had asked that a seating plan be reintroduced for the Council Chamber at Council meetings. This would benefit both herself and the press and public in identifying speakers.

**7. COMMUNICATIONS BY THE LEADER OF THE COUNCIL**

The Leader added his own tribute to Gerry Gearing in that he had been an enthusiastic director of Gloucestershire Airport.

The Leader reminded members that any bids for Community Pride awards had to be submitted by 1 July 2011.

**8. MEMBER QUESTIONS**

No member questions were received.

**9. IMPERIAL GARDENS OUTLINE DESIGN AND CONSULTATION**

The Cabinet Member Sustainability introduced the report as circulated with the agenda. The report informed members of progress on the garden redesign and consultation process and the Cheltenham Festival proposals for Imperial and Montpellier Gardens. The intention was for the designs, together with feedback from the consultation and today's Council Debate to be reported back to Cabinet for a decision at the end of July. If approved by Cabinet, phase 1 of the works would be worked up in more detail and more accurate costings obtained. Planning and listed building consent would be applied for where required with a view to works being undertaken during this coming Autumn and Winter.

During the debate that followed, Members acknowledged that the festivals were vital for Cheltenham and the council needed to support them. However the gardens were an iconic part of Cheltenham which had been there long before the festivals and needed to be protected. It was accepted that the balance

between the festivals and the gardens was a difficult issue to resolve but it was a very important issue to the people of the town and therefore they should have the have the biggest say.

Councillor Malcolm Stennett, as the Chair of Economy and Business Improvement Overview and Scrutiny Committee (EBI), raised particular concerns about the involvement of overview and scrutiny in the process. Whilst he supported the festivals he had seen no proper business plans. On 7 March 2011, EBI had requested a report on the issue but the paper had been light weight and contained no economic information. Consequently the committee had passed two resolutions. Firstly the committee had recommended that Cabinet receive additional economic and financial information in order for them to be in a position to assess the benefit of implementing changes to the town centre parks in an endeavour to meet the requirements of Cheltenham Festivals. Along with the proposed options consideration should also be given to maintaining the status quo and / or using areas at the racecourse or in Pittville Park. Secondly the committee requested that they be involved in reviewing the economic aspects during the next stage of the consultation and receive a detailed report on the options with a full financial breakdown when it is available.

The Cabinet Member Sustainability had received a reminder in May that EBI were expecting this report at their July meeting. The response received had been disappointing as the Cabinet Member had refused EBI's request for the second time saying that he saw no benefit in officers spending time preparing the information requested. As chair of EBI, he had insisted that a report was received at their next meeting on the 18 July so that O&S comments could be fed into the Cabinet meeting on the 26<sup>th</sup> of July. He would continue to press for this report.

Councillor Stennett concluded that it was exceedingly worrying that work was proceeding without giving due consideration to the full financial aspects of a business case. It was after all a major change to a conservation area and there appeared to be no future business plans for the next five years. This seemed unprofessional. What would happen when further expansion of the festivals was requested?

In response the Cabinet Member Sustainability said he had no more to add to the written responses he had made to Councillor Stennett. The money being spent on the gardens was not solely for the benefits of Cheltenham Festivals but the expenditure was to benefit the people of Cheltenham. Therefore it was not appropriate to justify improvements to the parks in business terms. He was not prepared to spend thousands of pounds on consultants to verify the economic figures supplied by the festivals.. With regard to future expansion he was clear that the proposed schemes represented the limits for Imperial Gardens and Montpelier Gardens. Cheltenham Festivals were well aware that they would have to look elsewhere for future expansion though in his view a total out-of-town venue would not be an option he would support.

Members asked a number of questions and the responses of the Cabinet Member are listed below:

- Will the Cabinet Member give his reassurance that there will be a written response to the concerns raised by Cheltenham in Bloom on page 15 of the report.
  - The Cabinet Member confirmed that he would reply in writing and similarly to other comments he had received. This included those from the Civic Society which had been received too late for inclusion in the papers.
- Will any new trees and plants be obtained from local producers to enhance the local economy?
  - They would do their best but the council was obliged to follow procurement rules and ensure good value for money was obtained on all its purchases.
- Can the Cabinet Member reassure members that the budget allocated of £140,000 will be sufficient to cover the work and what would happen if it proves to be insufficient or there are insufficient funds to carry out the ongoing maintenance work?
  - The Cabinet Member assured members that the plans would be thoroughly costed before taking any action and there was no plan to leave the work unfinished. The ongoing maintenance work was budgeted for and any restoration work following a festival would be carried out at Cheltenham Festival's expense.  
The Leader added that the costs of Phase 1 had been fully costed in this year's budget and any Phase 2 requirements would form part of future budget proposals.
- How confident was the Cabinet Member in the estimates for the redesign work given the experience of Pitville Park when the tenders for the work on the bridge came in well above the original estimates?
  - He gave his personal assurance that all the works would be delivered to time?
- Will the council receives some of the financial benefits from the redesign work it is carrying out to extend the bar area and Skillicorne Gardens.
  - There would be regular renegotiation of the contract with the caterers and he was confident that the Cabinet Member Sport and Culture would ensure the council receives its fair share of the profits. The Cabinet Member Sport and Culture said that consideration of Skillicorne Gardens would be taken into account when negotiating any deals with catering companies. Currently the council received 10% of turnover as commission and the contract was due to be renegotiated in October 2011.
- How will the success of the redesign work be measured to confirm that the right decision had been made? Documentation of the alternative options would have been useful.
- What guidance was going to be given to delivery lorries given the recent damage where lorries had ripped up the turf leaving a quagmire?
  - This had been noted and work was in progress to address the issue.
- What action was the council proposing to take on the fast food and mobile take-aways present in the gardens at the recent festival? The experience at the Jazz Festival on the May Bank Holiday was that the mobile food outlets smelt unpleasant and their presence demonstrated a lack of respect on behalf of Cheltenham Festivals. It was also questioned why the festivals had asked for extra tentage space if it was now being used for fast food outlets?

- This would be reviewed along with the licensing requirements and the council would want any such services to be of a high standard. The Cabinet Member Sport and Culture said that burger vans had not been part of the contract so he was concerned to hear about this and would follow it up.
- There had been poor communication from the council to the public on the usage of the gardens and restoration work. Could a public notice be put on the iron railings to explain the timetable?
  - This would be considered with a view to publishing an annual plan in a public place.
- Can the Cabinet Member reassure members that any restoration work is timetabled in both the calendars of Cheltenham Festivals and Parks and Gardens to minimise the destructive aspects to the gardens and ensure the impact of the festivals is hardly noticeable. Precision and attention to detail are needed as the gardens are currently in a frightful state.
  - No amount of precision would allow the grass to regrow overnight after a festival but several options were being considered including planting the grass seed before the Festival. There was already a calendar in place which included spring bedding before the Science Festival and then planting of summer bedding before the Literature Festival and then restoration work for the winter.
- Can the Cabinet Member give a straight yes or no answer to the question asked by the Friends of Imperial Square and Gardens regarding the council's commitment to enforcement of the Gardens' Code of Conduct Policy?
  - Yes he would ensure the Code of Conduct was upheld
- Who will be responsible for enforcement of the restoration of any damage to the gardens and who will be accountable to members and to the public?
  - The contract between the council and Cheltenham Festivals would be enforced in the usual way. He was sure that the member concerned was well aware of the officers responsible for enforcement and therefore he was not prepared to answer the question in the chamber.
- Could a suspended floor area be considered for the grassed areas as well as the beds to minimise damage to the turf?
  - This could be looked at but there was likely to be a cost involved.

The Mayor thanked members for their comments and hoped that they would be considered by Cabinet when making their decision on the outline design in July.

### **10. FINANCIAL OUTTURN 2010/11 AND QUARTERLY BUDGET MONITORING TO MAY 2011**

The Cabinet Member for Finance and Community Development introduced the joint report and made the following points:

- The predicted overspend of £801,700 in the budget monitoring report to the end of August 2010 had been converted to an underspend of £174,086 in 2010/11 which was an outstanding achievement by officers across the council.
- £303,200 required Member approval at Council to carry forward

requests.

- The proposed solution for the Bath Road toilets was an innovative approach involving local people in the service and satisfying their needs at a reduced cost to the council.
- Indications were that there would be a favourable verdict to the Icelandic Bank situation but this had not been assumed.
- The LAA performance reward grant was enabling a further round of Community Pride awards to the value of £30,000.
- An innovative use of the New Homes Bonus was being proposed to fund small environmental works and a fund to support events in the town. Both of these initiatives would help to attract visitors and trade to the town during the difficult economic climate.
- He supported the recommendations of the Section 151 Officer and considered it was prudent to increase the bad debt provision in view of the changes to the benefit regime.
- Additional proposals for bringing forward the roof repairs at the Everyman Theatre and funding the much-needed toilet refurbishment at the Town Hall were included.
- There had been a drop in income from offstreet parking. He considered that this was due to the current economic climate, the increased usage of buses by those eligible for concessionary fares and the public opting for more greener ways of travel.
- The take up of the garden waste scheme had been slower than anticipated in this financial year and if this trend continued there would be a shortfall of income of £223,200 in 2011/12. He acknowledged that some members of the public were angry at having to pay a charge for a garden waste service which had previously been free. Despite the result in the take-up for the new garden waste scheme he still considered that the previous scheme had been unsustainable and it would not have been possible to continue subsidising it to the tune of £1 million per annum. A marketing campaign would now be put in place to encourage people to take up the service.

The Cabinet Member Finance and Community Development concluded that careful monitoring of the budget situation throughout the year had provided early warnings of problem areas which could then be addressed. This would continue to be a rolling programme in the current budget climate.

Councillor Garnham welcomed the use of the New Homes Bonus for environmental improvements but questioned the benefits of spending £180,000 on promoting the town in order to attract visitors and trade. The Cabinet Member had acknowledged in his introduction that footfall in the town was up and therefore there was no point in spending more money on improving it still further. He emphasised that the government was providing the New Homes Bonus to mitigate the strain that new developments made on the infrastructure of the town. Therefore the money should be spent on the residents of Cheltenham on such things as improving pavements, flower displays, additional street cleaning and increased litter bins not on promotion and cultural activity.

He proposed an amendment that recommendation 5 should be replaced with the following:

“ to establish a cross-party working group to address the spending of the New Homes Bonus, as outlined in paragraph 6.4 on page 6 of the report, on items or programmes of work that will truly mitigate the strain that the increased population brings and report back to Cabinet”.

This was seconded by Councillor McLain.

Speaking for the amendment, Councillor Smith agreed that the purpose of the bonus was for expenditure on infrastructure and to improve the quality of life for people in the town. It was a significant amount of money and therefore it was appropriate that it should be given appropriate consideration and consensus achieved by a cross-party group. As Leader of the previous administration he had been keen to spend funding from the Local Authority Business Growth Incentive Scheme to support local businesses but the emphasis had been on building a long-lasting legacy rather than funding for one-off events. The Joint Core Strategy was one area which could benefit from additional funding.

Councillor Hibbert reminded members that a significant amount of money had been redirected from Pittville Park during the last budget. The Friends of Pittville Park had been very active in exploring options for funding for improvement work and she asked the Cabinet Member whether he would be willing to meet with them to discuss future funding. She suggested that some of the New Homes Bonus could be used for this purpose.

The Cabinet Member Sustainability confirmed that he would be happy for such a meeting to take place.

Speaking against the amendment, the Leader said he would resist the change as the proposed spend was not for marketing as had been suggested. Another member suggested that the cross-party budget working group was the appropriate forum for this matter to be raised. It was also emphasised that retail businesses were currently struggling and promoting Cheltenham would help boost the economy which in turn would have a beneficial effect on the well-being of people in the town.

In seconding the amendment, Councillor McLain acknowledged the views of both sides but considered that a meeting of a cross-party group over the next four to six weeks would be the best option.

Upon a vote the amendment was LOST  
Voting For 14, against 21 with 0 abstentions.

Debate continued on the main motion.

On the subject of green waste, some members felt clarity was needed on the way the current position and predicted outcome was presented in the report. The green waste scheme had been well publicised including extensive articles in the Echo and therefore there was no benefit to be gained in spending further money on marketing the scheme. They challenged the statement of the Cabinet Member Finance that the service had been “free” as it had always been effectively paid for by council tax payers as part of the budget. The charge may be modest but it still presented difficulties for those on pensions and limited incomes. The recent queues at local recycling sites were an indication that

people were not prepared to take up the service. The council should give consideration to the additional costs of dealing with the extra green waste deposited in this way. The green waste bins provided were also not suitable for many terraced properties or those in multiple occupancies and despite prompts this issue had not been resolved. Members wanted to know how much had already been spent on marketing the green waste scheme.

The Cabinet Member Sustainability said he did not have any figures on the current marketing spend but it was not a great amount of money. He would circulate a written response to members.

In support of the current position, the Leader acknowledged that the roll-out of the kitchen waste scheme had been a priority for officers and Cabinet were now asking them to refocus on the green waste scheme to ensure that it met its 2012 targets. There was no proposal to spend thousands of pounds on marketing as some Members had suggested. The Cabinet Member Finance reminded members that the budget was about choices and they could either make a charge for green waste or make cuts elsewhere. He added that other authorities around Cheltenham had introduced such a charge.

Members asked a number of questions and the responses of the Cabinet Member are listed below:

- Should the loss of income on car parks be featured on the Corporate Risk Register? What is the target for fine income referred to in paragraph 15.5 and in the incentives being given to staff to achieve this target?
  - The Cabinet Member Finance agreed to provide a written response on the target.
- Will support for the Bath Road Toilets be in the base budget for the next two to three years?
  - The Cabinet Member confirmed that this had been factored into the base budget, £5000 for services and £10,000 to the Bath Road traders for the maintenance.
- Why was a similar approach not being adopted for the Cox's Meadow toilets which were now closed. They had been well used by local people and travellers and the nearest public toilets were a mile and a half away at Royal Well?
  - There were no plans to adopt the approach used for the Bath Road toilets but they would continue to look for alternative provision of the facilities. The usage pattern had changed and it was with reluctance that the facilities had been closed.
- Would it not be more prudent to transfer some of the underspends from 2010/11 to the general reserve to offset any future reductions in income from car parking fees etc
- What was the rationale for forming a Local Authority Company with one authority when the county strategy was for a joint waste partnership?
  - The Leader responded that the setting up of the company was a crucial step towards achieving the vision of the joint waste partnership with shared waste services across the county.

- Would spending on youth work include the subsidy required by the county for the safeguarding board which provided a critical role? How would further spending on youth work be allocated?
  - The Cabinet Member Housing and Safety indicated that she would be happy to meet with Councillor McLain, as the county member responsible for this area, to discuss the safeguarding board.

The allocation of youth funding was work in progress in consultation with the Social and Community O&S Committee.
- A simplified explanation of the current Icelandic Bank situation was requested.
  - The Section 151 officer said that if the current situation progressed as anticipated, the council would lose £546,000 of the £11 million it had originally invested and would recover the remaining amount. He would ensure that the net loss would be reported to members in any subsequent reports and briefings

The Leader acknowledged the outstanding effort from officers in achieving this budget outturn position but also stressed that this had not been without some pain.

Councillor McClain proposed that the recommendations were taken on block omitting recommendation 5 where a separate vote was requested.

**Resolved that the following recommendations be approved:**

Voting on all recommendations excluding 5:

For 32, Against 0 with 2 abstentions

- 1. Receive the financial outturn performance position for the General Fund, summarised at Appendix 2, and note that services have been delivered within the revised budget for 2010/11 resulting in a budget underspend of £174,086 which has been transferred to General Balances pending decisions over its use in 2011/12.**
- 2. Recommend the following use of the underspend:**
  - **£48,000 to fund carry forward requests requiring Member approval at Appendix 7 which includes £15,000 to fund the arrangements for keeping the Bath Road toilets open (see paragraph 3.4)**
  - **note the Cabinet's approval, under financial rules 4G, part 8.11, to use the net underspend on new green waste schemes to fund the full rollout of plastic bottles collection across the borough in 2011/12 (estimated cost £17,000) (see paragraph 3.5)**
  - **£124,300 to fund the one off costs of the establishment of a waste company with Cotswold District Council as set out in the exempt report to Cabinet on 21<sup>st</sup> June 2011.**
  - **transfer the balance of £1,786 to General Balances**
- 3. Note the treasury management outturn at Appendix 9.**
- 4. Approve the allocation of the LAA performance award grant as set out in section 5.**



5. Approve the allocation of the New Homes Bonus as set out in section 6 including the use of £30,000 from the civic pride reserve. (Voting: For 20, Against 13 with 1 abstention)
6. Approve the transfer of £50k from the benefits equalisation reserve to the benefits bad debt provision as per paragraph 7.3.
7. Note the capital programme outturn position as detailed in Appendix 11 and approve the carry forward of unspent budgets into 2011/12 (section 8).
8. Note the position in respect of section 106 agreements and partnership funding agreements at Appendix 12 (section 10).
9. Note the outturn position in respect of collection rates for council tax and non domestic rates for 2010/11 in Appendix 13 (section 11).
10. Note the outturn position in respect of collection rates for sundry debts for 2010/11 in Appendix 14 (section 12).
11. Receive the financial outturn performance position for the Housing Revenue Account for 2010/11 in Appendices 15 to 17 (section 13).
12. Note the outturn prudential indicators Appendix 18 and recommend that Council approve the revised prudential indicators for 2010/11, marked with an asterisk (section 14).
13. Note the budget monitoring position to the end of May 2011 (section 15).
14. Approve the advance of property grant to support the refurbishment of the Everyman theatre roof and the funding schedule for the next 6 years as at section 9 and Appendix 19.
15. Approve the one-off contribution of £170k from the Property Repairs & Renewals reserve to the programme maintenance budget to fund maintenance works at the Art Gallery & Museum in 2011/12 (section 15).
16. Approve the one-off contribution of £30k from the Property Repairs & Renewals reserve to the programme maintenance budget to fund toilet refurbishment works at the Town Hall in 2011/12 (section 15).

The meeting adjourned for tea from 5.10 to 5.25 pm

#### **11. CONSTITUTION REVIEW WORKING GROUP - UPDATE ON THE REVIEW OF THE CONSTITUTION**

The Cabinet Member Corporate Services introduced the report as a member of the constitution working group. The report advised members on the proposed timescale for the review of the Constitution. The review was commenced last year but was deferred pending the outcome of various matters which will have an impact upon the drafting of the Constitution, including the Council's decision in December 2010 on strategic commissioning and the approval of a new management structure. At that meeting the Council also approved amendments to the Constitution to address actions identified by the Council to respond to recommendations in the Public Interest Report. Amendments to the Officer Delegation Scheme in Part 3H of the Constitution have also been made under authority delegated to the Borough Solicitor to ensure that the Scheme is consistent with the new management structure which was implemented in April 2011.

He advised that the Constitution Working Group had now resumed its work and intends to complete the review by October 2011. This timescale reflects the

need for the Financial Rules to be amended in collaboration with the Council's partner authorities in the GO project.

He referred to an e-mail he had written to members on 25 June 2011 suggesting that as there seemed to be a consensus from members on the need for change to the current scrutiny arrangements, a small working group be set up and proposals brought back to the October council meeting. This timetable would enable the constitution working group to consider the constitutional changes required for the new arrangements in the same timescales. The current timetable for the scrutiny review targeted the implementation of the new arrangements following the elections in May 2012 but he hoped that this could be brought forward once Council had agreed the new arrangements.

**Resolved that the amendments that have been made to the Officer Scheme of Delegation be noted and the timescale for the comprehensive review of the Constitution be approved.**

## **12. NOTICES OF MOTION**

### **Motion A**

Councillor Sudbury, seconded by Councillor McCloskey, proposed the following motion.

*"This Council notes with concern the County Councils proposals to cut £2 million from the £5 million budget for subsidised bus services. Bus journeys provide a vital public service, helping to prevent social isolation for the elderly and the vulnerable; allowing people to access essential healthcare services, employment, and leisure and shopping opportunities. Encouraging people to travel by bus also helps reduce congestion. We therefore believe the effective use of public subsidy for bus services is an appropriate use of public money.*

*Specifically, we are concerned that the current proposals could and should have been the subject of better consultation, with more meetings in Cheltenham giving more detail on the cuts proposed and changes considered.*

*Therefore this Council;*

- 1. Whilst understanding the financial pressures facing local authorities, urges the county to listen to the residents of Cheltenham who are concerned about cuts to their valued bus services.*
- 2. Recognising the high turnout at a recent public meeting in Charlton Kings about the threat to the P & Q service, appeals to the County Council to extend the consultation period and hold more public information sessions in the town with a view to protecting those subsidised services that are most valuable to local people. "*

As proposer of the motion, Councillor Sudbury, emphasised the value of the bus services to local people for retail, leisure and employment. She felt that local people had been left unclear about the exact nature of the proposals. The low attendance of 10 people at the meeting arranged as part of the County Council consultation at Charlton Kings contrasted with the 300 plus people who attended the event organised by the local parish council. This was an example

of the failure of the consultation organised by the County Council and there was a need for more face-to-face events so people could have their say on the proposals.

Other members disagreed that the consultation had been ineffective and said there had been extensive coverage in the local media. They could not support the motion as it appeared to focus on Charlton Kings whereas local bus services were an issue across the town. They cited examples where the county was proposing to reduce services which were not well used and therefore uneconomic and other services which were being increased to respond to residents needs. As the consultation had now closed the second part of the motion was inappropriate.

Councillor McClain, speaking as the County Council Deputy Leader and Cabinet Member for Vulnerable Families explained that the County Council were aiming to redesign the bus services by providing a hub of town centre services with links to the rural bus services forming the spokes. The key priorities were to provide transport to get people to hospital, schools and to work. This would be achieved by asking bus companies to take on more, to change the service or to provide flexible transport alternatives. If £2 million pounds was not saved from this budget then it would have to be found elsewhere in the county's budget. He was surprised that Councillor Sudbury as a County Council member had not taken the opportunity to raise the issue at a recent County Council meeting or with the county overview and scrutiny committee. He also pointed out that this Council's Cabinet had approved the scrapping of the grant for Charlton Kings community transport as part of the budget proposals. The reason given was that it was not the most effective use of public money and similar tough decisions had to be taken at county level.

In supporting the motion members emphasised that the amendment was not disputing that savings were needed but focused on the inadequate consultation. The motion to Charlton Kings purely as an example of where the consultation had been ineffective,

Councillor Barnes, as seconder of the motion, felt that it was appropriate to discuss County Council matters in this chamber when they affected Cheltenham. Frequently it was the young, vulnerable and elderly who are most affected by these types of cuts and the consultation had not been effective.

In her summing up, Councillor Sudbury felt that some members had missed the point of motion and emphasised that she had only been using Charlton Kings as an example of inadequate consultation.

Upon a separate vote on each part of the motion they were both CARRIED.  
Voting on part 1): For 23, Against 0 with 3 abstentions.  
Voting on part 2): For 22, Against 8 with 4 abstentions.

### **Motion B**

Councillor Smith seconded by Councillor Godwin proposed the following motion.

*"It is now two years since the Supplementary Planning Document (SPD) on Garden Land and Infill Sites was published and a first review of the document should be undertaken.*

*Parts of the SPD are out-of-date- and as a result of changes introduced by Planning Policy Statement (PPS3). There are also differences of opinion regarding the interpretation of parts of the document from all sources, which indicates that the time has come for the SPD to be reviewed and updated.*

*Therefore this Council;*

- 1. Propose that members of the original working group, plus replacements and additions where required, should be reconvened as soon as possible with the aim of reporting back to the Council meeting on October 10<sup>th</sup> 2011. "*

As proposer of the motion, Councillor Smith, considered that the aspirations of the SPD were not being delivered and it was not working effectively. Therefore it was appropriate to review the SPD and ensure it was still fit for purpose. The results of the government's National Planning Policy Framework were expected in July and the SPD could be reviewed in the light of experience over the last two years and the proposed national framework.

In seconding the motion, Councillor Godwin, indicated some areas where the SPD was out of date and cited pages 5, 6, 9 and 12 as examples. The document was important and this had been acknowledged by Planning Inspectors who had referred to it as part of any appeals process. A recent meeting had been held with officers to discuss this issue but members attending did not consider it had been a very effective meeting and therefore the working group should be reconvened to address this important issue.

In supporting the motion, members felt that the problems stemmed from different interpretations of the document by officers and members and there were a few paragraphs that needed reviewing. There appeared to continue to be doubts and confusions whenever garden developments were discussed at Planning Committee.

Speaking against the motion, the Leader said that feedback on the SPD he had received was that it was working well and proving useful. The National Planning Policy Framework related to all SPDs and planning documents and therefore its publication did not justify the setting up of this working group. This would be reviewed as part of the JCS work.

The Cabinet Member Built Environment did not recognize the SPD as being fatally flawed or that the Planning Committee was making unsound decisions. He was concerned that members should consider rewriting the SPD after only two years.

Councillor Jordan, seconded by Councillor Webster, proposed an amendment to delete paragraph 2 of the motion and amend paragraph 3 as follows:

*" Council requests that Planning Committee reviews the implementation of the SPD and reports back to Council if it feels any changes are necessary."*

In proposing the amendment, Councillor Jordan, considered this was an appropriate matter for the Planning Committee to review.

Speaking against the amendment, Councillor Smith, considered that the Planning Committee on the 21 July was too far away and the JCS would need some input on this matter earlier. He suggested that it would be useful to have some non-Planning Committee members on the working group to add some balance.

The Head of Legal Services advised members that if the amendment was carried there may be issues arising for Planning Committee if members were minded to change the SPD and then the same set of members subsequently made decisions based on the SPD which they had determined should change. Therefore, a working group approach including some non Planning Committee members may be a better option. Also, formulation of planning policy was generally an Executive matter where Cabinet formulates proposals for Council approval and he suggested that Cabinet should have some role to play in any review that was carried out.

In his summing up, Councillor Smith expressed his concern about any working group comprising only members of the Planning Committee and he felt, with reference to the legal advice, that a wider working group approach would result in a stronger planning framework.

Upon a vote on the amendment was CARRIED and this became the substantive motion.

Voting: For 19, Against 13 with 0 abstentions.

Councillor Godwin, made it clear that he had not said that the SPD was 'fatally flawed' but had suggested that it needed clarification in several places.

Councillor Smith hoped that Cabinet could put aside some money to support this review. The SPD was currently a useful document for officers when vetting applications but currently not so useful for the public or for members. He hopes the chair of Planning Committee could pull together some work on this before the next Planning Committee meeting.

Upon a vote the motion as amended was CARRIED unanimously.

### **Motion C**

Councillor McClain seconded by Councillor Stennett proposed the following motion.

*"The Cheltenham Borough Local Plan (second review) was adopted in July 2006 and covers the period 1991 to 2011. Plan policies have been saved and will form part of the Local Development Framework (LDF).*

*Important changes have occurred to core policies and proposals as a result of central government changes contained in Planning Policy Statement (PPS3). Whilst these changes have affected housing development policies, other changes have occurred, or they have become outdated.*

*Therefore this Council*

1. *Propose that a third review of the Local Plan policies as a matter of urgency should be undertaken before final acceptance of the LDF"*

As proposer of the motion, Councillor McClain sought advice on the statutory process for reviewing planning policy. The legal position was that that the provisions of the Town and Country Planning Act 1990 dealing with the preparation of local plans had been repealed. Therefore it was not possible to have a third review of the Cheltenham Local Plan and the only way to change the policies was via the LDF Process.

Having considered the position, Councillor McLain decided to withdraw rather than amend his motion and would consider reframing it for a future meeting

Councillor Jordan referred members to the Cabinet report of the 19 April 2011 which set out a timetable for the review of SPDs.

#### **Motion D**

Councillor Godwin seconded by Councillor Wall proposed the following motion.

*"The present system of dealing with planning appeals appears to be flawed. Whether a planning application is refused by the committee, or as a result of an officer's delegated recommendation to refuse and the applicant goes to appeal, we believe a substantial statement should be made in writing to the Planning Inspectorate.*

*The statement should set out all of the reasons given for the refusal and carried out professionally. The present system of sending a copy of the case officer's report to committee, plus a copy of the minutes to the Inspectorate is inadequate.*

*Therefore this Council;*

1. *Propose that a time-limited review of the Council's approach to planning appeals, through a member group, or an officer report to the next Council meeting, should be undertaken.*
2. *Ask that officers consider the re-employment of a qualified Appeals Officer."*

As proposer of the motion, Councillor Godwin, said that the public were not impressed with the council's record at appeals and their poor showing at inquiries and he cited several examples. Sometimes consultants had been engaged to prepare the appeals who had little knowledge of the background. Planning Inspectors had also complained about the lack of information presented in supporting the council's appeals. There was currently no requirement for a separately articulated case on behalf the council which fully represented the position of the Planning Committee, planning officers and the council as a whole. A more professional and consistent approach was needed.

In supporting the motion members welcomed the comments made by Councillor Godwin. Councillor Fletcher suggested that the biggest mistake had been the deletion of the planning officer appeals post. Other members suggested that losing the officer was a false economy especially when consultants were being used. There was a lack of evidence on whether outcomes would have been different and this was where a time-limited review could help.

As the meeting had been in session for over four hours, the Mayor confirmed that members wished to continue.

Speaking against the motion, the Cabinet Member Built Environment thought the motion was a nonsense. There had been no specialist appeals officer since 2008 and performance had improved since then with 66% of appeals being won. A consultant had been used on two appeals only in the last year and in both cases there had been particular reasons. The current commissioning exercise looking at Built Environment would also be looking at this area.

In his summing up, Councillor Godwin, referred to the statistics he had been maintaining on planning appeals since 1991 and he considered that the appeals officer was a key factor in their likely success. He was also concerned that in some cases the relevant planning officer had been too busy to deal with the appeal and another officer had been appointed to carry out this work.

Upon a vote on the motion was LOST  
Voting: For 13, Against 19.

#### **Motion E**

Councillor Wheeldon seconded by Councillor Bickerton proposed the following motion.

*“With Cheltenham Borough Council’s electricity contract due to be renewed shortly and in order to reach our CO2 reduction target of a 30% reduction by 2015, purchasing zero carbon electricity from a green energy provider should be considered.*

*Therefore this Council;*

- 1. Recommends that purchasing zero carbon electricity from a green energy provider be a major consideration when choosing the new supplier.* “

As proposer of the motion, Councillor Wheeldon, said that the contract renewal provided the opportunity to reduce the council’s energy consumption and meet its target on CO2 emissions in the next 12 months. The cost implication should be relatively small.

As seconder of the motion, Councillor Bickerton, said that the cost of coal and gas were likely to increase but the cost of renewable energy would fall, therefore the motion was a sensible approach.

Upon a vote on the motion was CARRIED unanimously.

**13. TO RECEIVE PETITIONS**

No petitions were received.

**14. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH  
REQUIRES A DECISION**

There were no urgent items for discussion.

Barbara Driver  
**Chair**



## Cheltenham Borough Council

Council – 10 October 2011

### A petition regarding the proposed development of Starvehall Farm and playing fields

<b>Accountable member</b>	Leader
<b>Accountable officer</b>	Director Commissioning
<b>Accountable scrutiny committee</b>	Environment
<b>Ward(s) affected</b>	Prestbury Ward
<b>Significant Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>A petition was received by Council on 10 August 2011 requesting the following:</p> <p>“We the undersigned petition Cheltenham Borough Council as follows: We wish the protection you have afforded Starvehall Farm and the recreation land adjacent to Prestbury Parish Council playing field in the local plan that ends in 2011 be included in the new Local Development Framework currently being developed”.</p> <p>As the petition had in excess of 750 signatures it is entitled to a debate at Council.</p>
<b>Recommendations</b>	<b>To recommend that officers consider the issues raised by the petition as part of the Local Development Framework or the new Cheltenham Local Plan</b>
<b>Financial implications</b>	<p>None arising from this report.</p> <p><b>Contact officer: Head of Financial Services, paul.jones@cheltenham.gov.uk, 01242 775154</b></p>

<b>Legal implications</b>	<p>The petition must be considered in accordance with the Council's Petition Scheme made pursuant to the Local Democracy, Economic Development and Construction Act 2009. The petition will be considered in accordance with the Council Procedure Rules varied in so far as necessary to comply with the attached Process.</p> <p>Within the adopted local plan, the land at Starvehall Farm is neither designated for development nor designated as an area for protection.</p> <p>The procedure for the preparation and approval of local plans is being reformed under the Localism Bill. Under these proposals a new Cheltenham Local Plan would need to be prepared. If these proposals do not receive royal assent then the existing Local Development Framework will remain. Therefore, the future planning status and policies for this land will be decided either as part of the Local Development Framework or in the new Cheltenham Local Plan.</p> <p><b>Contact officer: <a href="mailto:jonathan.noel@tewkesbury.gov.uk">jonathan.noel@tewkesbury.gov.uk</a>, 01684 272690</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>None arising from this report.</p> <p><b>Contact officer: HR Operations Manager, <a href="mailto:julie.mccarthy@cheltenham.gov.uk">julie.mccarthy@cheltenham.gov.uk</a>, 01242 264355</b></p>
<b>Key risks</b>	<p>None arising from this report.</p>
<b>Corporate and community plan Implications</b>	<p>The local plan and emerging Joint Core Strategy provide the spatial interpretation of the community strategy and corporate plan outcomes.</p>
<b>Environmental and climate change implications</b>	<p>The protection of this site could have positive environmental and climate change implications.</p>

## 1. Background to the Petition Scheme

- 1.1 The petition provisions in the Local Democracy, Economic Development and Construction Act 2009 aim to address the perception nationally, as revealed in the results of the Place survey, that the community is unable to influence local decisions.
- 1.2 The Council's Petition Scheme (based on the national model scheme) is designed to ensure that the public has easy access to information about how to petition their local authority and they will know what to expect from their local authority in response. Included within the Scheme is the requirement to have a full Council debate should a certain number of signatures be achieved. Cheltenham Borough Council have set that threshold lower than that recommended by the legislation at 750 signatures.
- 1.3 **The legislation also recommends a 15 minute maximum period for the debate and recognises that the issue may be referred to another committee where the matter is not one reserved for full Council. The purpose of the requirement for Council debate therefore, is not to ensure that the final decision relating to the petition issue is made at that Council**

**meeting but to increase the transparency of the decision making process, ensuring that debates on significant petitions are publicised with sufficient notice to enable the petition organiser and public to attend. It also ensures that local people know that their views have been listened to and they have the opportunity to hear their local representative debate their concerns. The outcome of debates will depend on the subject matter of the petition.**

## **2. The petition**

- 2.1** The petition was received on 10 August from Councillor Hibbert on behalf of the Prestbury Green Working Group. It had in excess of the 750 signatures required to trigger a debate at Council. The wording of the petition is set out the Executive Summary of this report.
- 2.2** Councillor Diane Hibbert was nominated as the petition organiser.
- 2.3** The Council is therefore required to debate the petition for a maximum of 15 minutes in accordance with the Petitions Scheme approved by Council on the 13 May 2010. A process for dealing with a petition was produced by officers and is attached as Appendix 1 as a process to be followed for the debate at this meeting. The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows
- taking the action requested in the petition (provided the matter is reserved to full Council for decision)
  - referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration
  - holding an inquiry into the matter
  - undertaking research into the matter
  - holding a public meeting
  - holding a consultation
  - holding a meeting with petitioners
  - calling a referendum
  - writing to the petition organiser setting out our views about the request in the petition
  - taking no further action on the matter

## **3. Background information to the subject of the petition**

### **Cheltenham Borough Local Plan (2006)**

- 3.1** On 29 June 2006 Cheltenham Borough Council formally adopted Cheltenham Borough Local Plan Second Review. This plan is the statutory development plan for the Borough and provides the primary basis for the consideration of land use and development.
- 3.2** The local plan has a plan end date of 2011, however all local plan policies are 'saved' until such a time as replaced under the current Local Development Framework arrangements or its prospective successor; a proposed return to Local Plans currently being proposed by the Government. In respect of Cheltenham, all policies will be retained until replaced by the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy and future review of wider development management policies, site allocations and designations which will ultimately sit beneath the Joint Core Strategy either as a separate Development Plan Document or as a series of chapters and policies within a new local plan.
- 3.3** In preparing Cheltenham Borough Local Plan; assessment of urban capacity indicated that

housing requirements to 2011 were likely to be met on previously developed sites. As such only a small number of sites were allocated for development, set out in policies PR1 and PR2 of the local plan. Outside these allocations remaining development needs over the plan period was identified as being made up of existing commitments i.e. sites which already had planning permission and windfalls i.e. sites which are unallocated. The result of this was that no greenfield sites were allocated for development.

- 3.4** In respect of land at Starvehall Farm, no designation of this area was made by the local plan. The area is neither designated for development, nor designated as an area for protection as seems to be suggested in the petition wording. In terms of classifying the site the area falls within the principal urban area as defined on the local plan proposals map. The Tatchley Lane link located to the east of Starvehall Farm is safeguarded under local plan policy PR3 to deliver a transport scheme. It should be noted that table 7 associated with local plan policy PR3 states *'the Tatchley Lane link is currently under reconsideration and may be superseded by alternative proposals, although no decision to this effect has been made by the County Council.'* The proposed development at Starvehall Farm intends to relocate the link road in accordance with the details set out in table 7.

### **Current situation**

- 3.5** The petition asks Cheltenham Borough to make decisions in respect of Starvehall Farm within the context of the emerging Gloucester, Cheltenham and Tewkesbury Joint Core Strategy. The emerging JCS will be considered by Council on 10<sup>th</sup> November 2011. The JCS will establish the strategic requirements for development over the plan period to 2031, in doing so it will identify locations for any strategic requirements which cannot be met within existing built up areas. As such, sites such as Starvehall Farm will not be considered specifically within the JCS given it falls within the existing built up area of Cheltenham.
- 3.6** Until the new 'local plan' for Cheltenham, which will include the Joint Core Strategy plus development management policies, site allocations and designations, is finalised, sites falling within the built up area will be considered within the context of saved local plan policies and relevant national planning guidance. This is supported within the Inspectors Report of the Adopted Local Plan Second Review (2006), where reference is made directly to Starvehall Farm: *'...whilst it is undeveloped land, it is wholly within the urban area and its development should be accorded appropriate priority in the sequential test set out in PPG3.'* The inspector's decision is clear that the site is considered as being sequentially preferable to sites outside of the Principal Urban Area.
- 3.7** In respect, of the petition, the means by which the site could be considered and allocated for protection would be within a development plan document (DPD) or as a policy contained within a new Local Plan. However, councillors should be aware that a timetable has yet to be agreed for the production of any DPDs or a new local plan beyond the Joint Core Strategy but it is currently unlikely to be before 2014. It is therefore, not possible to bring this forward in advance of the current planning application for housing development at Starvehall Farm which is due to be determined at Planning Committee on 27<sup>th</sup> October 2011. In considering this application regard must be had to the saved policies of Cheltenham Borough Local Plan together with any other material considerations.

## **4. Reasons for recommendations**

- 4.1** To recommend that officers consider the issues raised by the petition as part of the Local Development Framework or the new Cheltenham Local Plan.

<b>Report author</b>	<b>Contact officer: Strategic Land Use Officer;</b> <a href="mailto:james.hartley@cheltenham.gov.uk">james.hartley@cheltenham.gov.uk</a> tel:01242 264379
<b>Appendices</b>	1. Process for dealing with a petition at council
<b>Background information</b>	1. Council's petition scheme – report to Council 13 May 2010

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Page 26

## **Appendix 1**

### **Process for dealing with petitions at Council**

The following is the recommended process to be followed for the debate of a petition at the Council meeting in accordance with the Council's Petition Scheme. The Council Procedure Rules shall be suspended in so far as necessary to facilitate this process.

#### **1. The Mayor will remind members of the procedure to be followed**

#### **2. Statement by the petition organiser**

The Mayor will invite the petitioner organiser or their representative to come to the microphone and speak for up to 5 minutes on the petition. There will be no questions and the petition organiser/their representative will take no further part in the proceedings.

#### **3. Clarification on the background information in the officer's report**

Members will be invited to ask any questions for clarification as to the facts in the officer's report.

#### **4. Statement by the relevant Cabinet Member**

The Cabinet Member whose portfolio is most relevant to the petition will be invited by the Mayor to speak for a maximum of 5 minutes on the subject of the petition. They may wish to refer to the background report from officers circulated with the papers for the meeting. They may also wish to propose a motion at this point; if so, the motion must be seconded.

#### **5. Debate by members**

Where a member has proposed a motion (which is seconded), the usual Rules of Debate (Rule 13) will apply.

If there is no motion, the Mayor will invite any member who wishes to speak on the petition to address Council for up to a maximum of 3 minutes.

When the 15 minutes set aside for the debate (as laid down in the Council's Petition Scheme) is up, the Mayor may decide to extend the time allowed for the debate but will bring it to a close when they feel sufficient time has been allowed.

#### **6. Conclusion of Debate**

The debate should conclude with one or more decisions taken pursuant to the Petition Scheme as follows:

- taking the action requested in the petition (provided the matter is reserved to full council for decision)
- referring the matter to Cabinet or an Appropriate Cabinet Member or Committee (including Overview and Scrutiny) for further consideration
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition
- taking no further action on the matter



## Cheltenham Borough Council

**Council – 10 October 2011**

### Constitution Working Group - Review of the Constitution

<b>Accountable member</b>	<b>Cabinet Member Corporate Services – Colin Hay</b>
<b>Accountable officers</b>	<b>Director of Resources, Director of Commissioning and the Borough Solicitor</b>
<b>Accountable scrutiny committee</b>	<b>Economy and Business Improvement</b>
<b>Ward(s) affected</b>	<b>None specifically</b>
<b>Key Decision</b>	<b>No</b>
<b>Executive summary</b>	<p>This Report brings together the work carried out by the GO project finance officers, the Audit Committee, the Constitution Working Group and the Strategic Commissioning Cross Party Members Group on the Financial Procedure Rules, the Responsibility for Functions and the review of the Council's Overview and Scrutiny arrangements.</p> <p>The Council is being asked to approve the revised Financial Procedure Rules which are set out in Appendix 1 of the report and which are proposed to be formally approved by the other partners of the GO project. The revised Financial Procedural Rules reflect the Council's current Political and Management Structures and are intended to be generic between the GO partners, with local variation where necessary. It is intended that the new Rules should take effect, 1<sup>st</sup> April 2012.</p> <p>The Council is being asked to approve, in principle, a revised Part 3 of the Constitution Responsibility for Functions which is set out in Appendix 2 of the report. The revisions propose a fundamentally different approach to the Responsibility for Functions which is drafted on the basis that the functions delegated to Committees, Cabinet and Cabinet Members are prescribed in greater detail than at present, with those functions not so prescribed being exercised by Officers. This proposal provides greater clarity as to the functions exercised by Members and provides for more flexibility within the Officer delegations. The effectiveness of the proposed revisions is reliant upon sufficient safeguards elsewhere in the Constitution, particularly in Part 2 Article 13 (Principles of Sound Decision Making). Other parts of the Constitution will require significant review, consequent upon the proposed changes. Once the Council has approved the revised Scheme of Delegation in principle, the Constitution Working Group will undertake the further revisions which are necessary to implement these revisions and also any changes to the Overview and Scrutiny arrangements referred to below. This comprehensive review will be brought to the Council for approval as soon as possible, but, in any event, in time for implementation on or before May 2012.</p>

	Finally, the report provides an update on the progress of the review of the Council's Overview and Scrutiny arrangements which intends to report its recommendation to the Council in December 2011.
<b>Recommendations</b>	<p><b>The Council is asked to</b></p> <ol style="list-style-type: none"> <li><b>1. Approve the Financial Rules set out at Appendix 1 for implementation on 1<sup>st</sup> April 2012.</b></li> <li><b>2. Delegate to the Director of Resources, in consultation with the Chair of Audit Committee, authority to make any textual or other amendments to the Financial Rules approved under paragraph 1 above, which arise from further consideration by the GO partnership and which do not materially affect the approved Rules.</b></li> <li><b>3. Approve in principle Part 3 Responsibilities for Functions set out in Appendix 2 and the Corporate Policy Table in Appendix 3</b></li> </ol> <p><b>SUBJECT TO</b></p> <ol style="list-style-type: none"> <li><b>a) Leader/Cabinet approving the Executive Functions set out in Part 3E (Appendix 2).</b></li> <li><b>b) Consequential amendments to be approved by Council following further consideration by the Constitution Working Group.</b></li> </ol> <ol style="list-style-type: none"> <li><b>4. Note the progress of the Overview and Scrutiny Review and to agree the timescales.</b></li> </ol>
<b>Financial implications</b>	<p>The revisions to the Financial Rules provide a robust but more flexible approach to financial management across the Council which maintain the principles of sound, stewardship of public funds.</p> <p>A common set of rules will facilitate joint working across the GO partner organisations and support the drive for effectiveness and efficiencies to be delivered via the shared service.</p> <p>There are no specific revenue or capital implications of this report.</p> <p>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
<b>Legal implications</b>	<p>Contained in the report.</p> <p>Contact officer: Sara Freckleton ,</p> <p><a href="mailto:sara.freckleton@teWKesbury.gov.uk">sara.freckleton@teWKesbury.gov.uk</a>. 01684 272011</p>
<b>HR implications (including learning and organisational development)</b>	<p>The proposed changes will need to be communicated to members and officers once approved.</p> <p>Contact officer: Julie McCarthy, julie.mccarthy@cheltenham.gov.uk, 01242 264355</p>
<b>Key risks</b>	See attached risk assessment – Appendix 4

## **1. Background**

- 1.1** A comprehensive review of the Council's Constitution was commenced last year to address both the Council's Action Plan approved in March 2010 and to recognise the fact that the last full review of the Constitution was in 2005.
- 1.2** In December 2010, the Council approved a number of amendments to the Constitution which were deemed to be necessary to satisfy the Council's Action Plan, recognising that the comprehensive review was still ongoing. The Constitution Working Group last reported to the Council on the 27<sup>th</sup> June 2011 with an update on the progress of the review.
- 1.3** The Working Group has undertaken a comprehensive review of Part 3, and has commented upon proposed revisions to the Financial Procedure Rules, and these two significant pieces of work are now placed before the Council for approval.
- 1.4** The proposed approach to the Responsibilities for Functions (Scheme of Delegation) - Part 3 will result in a requirement for consequential considerable amendment to other parts of the Constitution particularly the Articles (Part 2) in order to ensure that the decision-making is carried out transparently with robust safeguards. Therefore, the Council is being asked to approve, in principle, the proposed revisions to Part 3 to enable the fully revised Constitution to be placed before the Council for approval once the Constitution Working Group is satisfied that all necessary amendments, including those needed to accommodate the outcome of the Overview and Scrutiny review, have been addressed.
- 1.5** As Members are aware, the GO project involving the Council and its other partners (Cotswold, West Oxford and Forest of Dean) is nearing first stage implementation and it is intended that, as far as is possible, the Financial Rules to which the participating authorities work are consistent (with any local variations as appropriate).

## **2. Review of Financial Rules – Part 4H of the Constitution**

- 2.1** The Financial Rules which are set out in Part 4 of the Council's Constitution were last updated in 2009 although remain substantially as approved in 2005. Amendments need to be made to these Rules in order to reflect the current structure, policies and procedures of the Council.
- 2.2** The Council is committed to sharing its Financial, Human Resources and Payroll services with its partner authorities (Cotswold, Forest of Dean, West Oxfordshire) through the GO project from 1<sup>st</sup> April 2012. Agreement has therefore been reached within the GO partnership with a view to agreeing a set of Financial Procedure Rules which is common to the partnership authorities, with some local variations as necessary to reflect specific procedural or Constitutional requirements of the individual authorities.
- 2.3** The draft Financial Procedure Rules which are attached at Appendix 1 have been considered and approved by finance officer representatives from each of the GO authorities and have, in Cheltenham Borough Council's case, taken into account amendments suggested by the Constitution Working Group and the Audit Committee. Each Authority will need to approve the new Rules and this may lead to further amendments being suggested.
- 2.4** The Council is being asked to approve the Financial Procedure Rules as set out in Appendix 1. Any revisions which are proposed as a result of the consideration by other partner authorities and which have a material effect on the proposed Rules will be brought to the Council for approval. It is suggested that authority be delegated to the Director of Resources in consultation with the Chair of Audit Committee to make any textual and other amendments which do not materially affect the Rules but which ensure consistency of approach across the GO authorities and alignment with the GO systems and processes.

### **3. Review of Responsibilities for Functions**

- 3.1** Part 3 of the Constitution deals with the allocation of the Authority's functions to various bodies and individuals, e.g. Council (i.e. full Council), Committees (and Sub-Committees), Cabinet, Cabinet Members and Officers. A fully revised Part 3 has been prepared for consideration by Council and Cabinet and is included at Appendix 2 to this report.
- 3.2** The majority of the Authority's functions are Executive Functions and these fall to the Leader of the Council to allocate. These Functions are set out in Part 3E (Appendix 2). However, the Authority also has a number of important Non-Executive Functions and it is for Council to decide how these will be allocated. These Non-Executive Functions are set out in Parts 3B-D (Appendix 2).
- 3.3** The new draft Part 3 is considerably shorter than the current Part 3. This is due to:
- (a) rewriting and shortening of much of the current text;
  - (b) transfer of a number of current tables/schedules to appendices to the Constitution;
  - (c) a fundamental change in approach to the allocation/delegation of functions to Officers.
- 3.4** The current Part 3 operates on the basis of those functions delegated to Committees, Cabinet and Cabinet Members being drawn in a wide sense and the delegated functions to Officers being closely prescribed. The new draft Part 3 is drawn on the basis of the functions delegated to Committees, Cabinet and Cabinet Members being prescribed in more detail than at present; Officers will then be able to exercise all other functions not so prescribed (and subject to certain safeguards as referred to below). This new approach potentially has at least two key benefits:
- greater clarity as to what the Functions of Members actually are;
  - a clearer and more flexible scheme of Officer delegation because Officers will simply exercise those Functions not allocated elsewhere in Part 3 and there will not be detailed line by line delegations which will quickly become out of date.
- 3.5** It will be important to build in safeguards to the new approach to Officer delegation. The proposed safeguards are fourfold:
- (i) the delegator (e.g. Council, the Leader) or a Cabinet Member (in respect of an Executive Function falling within their portfolio) may direct in any particular case that an Officer shall not exercise their delegated power and that the matter shall be referred upwards to Council, the Leader, the Cabinet Member, etc. for decision;
  - (ii) Key Decisions and Significant Decisions cannot be made by Officers except where the Chief Executive or an Executive Director is exercising their urgency powers;
  - (iii) all Officers must comply with the principles of sound decision making set out in Article 13 of the Constitution (these principles, which include the obligation to comply with Financial Rules and Contract Rules, are being reviewed to ensure that they are comprehensive and robust and an updated Article 13 will be referred to Council subsequently for approval along with the final version of Part 3);
  - (iv) where the Chief Executive, Executive Directors or Directors sub-delegate their Functions, they will be obliged to ensure that the empowered Officer is fully aware of the responsibilities and accountabilities that come with those Functions.
- 3.6** It should be noted that the description of Functions and service areas delegated to Officers reflects the Chief Executive's proposals to transfer some functions from the Director Operations to other Directors, principally the Director Wellbeing & Culture in readiness for the creation of the

proposed local authority company with Cotswold District Council.

- 3.7** The proposed delegations to officers in Part 3D and E include provision for the Chief Executive and Executive Directors to undertake functions where other officers are absent or unable to act. Where a statutory officer (Head of Paid Service, Monitoring Officer or Chief Finance Officer) is acting in their statutory capacity, then their nominated deputy will act in their absence or when they are unable to act.
- 3.8** Appendix 3 to the report contains a draft table showing the Authority's current corporate (as opposed to operational) policies, plans and strategies. This document is cross referenced in the new Part 3 and is intended to set out which parts of the Authority are responsible for which policies, etc. and who the Lead Members/Officers are together with other information such as when the policy, etc. is up for review. The table includes those policies, etc. which comprise the Policy Framework, .i.e. those which are produced by the Executive and approved by Council. Some elements of the table remain to be populated.

#### **4. Review of Overview & Scrutiny Arrangements**

- 4.1** The objective of the review is to ensure an effective scrutiny process operates in Cheltenham Borough Council which supports commissioning and achieves positive outcomes for the town.
- 4.2** As Members are aware, a review of the Council's Overview and Scrutiny arrangements are currently taking place. It is intended that any changes are implemented following the elections in May 2012.
- 4.3** On 25 June, the Cabinet Member Corporate Services wrote to all members suggesting that as there seemed to be a consensus from members on the need for change to the current scrutiny arrangements, a small working group be set up and proposals brought back to the October Council meeting. This timetable would enable the Constitution Working Group to consider the constitutional changes required for the new arrangements in the same timescales.
- 4.4** Councillor Penny Hall is Project Sponsor, and Councillor Colin Hay as Cabinet Member Corporate Services is a key stakeholder for the review which is being managed by the Democratic Services Manager. The Strategic Cross Party Members Group is acting as a sounding board for the review to ensure the commissioning requirements are met.
- 4.5** The review is informed by a variety of sources to enable a view to be formed on what matters are being scrutinised and how effectively this is being done. The sources of information include:
- An analysis of the items on scrutiny agendas over a 12 month period starting from June 2010 by source, type and outcome.
  - A scrutiny questionnaire sent to all members, officers and co-optees in August.
  - An interactive workshop with members and officers involved in the scrutiny process in October.
  - Consideration of the needs of the commissioning process.
  - Consideration of best practice and scrutiny reviews carried out by other councils.
- 4.6** This approach was agreed by the Strategic Cross Party Working Group on 19 July 2011. At the commencement of the review it became apparent that it could not be completed as comprehensively as is necessary in time for the October meeting of Council. A revised plan was considered and agreed by the Project Sponsor and by the Constitution Working Group.
- 4.7** Good progress has been made on the review and is currently on target against the plan in that:-

- the analysis of scrutiny agendas is in progress.
- the questionnaire has been issued to members and officers with 21 responses received from members and 11 from officers. Responses are currently being analysed but initial indications are that 65% of members who responded thought that overview and scrutiny could be operating more effectively. 50% of members responding thought the size and structure of scrutiny needed reviewing as well as the agenda for scrutiny meetings and reports. These responses confirm the need and appetite for a review to be carried out and recommendations for improvements brought back to Council.
- a workshop has been held with officers involved in commissioning (12 September 2011) to consider the potential impact of commissioning on overview and scrutiny.
- the Democratic Services Manager is working with the scrutiny team at Gloucestershire County Council to run a workshop at the Democratic and Member Services network meeting on 30 September to examples for best practice from other councils.
- workshops are being planned with officers and members in October. It is important that we get members and officers buy in during the review hence the workshops are an important part of the process. At the workshops it is intended to review the results of the analysis and get ideas on the potential new arrangements.

#### **4.8** The revised timescale which is now proposed for the review is:

10 October 2011 – update report to Council

12 December 2011 – report on revised scrutiny arrangements for approval by Council

January to May 2012 – detailed arrangements and preparation for implementation

May/June 2012 – Member induction and implementation of new arrangements.

## **5. Reasons for recommendations**

### **5.1** To ensure

- that the Council's Financial Procedure Rules are up to date and reflect the current structure, policies and procedures of the Council as well as assisting the implementation of the shared arrangements under the GO partnership.
- that the Responsibility for Functions (Scheme of Delegation) is clear, robust and transparent.

### **5.2** To update the Council on the progress of the review of the Council's Overview and Scrutiny arrangements.

## **6. Alternative options considered**

### **6.1** The retention of a similar approach to officer delegations as that in the current Part 3 was considered. The Constitution Working Group decided to pursue the revised approach in view of the benefits set out in section 3 above but also subject to the safeguards in that section.

## **7. Consultation and feedback**

### **7.1** Consultation on the proposed Financial Rules has taken place with the GO partnership (Finance Officers) with the Senior Leadership Team, the Constitution Working Group and the Audit Committee.

- 7.2** Consultation on the proposed revised Part 3 has taken place with Officers, the Constitution Working Group and informally with Cabinet Members.
- 7.3** Consultation on the review of the Council's Overview and Scrutiny arrangements has taken place as set out in section 4 of this report.
- 7.4** If Members wish to make any further observations or comments on the Constitution, particularly any suggestions for amendment, then these can be made to any member of the Constitution Working Group (Councillors Les Godwin, Colin Hay and Duncan Smith) or to the Borough Solicitor/Monitoring Officer. The Working Group will continue to meet and would welcome any input from Members to inform the review.

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<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Financial Rules</li> <li>2. Part 3 Responsibilities for Functions (inc draft appendices – Lead Member portfolios, Allocation of local choice functions)</li> <li>3. Corporate Policy Table</li> <li>4. Risk Assessment</li> </ol>
<b>Background information</b>	Council Constitution

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Page 36



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# **CHELTENHAM BOROUGH COUNCIL**

## **Financial Rules**

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These financial rules relate to each of the Local Authorities forming the GO Shared Services, being Cotswold District Council, Cheltenham Borough Council, Forest of Dean District Council and West Oxfordshire District Council. This Shared Service provides shared financial, payroll, procurement and human resources services across the partnering authorities. Each council's governance structure is laid down in their constitutions.

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### **CONTENTS**

1.0 Introduction	Page 7
2.0 Status of Financial Rules	Page 7-8

#### **FINANCIAL RULES:**

##### **A: Financial Management**

A1 Introduction	Page 9
A2 Emergencies	Page 9
A3 Full Council	Page 9-10
A4 Cabinet	Page 10-11
A5 Overview and Scrutiny Committee(s)	Page 11
A6 Audit Committee	Page 11
A7 Standards Committee	Page 11
A8 Other Committees	Page 12
A9 Head of Paid Service (Chief Executive)	Page 12

A10 Monitoring Officer	Page 12-13
A11 Section 151 Officer	Page 13-15
A12 Directors and Heads of Service	Page 15
A13 Employees	Page 15
A14 Internal Audit	Page 16
A15 External Audit	Page 16

**B: Financial Planning, Budget Preparation and Budget Monitoring**

B1 Introduction	Page 17
B2 Full Council	Page 17-18
B3 Cabinet	Page 18
B4 Section 151 Officer	Page 18-19
B5 Directors and Heads of Service	Page 19-20
B6 Budget Holders and Other Employees	Page 20
B7 Preparation of Capital Programme	Page 20-21
B8 Resource Allocation	Page 21-22
B9 Increases in Estimate	Page 22
B10 Carry Forward of Budget	Page 22
B11 Maintenance of Reserves	Page 22-23

**C: Scheme of Virement**

C1 Introduction	Page 24
C2 Full Council	Page 24
C3 Budget variations within a Service	Page 24
C4 Virement Rules / Limits	Page 24-26

**D: Risk Management and Insurance**

D1 Introduction	Page 27
D2 Cabinet	Page 27
D3 Audit Committee	Page 27
D4 Section 151 Officer	Page 28
D5 Directors and Heads of Service	Page 28-29
D6 Budget Holders and Other Employees	Page 29

**E: Internal Controls and Audit**

E1 Introduction	Page 30
E2 Internal Audit	Page 30
E3 External Audit and Inspection	Page 31
E4 Audit Committee	Page 31-32
E5 Section 151 Officer	Page 32
E6 Directors and Heads of Service	Page 33
E7 Preventing Fraud and Corruption	Page 33-34
E8 Ex-Gratia / Maladministration Payments	Page 34

**F: Assets**

F1 Introduction	Page 35
F2 Full Council	Page 35
F3 Cabinet	Page 35
F4 Chief Executive	Page 35
F5 Director or Head of Property Services	Page 36
F6 Monitoring Officer	Page 36-38
F7 Section 151 Officer	Page 38

## Page 40

F8 Directors, Heads of Service and Budget Holders	Page 38-39
F9 Information and Communication Technology (ICT)	Page 39-40
F10 Stocks and Stores	Page 40
F11 Write-off of assets	Page 41
F12 Petty Cash and Cash Floats	Page 41-42
F13 Intellectual Property	Page 42

### **G: Treasury Management**

G1 Introduction	Page 43
G2 Full Council	Page 43
G3 Cabinet	Page 43
G4 Section 151 Officer	Page 43-44
G5 Banking Arrangements	Page 44-46
G6 BACS Payments and Cheques	Page 46-47

### **H: Financial Systems and Accounting Procedures**

H1 Introduction	Page 48
H2 Section 151 Officer	Page 48-49
H3 Directors, Heads of Service and Budget Holders	Page 49-50
H4 Employees	Page 50
H5 Orders for Work, Goods and Services	Page 51-52
H6 Payment of Accounts	Page 52-53
H7 Payments to Employees and Members	Page 53-54
H8 Travel and Subsistence Claims	Page 54
H9 Value Added Taxation (VAT)	Page 54-55
H10 Trading Accounts / Business Units	Page 55

H11 Journals	Page 55
<b>I: Income</b>	
I1 Introduction	Page 56
I2 Cabinet	Page 56
I3 Section 151 Officer	Page 56
I4 Directors and Heads of Service	Page 57
I5 Budget Holders	Page 57-58
I6 Employees	Page 58
I7 Accounts Receivable (Debtors)	Page 58-59
I8 Debt Recovery	Page 59
I9 Write off of unrecoverable debt	Page 59-60
<b>J: Council Tax and Non-Domestic Rates</b>	
J1 Introduction	Page 61
J2 Section 151 Officer	Page 61
J3 Head of Revenues and Benefits	Page 61
<b>K: Council Tax Benefit and Housing Benefit</b>	
K1 Introduction	Page 62
K2 Section 151 Officer	Page 62
K3 Head of Revenues and Benefits	Page 62
<b>L: External Arrangements</b>	
<b>L1 Partnerships:</b>	
L1.1 Introduction	Page 63
L1.2 Cabinet	Page 63

L1.3 Section 151 Officer Page 63-64

L1.4 Directors and Heads of Service Page 64

**L2 External Funding:**

L2.1 Introduction Page 64-65

L2.2 Section 151 Officer Page 65

L2.3 Directors and Heads of Service Page 65

**L3 Work for Third Parties:**

L3.1 Introduction Page 66

L3.2 Cabinet Page 66

L3.3 Section 151 Officer Page 66

L3.4 Directors and Heads of Service Page 66-67

**Appendices**

Appendix A1 - Schedule of Financial limits

## **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 councils forming the GO Shared Services.

**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, ensures 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 each of the Local Authorities forming the GO Shared Services, being Cotswold District Council, Cheltenham Borough Council, Forest of Dean District Council and West Oxfordshire District Council. This service provides shared financial, payroll, procurement and human resources services across the partnering authorities.

**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 within the GO Shared Services, irrespective of the client council. 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 (Chief Executive), the Monitoring Officer, the Section 151 Officer, other Directors and Heads of Service and all other employees and agents of the council.

**2.5** Directors and Heads of Service are responsible for ensuring that all staff in their departments 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 the Head of GO Shared Services, GO Shared Services Heads of Finance and all 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 Chief Executive, 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 Executive Board or a Director 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 2011, before 30<sup>th</sup> June following the year end to which they relate. The Section 151 Officer shall sign and date the draft Statements before 30<sup>th</sup> June of each year and the final audited Statements before 30<sup>th</sup> September each year)
- The publishing of the Statement of Accounts, and the external auditor's Certificate, Opinion or Report by 30<sup>th</sup> September 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 20 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 2003. Also to ensure publish 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, 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 Overview and Scrutiny Committee(s)**

**A5.1** The council has Overview and Scrutiny Committee(s), responsible for the scrutiny of Cabinet decisions before or after they have been implemented and for holding the Cabinet to account. These Committee(s) are also responsible for making recommendations on future policy options and reviewing the general policy and service delivery of the council.

**A5.2** Overview and Scrutiny Committee(s) do 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 Committee**

**A7.1** The council has a Standards Committee, established by Full Council, responsible for promoting and maintaining high standards of conduct amongst Members of the council and co-opted Members on its Committees and Sub-Committees. In particular, it is responsible for advising the council on the adoption of the Members' Code of Conduct, and for monitoring the operation of the code.

**A7.2** The Standards 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.

## **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 (Chief Executive)**

**A9.1** The Head of Paid Service (Chief Executive) 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, Overview and Scrutiny Committees, 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 (Chief Executive) 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, and is the lead Solicitor for the Authority. 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 Committee.
- Receiving and acting on reports made by ethical standards officers and decisions of the First-Tier Tribunal.

- Conducting investigations into matters referred by an Initial Assessment Sub-Committee or an Appeals Sub-Committee of the Standards Committee, or arranging for such investigations to be made, and making reports or recommendations in respect of them to the Standards Committee.
- 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.

**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 Senior Management 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 2003.
- Providing financial information and advising on the corporate financial position to the authority as required.
- 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.
- 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.

- 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 Directors and Heads of Service**

**A12.1** Directors and Heads of Service are responsible for the delivery of their own service(s) and for the day to day management of their service(s) budgets. Spending and income generation should be in accordance with service budgets and performance monitored against budget.

**A12.2** Each Director or Head of Service is 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(s) 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(s).

### **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 2011 (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 CIPFA Code of Practice for Internal Audit in Local Government 2006.

**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 Chief Executive or a Director.

## **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. 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 Chief Executive, Directors 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.
- 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 S25 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 to allow corrective action to be taken if targets are not likely to be met.
- The preparation of Budget Monitoring reports, to be reported to Cabinet, reflecting significant variations to income and expenditure budgets (in excess of £10,000) and the overall financial position, on a minimum quarterly basis.
- 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.
- 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 Directors and Heads of Service**

**B5.1** Directors and Heads of Service should manage their budgets responsibly and prudently and not create future commitments without approved budget.

**B5.2** Directors and Heads of Service 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** Directors and Heads of Service are able to delegate budget responsibilities to Service Managers within their given area of responsibility. Any such scheme of delegation should be documented and the Budget Holder made aware of their levels of authority and the contents of the Financial Rules. 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 their Director or Head of Service.

## **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. Expenditure falling within the definition of capital expenditure will be charged to revenue if is for £10,000 or less.

**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** Each Director or Head of Service 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 Director or Head of Service and a capital strategy shall be maintained by the Section 151 Officer. The plan and strategy shall be reported to Cabinet every three years.

**B7.10** Once a capital project has been approved, a Director, 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 relevant Director 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 the 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 Full Council approval at the Financial Outturn meeting 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, Directors and Heads of Service 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** Virement 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 Service Manager or Budget Holder, in consultation with GO Shared Services. 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 relevant Director(s) or Head of Service(s). The Section 151 Officer should be informed of this virement.
- **Amounts over £10,000 but not exceeding £25,000 –**  
Approval by relevant Director(s) or Head of Service(s) 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 relevant Director(s) or Head of Service(s), 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 Director should only be implemented with the approval of each Director 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 virement must be properly documented and approved. A record of all virement should 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 and Strategy 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 and Strategy.
- 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 strategy.

#### **D4 Section 151 Officer**

**D4.1** The Section 151 Officer is responsible for:

- Preparing the Risk Management Policy & 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 Directors and other Employees as appropriate.

#### **D5 Directors and Heads of Service:**

**D5.1** Directors and Heads of Service 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** Directors and Heads of Service 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 2011 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, 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 2006.

**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** The Audit Commission is responsible for appointing external auditors to each local authority in England and Wales. The basic duties of the external auditors are defined in the Audit Commission Act 1998 and the Local Government Act 1999.

**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 base audit role across all areas of the council, while 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.
- Consulting with the Audit Commission on 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 annual governance statement, including the statement of the system of internal financial control by 30<sup>th</sup> September 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, Directors and Heads of Service on their responsibilities in relation to external audit and inspection.
- Ensuring there is effective communication between External and Internal Audit.



## **E.6 Directors and Heads of Service**

**E6.1** Each Director and Head of Service is 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. They shall consult 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 / Strategy 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** Each Director and Head of Service is 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 Director or Head of Service has 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 (such as thefts from secured lockers at Leisure Centres) 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 a Director or Head of Service and/or the Monitoring Officer, and with the approval of at least two of those employees.

**E8.3** Compensation payments in excess of £5,000 shall only be made following a report from one of the three 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 Full Council**

**F2.1** Full Council is responsible for deciding the extent of the Property Portfolio and for agreeing acquisitions and disposals. Approval is delegated to Cabinet for acquisitions not exceeding £500,000 (for Social Housing) and not exceeding £250,000 (for other land or property), unless otherwise delegated in the constitution.

**F2.2** Assets no longer required should be disposed off in accordance with the law and the rules and policies of the council, so as to maximise benefits.

### **F3 Cabinet**

**F3.1** The Cabinet is responsible for approving terms for land / property acquisitions, as above 2.1

### **F4 Chief Executive (or other delegated Officer)**

**F4.1** The Chief Executive (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.

**F5 Director or Head of Property Services (or other delegated Officer)**

**F5.1** The Director or Head of Property Services 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.

**F5.2** The Director or Head of Property Services (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.

**F6 Monitoring Officer (or other appropriate Officer as delegated in the Constitution)**

**F6.1** The Monitoring Officer (or other delegated Officer), in consultation with the relevant Cabinet Members and relevant Ward Member(s) and the relevant Director, 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.

**F6.2** The Monitoring Officer (or other delegated Officer), in consultation with the relevant Ward Member(s) and a 48 hour period being allowed for any response to such consultation, 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 Head of Property Services)
- 
- Licences regulating the use or occupation of council property.

**F6.2.1** Such approval (where appropriate) is to be on terms recommended by the District Valuer, or an independent Valuer.

**F6.3** The Monitoring Officer (or other delegated Officer), in consultation with the relevant Cabinet Member and the relevant Ward Member(s), has authority to agree the sale of Council-owned land on terms recommended by the District Valuer, or an independent 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 and the Ward Member(s) have no objection to the sale.

**F6.4** The Monitoring Officer (or other delegated Officer) has similar delegated authority in relation to land purchases and easements, as set above.

**F6.5** The Monitoring Officer (or other delegated Officer), in consultation with the appropriate Director and Head of Property Services, has authority to approve the granting of way leaves, licences and other rights of use in respect of Council property.

**F6.6** The Monitoring Officer (or other delegated Officer) has the authority to instigate any investigations he/she considers necessary in particular cases regarding the lease of Council-owned commercial premises.

**F6.7** The Monitoring Officer (or other delegated Officer) shall have custody of all title deeds under secure arrangements agreed with the Chief Executive.

## **F7 Section 151 Officer**

**F7.1** 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. 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.
- Co-ordinating the security of the council's administrative and operational offices.

## **F8 Directors, Heads of Service and Budget Holders**

**F8.1** Directors, Heads of Service 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 Head of Property Services, in consultation with the Section 151 Officer and the Monitoring 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 Head of Property Services and 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. The Director or Head of Information Community Technology shall maintain a separate register of all ICT equipment, on behalf of the council, as per financial rule F9.2.
- Passing title deeds of council property to the Monitoring Officer 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 and the Director or Head of Property Services of any proposals to acquire or dispose of council property.
- Arranging for the valuation of assets for accounting purposes to meet requirements specified by the Section 151 Officer.
- 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.

## **F9 Information and Communication Technology (ICT)**

**F9.1** All ICT equipment, irrespective of its individual value, shall be procured by, or with the prior approval of the Director or Head of Service responsible for ICT Services (or his or her delegated Officer), particularly where the equipment has a strategic value or requires network access.

**F9.2** This Director or delegated Officer shall maintain a register of all ICT equipment above the value of £250 owned by the council, including its location and serial number.

**F9.3** Certain equipment to be determined by the Director or Head of Service responsible for Information Communication Technology, such as cameras, blackberries, etc shall be procured by him or her and recorded in the ICT inventory.

**F9.4** The Council's internal IT policy 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.

**F9.5** Computer games supplied as part of licensed software shall not be played in council time.

### **F10 Stocks and Stores**

**F10.1** 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.

**F10.2** Stocks shall not be in excess of normal requirements except in special circumstances, with the approval of the Director or Head of Service, who shall keep a written record and justification of such circumstances.

**F10.3** Each Director or Head of Service shall be responsible for the care and custody of the stocks and stores within his or her service(s).

**F10.4** Directors or Heads of Service 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.

**F10.5** The Section 151 Officer shall be entitled to receive from each Director or Head of Service 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.

**F10.6** 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.

**F10.7** 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.

**F10.8** 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.



**F10.9** 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.

### **F11 Write-offs**

**F11.1** Limit of the council to write off and/or dispose of obsolete stock, per individual item:

- Estimated residual value up to £250 - Directors or Heads of Service.
- Estimated residual value over £250 - Section 151 Officer.

**F11.2** At any one time up to £5,000 may be written out of stock records with the Section 151 Officer approval. If the accumulated amount to be written out exceeds £10,000 during the financial year, a report must be made to Cabinet. Individual amounts in excess of £5,000 shall be approved by Cabinet.

### **F12 Petty Cash and Cash Floats**

**F12.1** Maximum limits for cash holdings shall be agreed with the Section 151 Officer and shall not be exceeded without his or her express permission.

**F12.2** 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 Director concerned.

**F12.3** 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.

**F12.4** 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.

**F12.5** Payments in reimbursement of travelling or subsistence expenses shall not be paid out of petty cash accounts.

**F12.6** 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.

**F12.7** 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.

**F12.8** When an Employee responsible for such an account leaves the employment of the council, or ceases to be entitled to hold an advance, his or her Director or Head of Service shall ensure that he or she accounts to him for the amount advanced.

### **F13 Intellectual Property**

**F13.1** 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.

**F13.2** 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.

**F13.3** The Monitoring Officer, in conjunction with Section 151 Officer shall determine a policy and procedure guidance relating to intellectual property of the Council.

**F13.4** Directors and Heads of Service 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.

**F13.5** 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 Policy / 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 Policy Statement to the Council, in accordance with advice from the Section 151 Officer.
- Decisions relating to Treasury Management within the Policy Statement.
- Deciding an annual Treasury Management Strategy Statement and Annual Investment Strategy.
- Implementing and monitoring performance against the Treasury Management Policy Statement.
- Delegating responsibility for borrowing, investment and financing to the Section 151 Officer.

### **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 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.
- 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 GO Shared Services 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 Directors or Heads of Service (see Petty Cash Financial Rules).
- Ensuring that designated Officers within GO Shared Services are given access to the bank account details of each of the councils being served by the Shared Service, to facilitate transactional processing and other finance related work, as required.

### **G5.2 Directors and Heads of Service 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 of those 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 Council money is not kept with or confused with unofficial funds, e.g. tea, lottery or pools funds.
- 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, 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.

**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 BACS payments and 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 manually prepared cheques for an amount in excess of £5,000 shall be countersigned by another authorised employee, who shall be an authorised bank signatory to the bank account.

## **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 the GO Shared Services 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.

**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 Directors, Heads of Service and Budget Holders**

**H3.1** Each Director or Head of Service 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** Directors, Heads of Service 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 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.
- Establishing an effective scheme of delegation, 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.
- Supplying a written record of authorised Officers within his or her area of responsibility, with specimen signatures and delegated limits, to the Section 151 Officer, and ensuring they are maintained up-to-date. Directors 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 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.

**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 public utility services, periodical payments such as rent or business rates, for 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 Directories 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
- Budget Holder or Manager –£10,001 to £50,000, subject to individual approved limit
- Manager or Director or Head of Service– £50,001 to £100,000, subject to individual approved limit
- Director or Head of Service or Section 151 Officer or Deputy Section 151 Officer – £100,001 to £250,000
- Section 151 Officer or Deputy Section 151 Officer– Amounts over £250,000

Each Director or Head of Service will agree the appropriate approval limit for individual Officers within their service with the Section 151 Officer or Deputy Section 151 Officer, based on their level of responsibility and/or their budget amounts.

**H5.8** All ICT equipment, irrespective of its individual value, shall only be procured by, or with the prior approval of the Director responsible for ICT Services (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.

**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 if the budget holder is satisfied that 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.

**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 GO Shared Service, Financial Services, to be examined as considered necessary. For this purpose, Financial Services 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** A Director 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. If a prepayment is unavoidable then it should be approved by the GO Shared Services.

## **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 (Chief Executive), with whom Directors 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 and wages 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 GO Shared Services Head of 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** Directors and/or Managers must notify the GO Shared Services, 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** Directors 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 the GO Shared Services, 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 following the process approved by the GO Shared Services Head of Human Resources, in consultation with the Section 151 Officer.

**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 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 their Director or Head of Service.

## **H9 Value Added Taxation**

**H9.1** The Section 151 Officer is responsible for advising Directors and Heads of Service 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 / Business Units**

**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 relevant Director 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 Financial Management system (Agresso) may only be processed by authorised Employees, with the approval of the Section 151 Officer. This will normally be restricted to Officers within the GO Shared Services, 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 GO Shared Services Head(s) of 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 GO Shared 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 Director or Budget Holder, in order to remain in line with competitors and demand, in consultation with the relevant Cabinet Member.

### **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 Directors and Heads of Service**

### **I4.1 Each Director or Head of Service is 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.

**17.2** 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.

**17.3** 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. The transfer of all money between officers must be documented and the recipient should sign a receipt.

**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 Debts**

**19.1** The limits on the council to write off individual 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 given by Financial Rules above.

**19.4** The Section can delegate the waiving of standard off-street car park charge notices to the Director or Head of Service 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.

## **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 Head of Revenues and Benefits**

**J3.1** The Head of Revenues and Benefits is responsible for 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 Head of Revenues and Benefits**

**K3.1** The Head of Revenues and Benefits is responsible for 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 Chief Executive 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 Directors and Heads of Service**

##### **L1.4.1 Directors and Heads of Service 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 Directors and Heads of Service**

**L2.3.1** Directors and Heads of Service 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 Senior Leadership Team (Directors) 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 Directors and Heads of Service**

**L3.4.1** Directors and Heads of Service 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.

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Page 104

Page Number	Rule Reference	Section	Description
Page 8	2.10	Financial Status	Formal review of Financial and Contract rules by S151 Officer every 5 years.
Page 10	A3.2	Financial Management	Preparation of draft Statement of Accounts by 30th June following financial year end to which they relate. Draft Accounts be signed as approved by Section 151 Officer by this date.
Page 10	A3.2	Financial Management	Approval by Audit Committee of audited Statement of Accounts by 30th September following financial year end to which they relate. Audited Statements to be signed by Section 151 Officer and by approving Committee Chair by this date.
Page 10	A3.2	Financial Management	Final Statement of Accounts and external auditor's certificate, opinion or report to be published by 30th September following financial year end to which they relate.
Page 15	A12	Financial Management	Directors or Heads of Services to obtain Section 151 Officer approval for matters likely to affect council's finances materially, defined as in excess of £10,000.
Page 17	B2.1	Budget Planning and Preparation	Full Council responsible for the approval and adoption of its annual budget in February of each year prior to the start of the next financial year.
Page 18	B4.1	Budget Planning and Preparation	Medium Term Financial Strategy to be prepared and reported on a minimum 4 year basis, for consideration by Cabinet and approval by Full Council in February of each year prior to the start of the next financial year.
Page 19	B4.2	Budget Monitoring	Budget monitoring reports to be submitted to Cabinet on a minimum quarterly basis
Page 19	B4.2	Budget Monitoring	Budget Monitoring reports to Cabinet to reflect significant variances to income and expenditure budgets, defined as in excess of £10,000.
Page 20	B7.3	Capital Expenditure	"de minimus" level of £10,000 set for classification of capital expenditure, below which all expenditure is classed as revenue expenditure.
Page 20	B7.8	Capital Expenditure	New capital schemes in year to be approved:- Amounts not exceeding £100,000 - by Cabinet Amounts in excess of £100,000 - by Council
Page 20	B7.9	Capital Expenditure	Asset Management plan and Capital Strategy to be reported to Cabinet by designated Director or Head of Service every 3 years.

Page Number	Rule Reference	Section	Description
Page 22	B10.2	Carry forwards	Carry forward of any budget underspend needed in next financial year can be approved by Section 151 Officer, if needed for same purpose as intended. All other carry forwards, including underspend that has been carried forward in previous financial years, to be approved by Council.
Page 24	C2.1	Scheme of Virements	Variations to approved virement limits to be approved by Council.
Page 24	C3.1	Scheme of Virements	Budget variations within a Service to be approved by Service Manager or Budget Holder, in consultation with GO Shared Services.
Page 25	C4.2.1	Revenue budget Virements	Amounts not in excess of £10,000 - approval by relevant Director(s) or Head of Service(s). Section 151 Officer to be informed. Amounts in excess of £10,000, not in excess of £25,000 - approval by relevant Director(s) or Head of Service(s) and the Section 151 Officer. Cabinet member to be informed
Page 25	C4.2.1	Revenue budget Virements	Amounts in excess of £25,000, not in excess of £50,000 - approval of Cabinet Member, in consultation with Section 151 Officer Amounts in excess of £50,000, not in excess of £100,000 - approval of Cabinet Amounts in excess of £100,000 - approval of Council
Page 25	C4.2.2	Capital budget Virements	Capital Budget Virements not in excess of £50,000 -approval of relevant Director(s) or Head of Service(s), with agreement of Section 151 Officer. Cabinet Member(s) to be informed. Amounts in excess of £50,000, not in excess of £100,000 - approval of Cabinet Amounts in excess of £100,000 - approval of Council
Page 34	E8.2 E8.3	Ex-Gratia / Maladministration Compensation Payments	Amounts not in excess of £5,000 - approval by Section 151 Officer <b>and</b> Director and/or Monitoring Officer Amounts in excess of £5,000, not in excess of £50,000 - approval by Cabinet Member
Page 34	E8.3 E8.3	Ex-Gratia / Maladministration Compensation Payments	Amounts in excess of £50,000, not in excess of £100,000 - approval by Cabinet Amounts in excess of £100,000 - approval by Council

Page Number	Rule Reference	Section	Description
Page 35	F2.1	Acquisition of land and property	Amounts not exceeding £500,000 (for Social Housing) and £250,000 (for other land and property) - delegated approval by Cabinet . Acquisitions in excess of these amounts to be approved by Council.
Page 36	F5.2	Disposal of surplus equipment	Head of Property Services (or Delegated Officer) authority for sale of surplus equipment:- Estimated residual value not in excess of £5,000 - in consultation with the Section 151 Officer. Estimated residual value in excess of £5,000, not in excess of £10,000 - in consultation with the 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
Page 37	F6.3	Disposal of Land	Monitoring Officer (or delegated Officer) has authority to disposal of land and easements not exceeding £50,000 and easements not exceeding £25,000 per annum, in consultation with the relevant Cabinet Member and Ward Member(s), subject to their non-objection.
Page 38	F7.1	Assets	Asset Register to be maintained to record all fixed assets with a value in excess of £10,000.
Page 39	F8.1	Assets	Directors or Heads of Service to maintain an inventory of all moveable assets in their service area(s) with a value in excess of £500.
Page 39	F9.2	Assets	ICT Director or Head of Service to maintain an inventory of all ICT equipment with a value in excess of £250.
Page 40	F10.6	Stocks and Stores	Discrepancies in stocks and stores in excess of £250 to be reported to the Section 151 Officer and Head of Internal Audit
Page 41	F11.1	Stocks and Stores	Write off or disposal of obsolete stock :- Estimated value not in excess of £250 - by Directors or Heads of Service Estimated value in excess of £250 - by Section 151 Officer
Page 41	F11.2	Stocks and Stores	Maximum amount of £5,000 to be written out of asset records at any one time, to be approved by Section 151 Officer. Individual amounts written out in excess of £5,000 to be approved by Cabinet. If accumulated amounts written off exceed £10,000 during the financial year, a report shall be made to Cabinet by the Section 151 Officer.
Page 41	F12.3	Petty Cash	Payments from Petty cash floats limited to a maximum of £50 per transaction

Page Number	Rule Reference	Section	Description
Page 47	G6.3	Cheque and BACS payments	All computerised cheques drawn and/or BACS payments to be countersigned by another authorised bank signatory, for amounts in excess of £25,000
Page 47	G6.6	Cheque and BACS payments	All manual cheques drawn to be countersigned by another authorised bank signatory, for amounts in excess of £5,000
Page 51	H5.7	Orders for Works, Goods and Services	<p>Directors or Heads of Service to approve individual limits for Officers for the approval of purchase requisitions and official orders, normally assigned within the following levels of authority (but also based on budget amounts):-</p> <p>Amounts not in excess of £10,000 - authorised budget holder</p> <p>Amounts in excess of £10,000, not in excess of £50,000 - authorised budget holder or Manager</p> <p>Amounts in excess of £50,000, not in excess of £100,000 - authorised Manager or Director or Head of Service</p> <p>Amounts in excess of £100,000, not in excess of £250,000 - Director or Head of Service or Section 151 Officer or Deputy Section 151 Officer</p> <p>Amounts in excess of £250,000 - Section 151 Officer or Deputy Section 151 Officer</p>
Page 52	H6.6	Payments	All payment of accounts to be paid within 30 days of receipt by the council.
Page 53	H6.9	Payments	Pre-payment for goods and services, if unavoidable, to be approved by GO Shared Services.
Page 55	H11.3	Journals	Daily report of all journals raised on the finance system to be checked and agreed by a delegated Senior Officer within GO Shared Services.
Page 58	I7.1	Debtors invoices and Credit notes	Invoices raised for amounts less than £5, and all credit notes raised, to be approved by Director of Head of Service
Page 60	I9.1	Bad Debt	<p>Write off of a bad debt by the Section 151 Officer, for an individual amount not in excess of £5,000.</p> <p>All individual amounts in excess of £5,000 to be written off only with the approval of Cabinet or other delegated Committee.</p>
Page 60	I9.4	Bad Debt	The Section 151 Officer can delegate the waiving of Standard off-street car park charge notices to the relevant Director, who shall retain records of reasons and amounts waived. This should be reported to the Section 151 Officer or Cabinet as requested.



**PART 3 RESPONSIBILITY FOR FUNCTIONS****Contents**

PART 3A	INTRODUCTION	Page //
PART 3B	COUNCIL FUNCTIONS	Page //
PART 3C	COMMITTEE FUNCTIONS	Page //
PART 3D	OFFICER NON-EXECUTIVE FUNCTIONS	Page //
PART 3F	EXECUTIVE FUNCTIONS	Page //

**Tables**

1	Functions of Council	Page //
2	Functions of Committees	Page //
3	Functions of Committees	Page //
4	Non-Executive Functions of Officers	Page //
5	Executive Functions	Page //
6	Additional Executive Functions of Officers	Page //

**PART 3A****INTRODUCTION**

- 3A.1 The Authority consists of a number of distinct elements which are each allocated certain functions. The most important elements are Council (all councillors), Committees (undertaking specific functions delegated by Council/specified in statute) and the Executive (Leader and Cabinet). These are the primary decision making bodies within the Authority and they exercise different powers and functions. To assist the efficient working of the Authority these bodies have delegated some of their functions to other parts of the Authority including Sub-Committees and Officers.
- 3A.2 This Part 3 of the Constitution describes the way in which the Authority's powers and functions are distributed amongst the various parts of the Authority and who may lawfully exercise those powers within any limits or in accordance with any conditions.
- 3A.3 The law<sup>1</sup> provides a framework under which functions:
- (a) must be the responsibility of the Executive
  - (b) must not be the responsibility of the Executive
  - (c) may or may not be the responsibility of the Executive
  - (d) must be exercised by Full Council
- 3A.4 Functions which are the responsibility of the Executive (called "Executive Functions") may be delegated by the Leader of the Council to a Committee of the Executive, an individual Member of the Executive (Cabinet Member) or an Officer (exercising Executive Functions). Executive Functions may also be delegated to another local authority or exercised jointly through a joint committee or officer of another authority. The delegation of Executive Functions is set out in Part 3E 'Executive Functions' below.
- 3A.5 Functions which are not the responsibility of the Executive (called 'non-Executive Functions') are the responsibility of Council, Committees (and Sub-Committees) or Officers (exercising non-Executive Functions) and these Functions are set out in Part 3B 'Council Functions', Part 3C 'Committee Functions' and Part 3D 'Officer Non-Executive Functions' below.<sup>2</sup>
- 3A.6 Any reference in this Part 3 of the Constitution to any Function, and any delegation of power includes all action associated with that Function or power and all related enforcement actions.
- 3A.7 A Key Decision<sup>3</sup> shall only be taken by Cabinet, unless such a decision has been

<sup>1</sup> Local Authority (Functions & Responsibilities) (England) Regulations 2000 as amended (see Appendix ????)

<sup>2</sup> Non-Executive Functions may also be delegated to another local authority or exercised jointly through a joint committee or officer of another local authority.

<sup>3</sup> Relates to Executive Functions and is defined in Article 13

specifically delegated by the Leader to a Cabinet Member or an Officer or unless the Leader, Chief Executive or Executive Director is exercising their urgency powers (as set out in Part 3E below).

- 3A.8 A Significant Decision<sup>4</sup> shall only be taken by Council or a Committee unless such a decision has been specifically delegated to a Sub-Committee or Officer or unless the Chief Executive or Executive Director is exercising their urgency powers (as set out in Part 3D below).

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<sup>4</sup> Relates to non-Executive Functions and is defined in Article 13

**PART 3B****COUNCIL FUNCTIONS**

3B.1 The functions that may only be exercised by Council are set out in Table 1 below:

**Table 1**

Determine which plans, strategies and policies shall comprise the Authority's Policy Framework <sup>5</sup> and from time to time approve, adopt and amend those plans, strategies and policies
Determine and amend the Authority's Budget <sup>6</sup>
Approve the Authority's Statement of Accounts <sup>7</sup>
Approve a departure from the approved Policy Framework and/or the approved Budget <sup>8</sup>
Appoint and remove the Leader <sup>9</sup>
Change the executive arrangements of the Authority <sup>10</sup>
Establish, abolish and decide the terms of reference and the composition of Council Committees and make appointments including co-opted members to them and other non-Executive bodies <sup>11</sup>
Make and amend Procedural Rules, Financial Rules and Contract Rules <sup>12</sup>
Change the name of the Borough or a parish <sup>13</sup>
Elect a Mayor (Council Chairman) and Deputy Mayor (Council Vice-Chairman) <sup>14</sup>
Confer the title of Honorary Alderman <sup>15</sup> and grant the Freedom of the Borough
Promote or oppose local or personal bills
Where it is the function of the Authority, divide Parliamentary Constituencies and local government electoral divisions into polling districts <sup>16</sup>
Appoint an Electoral Registration Officer <sup>17</sup> and Returning Officer for local government elections <sup>18</sup>
Make, amend, revoke or re-enact Byelaws
Dissolve small parish councils and make orders for grouping parishes, dissolving groups and separating parishes from groups and make temporary appointments to parish councils <sup>19</sup>
Fill Council or Parish Council vacancies in the event of insufficient nominations
Change ordinary year of election of parish councillors <sup>20</sup>
Submit proposals to the Secretary of State for an Order for pilot schemes for local elections <sup>21</sup>
Confirm the appointment or dismissal of the Chief Executive (Head of Paid Service) and designate officers as the Monitoring Officer and the Chief Finance Officer <sup>22</sup>

<sup>5</sup> Policy Framework is defined in Article 4

<sup>6</sup> Budget is defined in Article 4

<sup>7</sup> Accounts & Audit Regulations 1996 as amended

<sup>8</sup> Subject to Rule 4 Budget & Policy Framework Rules (Part 4G)

<sup>9</sup> Stat ref //

<sup>10</sup> s// LGA 2000

<sup>11</sup> S101 LGA 1972

<sup>12</sup> ss 135, ///, 151 LGA 1972 (For Procedural, Financial and Contract Rules see Part 4)

<sup>13</sup> ss74 & 75 LGA 1972

<sup>14</sup> ss3-5 LGA 1972

<sup>15</sup> S249 LGA 1972

<sup>16</sup> ss18 & 31 Rep of the People Act 1983

<sup>17</sup> s8(2) Rep of the People Act 1983

<sup>18</sup> s35 Rep of the People Act 1983

<sup>19</sup> ss 10, 11 & 91 LGA 1972

<sup>20</sup> s53 LGPIH Act 2007

<sup>21</sup> s10 Rep of the People Act 2000

<sup>22</sup> ss4&5 LG(MP)A89 and s151 LGA 1972

Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council
Establish and abolish Joint Committees (in respect of non-Executive functions) <sup>23</sup>
Authorise applications to the Secretary of State for approval of housing land transfers <sup>24</sup>
Undertake community governance review <sup>25</sup>
Adopt or amend the Code of Members' Conduct <sup>26</sup>
Take decisions and/or give advice on matters brought to Council by the Leader, Cabinet, Officers and other bodies or persons
Receive and consider statutory reports from the Head of Paid Service and the Monitoring Officer <sup>27</sup>
Determine whether local choice functions <sup>28</sup> will be exercised by Council or the Cabinet and undertake such local choice functions as allocated to Council
Discharge any other function which is by law reserved to Council

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<sup>23</sup> s101(5) LGA 1972

<sup>24</sup> Para // Fcts & Resps Regs 2000

<sup>25</sup> s79 LGPIH Act 2007

<sup>26</sup> See Part 5A. The statutory context of the Code may change under the Localism Act.

<sup>27</sup> ss 4 and 5 Local Government (Misc Provisions) Act 1989

<sup>28</sup> The allocation of local choice functions is shown at Appendix //.

**PART 3C****COMMITTEE FUNCTIONS**

- 3C.1 Council has established<sup>29</sup> the Committees set out in Table 2 below to discharge certain functions which are neither reserved to Council nor Executive or solely Executive functions. Council retains the right to a concurrent and overriding exercise of all functions in Table 2.
- 3C.2 The Authority must have a Standards Committee<sup>30</sup> and at least one Overview and Scrutiny Committee<sup>31</sup> and these are set out in Table 3 below.
- 3C.3 A Committee may establish such Sub-Committee(s) as it sees fit to undertake certain of its functions and the Tables below include such Sub-Committees.
- 3C.4 Unless otherwise required by law, a Committee or Sub-Committee in Table 2 may determine not to exercise a function delegated to it and refer that function upwards for determination by respectively Council or the parent Committee.

**Table 2**

<b>PLANNING COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<b>Planning, etc. applications</b> Determine an application for: <ul style="list-style-type: none"> <li>(a) full planning permission;</li> <li>(b) outline planning permission;</li> <li>(c) approval of reserved matters;</li> <li>(d) listed building consent;</li> <li>(e) conservation area consent;</li> <li>(f) advertisement control consent</li> </ul>	The power shall only be exercised where the application: <ul style="list-style-type: none"> <li>(a) if granted, would be a departure from or would conflict with the development plan/local development framework or other planning policies adopted by the Council;</li> <li>(b) is for a proposal which an Officer intends to support and which has, prior to the expiry of the statutory consultation period, been objected to in writing by any local amenity organisation, any residents association or any statutory consultee; unless the Chairman and Vice Chairman consider that the objection is one which does not require Committee assessment;</li> <li>(c) is one in respect of which any Member has, prior to the expiry of the statutory consultation period, submitted a written request and explanation to the Director Environment that it be determined by the</li> </ul>

<sup>29</sup> Pursuant to s101 LGA 1972, Licensing Act 2003, Gambling Act 2005

<sup>30</sup> Potentially due for repeal under Localism Act

<sup>31</sup> Required by s21 LGA 2000

	<p>Planning Committee;</p> <p>(d) is submitted by or on behalf of the Council or the Gloucestershire County Council;</p> <p>(e) is submitted by a Member, an Executive Director, Director or an existing employee of the Built Environment Division;</p> <p>(f) is one which the Planning Committee has specifically required should be determined by the Committee; or</p> <p>(g) is one which the Director Built Environment considers should be determined by Planning Committee</p>
<p><b>Trees</b></p> <p>Determine planning applications relating to trees including (a) trees covered by Tree Preservation Orders: and (b) trees within Conservation Areas.</p>	<p>The power shall only be exercised in respect of an application:</p> <p>(a) submitted by a (i) a Member, (ii) a current employee of the Built Environment or Operations Divisions of the Council or (iii) the Council or Gloucestershire County Council;</p> <p>(b) which a Member of the Council has, within the consultation period, requested should be determined by Planning Committee; or</p> <p>(c) which the Director Built Environment considers should be determined by Planning Committee</p>
<p><b>Planning Policy</b></p> <p>Act as consultee to Cabinet/Lead Member on recommendations/responses for the adoption and review of local and national planning policy</p>	<p>Adoption of local planning policy is a Council function</p>

<b>LICENSING COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<p><b>Licensing Act 2003</b></p> <p>Act as consultee to Cabinet/Lead Member on recommendations/responses for the adoption and review of the Licensing Policy Statement and national licensing policy</p>	<p>Adoption of the Licensing Policy Statement is a Council function</p>
<p>Establish Licensing Sub-Committees</p>	
<p><b>Gambling Act 2005</b></p> <p>Act as consultee to Cabinet/Lead Member on recommendations/responses for the adoption and review of the Licensing Policy Statement and national licensing policy including policies on casinos</p>	<p>Adoption of the Licensing Policy Statement is a Council function</p>
<p>Determine an application for a premises licence</p>	<p>If a relevant representation made</p>
<p>Determine an application for a variation to a</p>	<p>If a relevant representation is made</p>

premises licence	
Determine an application for a transfer of a premises licence	If a representation received from the Gambling Commission
Determine an application for a licence to be reinstated	If a relevant representation made
Determine an application for a provisional statement	If a relevant representation made
Review a premises licence	All cases
Determine an application for club gaming/club machine permit	If a relevant representation made
Cancel a club gaming/club machine permit	All cases
Consider a temporary use notice	If a relevant representation made
Decide to give a counter notice to a temporary use notice	All cases
<b>Hackney Carriage and Private Hire</b>	
Determine an application for the grant variation or renewal of a driver or vehicle licence	If a relevant objection is made
Determine an application for the grant or variation of an operator's licence	If a relevant objection is made
Determine an application for the transfer of a vehicle licence	If a relevant objection is made
Suspend or continue the suspension of a driver, vehicle or operator's licence	Where an officer chooses not to exercise delegated power
Revoke a driver, vehicle or operator licence	If a relevant representation is made
Adopt and amend standard conditions for hackney carriage and private hire licences	
<b>Miscellaneous Licensing Functions</b> (including Street trading, Street collections, House to house collections, Objects on the highway, Sex establishments, Caravan sites, Camping sites and moveable dwellings, Acupuncture, tattooing, ear-piercing and electrolysis, Game dealers, Scrapyards, Zoos, Dangerous wild animals)	
Determine any application for the grant, renewal, variation or transfer of a licence, consent, permit or permission	If a relevant objection is made
Revoke any licence, consent, permit or permission	If a relevant representation is made
<b>LICENSING SUB-COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<b>Licensing Act 2003</b>	
Determine an application for a personal licence	If a police objection
Determine an application for a personal licence with unspent conviction(s)	All cases
Determine an application for a premises licence/club premises certificate	If a relevant representation made
Determine an application for a provisional statement	If a relevant representation made
Determine an application to vary a premises	If a relevant representation made



licence/club premises certificate	
Determine an application to vary a designated premises supervisor	If a police objection
Determine an application for transfer of a premises licence	If a police objection
To determine an application for interim authorities	If a police objection
Determine an application to review a premises licence/club premises certificate	All cases
Lodge an objection where the Council is a consultee and not the relevant authority considering the application	All cases
Determine a police objection to a temporary event notice	All cases
<b>AUDIT COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<i>Current terms of reference to be incorporated</i>	
<b>APPOINTMENTS COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<i>Current terms of reference to be incorporated</i>	
<b>DISCIPLINARY COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<b>APPEALS COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<i>Current terms of reference to be incorporated</i>	

Table 3

<b>STANDARDS COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<i>Current terms of reference to be incorporated pending Localism Act</i>	
<b>STANDARDS (INITIAL ASSESSMENT) SUB-COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<i>Current terms of reference to be incorporated pending Localism Act</i>	
<b>STANDARDS (REVIEW) SUB-COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<i>Current terms of reference to be incorporated pending Localism Act</i>	
<b>STANDARDS (DETERMINATION OF COMPLAINTS) SUB-COMMITTEE</b>	
<b>Function</b>	<b>Condition</b>
<i>Current terms of reference to be incorporated pending Localism Act</i>	
<b>OVERVIEW &amp; SCRUTINY COMMITTEES</b>	
<b>Economy &amp; Business Improvement</b>	
<b>Function</b>	<b>Condition</b>
<i>Current terms of reference to be incorporated pending O&amp;S review</i>	
<b>Environment</b>	
<b>Function</b>	<b>Condition</b>

<i>Current terms of reference to be incorporated pending O&amp;S review</i>	
<b>Social &amp; Community</b>	
<b>Function</b>	<b>Condition</b>
<i>Current terms of reference to be incorporated pending O&amp;S review</i>	

**PART 3D****OFFICER NON-EXECUTIVE FUNCTIONS**

- 3D.1 All Non-Executive Functions<sup>32</sup>, other than those allocated in Parts 3B & C above, are delegated to the Chief Executive, Executive Directors and Directors as set out in Table 4 below.
- 3D.2 In addition, the Chief Executive, Executive Directors and Directors will exercise powers or duties specifically delegated to them by Council, Committee, Sub-Committee or Joint Committee.
- 3D.3 The Chief Executive, Executive Directors and Directors are not required to exercise all delegations personally and may sub-delegate any Function in this Part 3D to Officers of suitable experience and seniority in accordance with the process set out in Appendix [ ]
- 3D.4 An Officer does not have delegated authority to take a Significant Decision<sup>33</sup> unless (a) specifically authorised to do so by Council, Committee, Sub-Committee or Joint Committee, or (b) the Chief Executive or Executive Director is taking action under urgency powers as set out in this Part 3D.
- 3D.5 The fact that a function is delegated to an Officer under this Scheme does not preclude the person or body which gave the delegation from exercising the function in question.
- 3D.6 Council or an Appropriate Committee may direct in any particular case that a delegated power to an Officer in respect of a Non-Executive Function shall not be exercised by the Officer and that the Function in question shall instead be exercised by the Council or Appropriate Committee. Such direction must be exercised in consultation with the Chief Executive or Appropriate Executive Director or Director(s).
- 3D.7 The Chief Executive, an Executive Director or Director may at their discretion refer any matter to Council or Appropriate Committee for decision.
- 3D.8 Officers have responsibility to report to Council, the Appropriate Committee, the Mayor or Appropriate Committee Chairman matters that are of political or strategic significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.

<sup>32</sup> As set out in the Local Authority (Functions & Responsibilities) (England) Regulations 2000 as amended (see Appendix I/)

<sup>33</sup> As defined in Article 13

3D.9 Article 13 'Decision Making' applies to the exercise of all Non-Executive Functions by Officers in this Part 3D.

Table 4

<b>Chief Executive</b>	
<b>Function</b>	<b>Condition</b>
Discharge any Non-Executive Function not otherwise allocated in Parts 3B-D of the Constitution	Unless prohibited by law
Discharge any Non-Executive Function which is delegated to an Officer under Part 3D	Where that Officer is absent or unable to act through conflict of interest or otherwise Except in the case of the Monitoring Officer or Chief Finance Officer where they have allocated the function to their deputy
Take any decision in respect of a Non-Executive Function, including a Significant Decision <sup>34</sup> , in a situation where the matter is so urgent and important that it does not allow time for a report to be considered by Council or Appropriate Committee.	Except as specifically allocated to Council in Part 3B Table1. Wherever possible this shall be done in consultation with the Mayor or Appropriate Committee Chairman. The decision shall be reported to the next scheduled meeting of Council or the Appropriate Committee
Approve an urgent departure from the Budget or Policy Framework	In accordance with Rule 4 Budget & Policy Framework Rules <sup>35</sup> The decision shall be reported to the next scheduled ordinary meeting of Council
Determine claims and payments in accordance with the scheme of Member Allowances	
Discharge functions and take actions and decisions in respect of elections, electoral registration, referenda and related legislation	Except as specifically allocated to Council in Part 3B Table1
Discharge functions and responsibilities with regard to parish councils	Except as specifically allocated to Council in Part 3B Table1
Undertake the functions of the Head of Paid Service including the duty, where he considers it appropriate to do so, of reporting to Council <sup>36</sup> on the manner in which the Authority functions are co-ordinated, the number and grades of staff to discharge those functions and the organisation and proper management of those staff	

<sup>34</sup> As defined in Article 13

<sup>35</sup> See Part 4G

<sup>36</sup> s4 LG(MP)Act 1989

Approve reorganisation of functions and restructuring of staff within service areas and the transfer of staff and functions between service areas	Except where the Chief Executive considers it appropriate to refer a report to Council <sup>37</sup>
Approve redundancy of or an application for early retirement (including ill health retirement) of an employee	Except (in the case of the Chief Executive, an Executive Director or Director) as specifically allocated to Council or Committee in Part 3B Table 1 or 2. Subject to corporate HR policies
Approve HR procedures and policies which relate to employee terms and conditions of employment	
Undertake functions in respect of local government pensions	
Authorise any Officer to or for any legal purpose including Proper and Statutory Officer appointments <sup>38</sup>	Unless otherwise prescribed by law or allocated to Council in Part 3B
<b>Executive Directors</b>	
<b>Function</b>	<b>Condition</b>
Discharge any Non-Executive Function which is delegated to an Officer (including the Chief Executive) under this Part 3E	Where that Officer is absent or unable to act through conflict of interest or otherwise Except in the case of the Monitoring Officer or Chief Finance Officer where they have allocated the function to their deputy
Undertake the statutory role of Head of Paid Service	Where the Chief Executive is absent or unable to act through conflict of interest or otherwise. The role rests with the Executive Director who is deputising for that period
<b>Director Resources</b>	
<b>Function</b>	<b>Condition</b>
Undertake the functions of the Authority's Chief Financial Officer to ensure proper administration of the Authority's financial affairs <sup>39</sup>	
Approve ex gratia and maladministration compensation payments up to £5,000 <sup>40</sup>	In consultation with an Executive Director
Approve the carry forward of budget underspend to next financial year for same purpose as originally intended	
Make minor changes to the Financial Rules to reflect changes in fact and accounting and audit requirements/best practice	Executive Board and Group Leaders to be informed of any change which the Director considers to be significant
Make minor changes to the Contract Rules to reflect changes in fact and procurement	Borough Solicitor, Executive Board and Group Leaders to be informed of

<sup>37</sup> Under s4 LG(MP) Act 1989<sup>38</sup> See Appendix // for Proper and Statutory Officer appointments<sup>39</sup> s151 LGA1972<sup>40</sup> S92 LGA 2000

requirements and best practice	any change which the Director considers to be significant
<b>Director Commissioning</b>	
<b>Function</b>	<b>Condition</b>
Amend the Constitution to reflect changes of fact including changes in allocation of Functions	Executive Board, Borough Solicitor and Group Leaders to be informed of any change which the Director considers to be significant
<b>Director Built Environment</b>	
<b>Function</b>	<b>Condition</b>
Determine applications for: (a) full planning permission; (b) outline planning permission; (c) approval of reserved matters; (d) listed building consent; (e) conservation area consent; (f) advertisement control consent	Except as specifically allocated to Planning Committee under Part 3C Table 2
Determine planning applications relating to trees including (a) trees covered by Tree Preservation Orders: and (b) trees within Conservation Areas.	Except as specifically allocated to Planning Committee under Part 3C Table 2
Other actions and decisions (including enforcement, entry on to land and planning agreements) as local planning authority under the Town & Country Planning Act 1990, Planning (Listed Building & Conservation Area) Act 1990 and all planning related legislation	Except as specifically allocated to or by Council
Highway authority functions relating to on-street parking (as delegated to the Authority by the County Council)	
Authorise the stopping up or diversion of a highway, footpath or bridleway or extinguish public rights of way over land held for planning purposes <sup>41</sup>	
Extinguish public right of way over land acquired for clearance <sup>42</sup>	
Undertake functions relating to high hedges and protection of important hedgerows <sup>43</sup>	
<b>Director Wellbeing &amp; Culture</b>	
<b>Function</b>	<b>Condition</b>
Determine any application for the grant, renewal, variation or transfer of a licence, consent, permit or permission	Except as specifically allocated to Licensing Committee or Sub-Committee under Part 3C Table 2
Other actions and decisions (including enforcement and entry on to land) as	Except as specifically allocated to Council, Licensing Committee or

<sup>41</sup> ss 247, 257, 258 TCPA 1990<sup>42</sup> s294 Housing Act 1981<sup>43</sup> Part 8 Anti-Social Beh Act 2003 & Hedgerows Regs 1997

licensing authority under the Licensing Act 2003, Gambling Act 2005 and all other licensing legislation	Sub-Committee under Part 3C Tables 1 and 2
Highway authority functions (as delegated to the Authority by the County Council)	Except as specifically allocated to Licensing Committee under Part 3C Table 2
Discharge all functions under the Health & Safety at Work etc. Act 1974 and other health and safety related legislation (otherwise than in the Authority's capacity as employer)	
Discharge all functions under food and food safety legislation which cannot be exercised as Executive Functions	
<b>Chief Executive, Executive Directors &amp; Directors</b>	
<b>Function</b>	<b>Condition</b>
Appoint, dismiss and discipline employees within their service areas and determine their individual terms and conditions of employment and matters relating thereto	Director level and above is allocated to Members in Part 3C Table 2. Subject to Employment Rules (Part 4F) and corporate HR policies
Approve revenue budget virements between service areas/budget heads not exceeding £25,000	In consultation with Director Resources. If exceeding £10,000, Lead Member to be informed.
Set fees and charges and increase in line with inflation	Lead Member or Appropriate Committee Chairman to be informed
<b>Borough Solicitor</b>	
<b>Function</b>	<b>Condition</b>
Undertake the functions of the Monitoring Officer <sup>44</sup> prescribed by law and in this Constitution	
Make minor changes to the Procedure Rules to reflect changes in fact, law and best practice	Executive Board and Group Leaders to be informed of any change which the Borough Solicitor considers to be significant

<sup>44</sup> Borough Solicitor appointed as Monitoring Officer by Council under s5 LG(MP) Act 1989 and seconded from Tewkesbury BC to the Authority for that purpose under s113 LGA 1972

**PART 3E****EXECUTIVE FUNCTIONS****General**

- 3E.1 The Authority operates a Leader and Cabinet<sup>45</sup> form of Executive and the Leader of the Council specifies how the functions of the Executive (known as 'Executive Functions') will be carried out.
- 3E.2 In law<sup>46</sup> the Leader of the Council may discharge any Functions and exercise any powers which are the responsibility of the Executive; alternatively the Leader may arrange for the discharge of any of those Functions by delegation to any of the following:-
- (a) the Cabinet
  - (b) a Cabinet Committee
  - (c) an individual Member of the Cabinet (Cabinet Member)
  - (d) an Officer of the Council<sup>47</sup>
  - (e) another local authority<sup>48</sup>
  - (f) jointly with another local authority through a joint committee or officer<sup>49</sup>

**Delegations**

- 3E.3 The Leader has exercised their power of delegation in the manner set out below in Table 5 'General Scheme of Delegation of Executive Functions' and Table 6 'Additional Delegation of Executive Functions to Officers'. In Table 5 reference to Lead Member means a Cabinet Member acting in portfolio as set out in Appendix [ ] and reference to 'Officer' means Chief Executive, Executive Director or Director.
- 3E.4 The Leader has directed that the Functions delegated to Cabinet and Lead Members as set out in Table 5 shall not be sub-delegated to Officers without his prior consent.
- 3E.5 Each person or body to whom a Function is delegated in Tables 5 and 6 shall be empowered to take any step in the course of or otherwise for the purposes of or in connection with the discharge of the Function, do anything incidental or conducive to discharge of the Function or do anything expedient in connection with the discharge of the Function<sup>50</sup>.
- 3E.6 The Leader may amend their delegations at any time by giving notice in writing to any person who currently holds the power and any person to whom the power is now to be delegated and to the Chief Executive setting out the change to be made; such amendment to take effect immediately on confirmation of receipt by the Chief Executive or in their absence an

<sup>45</sup> In December 2010 Council resolved to transfer from an 'old style' strong leader model (LGA 2000) to a strong leader arrangement under the LGPIH 2007 to take effect after the May 2012 Borough elections.

<sup>46</sup> LGA 2000 s14

<sup>47</sup> If permitted by the Leader - Cabinet, a Cabinet Committee, a Cabinet Member, another local authority, a joint committee or joint officer may also delegate Executive Functions to an Officer

<sup>48</sup> If permitted by the Leader - Cabinet, a Cabinet Committee, A Cabinet Member or an Officer may delegate Executive Functions to another local authority

<sup>49</sup> If permitted by the Leader - Cabinet, a Cabinet Committee, A Cabinet Member or an Officer may delegate Executive Functions to be exercised jointly with another local authority through a joint committee or an officer

<sup>50</sup> S48(4) LGA 2000

Executive Director. The Chief Executive will ensure that this Part 3 of the Constitution is updated forthwith.

- 3E.7 The Leader retains the right to a concurrent and overriding exercise of all Executive Functions<sup>51</sup>.
- 3E.8 In the absence of the Leader of the Council the person or persons designated by the Leader and notified by the Leader to the Chief Executive as having responsibility for the Leader's area(s) of responsibility is or are authorised to exercise the functions of the Leader pursuant to the Constitution.
- 3E.9 Article 13 'Decision Making' applies to the exercise of all Executive Functions by the Leader, Cabinet, Cabinet Members or Officers in this Part 3E.

#### **Officer Delegations - Special Provisions**

- 3E.10 The Chief Executive, Executive Directors and Directors are not required to exercise all delegations personally and may sub-delegate any Function in this Part 3E to Officers of suitable experience and seniority in accordance with the process set out in Appendix [ ]
- 3E.11 An Officer does not have delegated authority to take a Key Decision<sup>52</sup> unless (a) specifically authorised to do so by the Leader or (b) the Chief Executive or Executive Director is taking action under urgency powers as set out in this Part 3E.
- 3E.12 The fact that a function is delegated to an Officer under this Scheme does not preclude the person or body which gave the delegation from exercising the function in question.
- 3E.13 The Leader may direct in any particular case that a delegated power to an Officer in respect of an Executive Function shall not be exercised by an Officer and that the Function in question shall instead be exercised by the Leader or Cabinet. Such direction must be exercised in consultation with the Chief Executive or Appropriate Executive Director or Director(s).
- 3E.14 A Lead Member may in respect of an Executive Function which falls within their portfolio direct in any particular case that a delegated power to an Officer shall not be exercised by the Officer and shall instead be exercised by them as Lead Member. Such direction must be exercised in consultation with the Chief Executive or Appropriate Executive Director(s) or Director(s) and the Leader.
- 3E.15 The Chief Executive, or Executive Director or a Director may at their discretion refer any matter to the Leader, the Cabinet or a Lead Member for decision.
- 3E.16 Officers have responsibility to report to the Leader, Cabinet or the Lead Member matters that are of political or strategic significance where that body or person is not required to make a decision but where it is proper for them to be aware of the position.

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<sup>51</sup> LGA 2000 s14

<sup>52</sup> As defined in Article 13



Table 5 General Scheme of Delegation of Executive Functions

FUNCTION	Leader	Lead Member <sup>53</sup>	Cabinet	Joint Committee	Other Local Authority	Officer <sup>54</sup>
<b>Policy &amp; Strategy</b>						
Recommend to Council all plans strategies and policies which comprise the Policy Framework <sup>55</sup> and initiate consultation on such plans policies and strategies			✓			
Agree in year changes to the Policy Framework to the extent permitted by Council or by the Constitution			✓			
Refer to Cabinet for discussion those plans strategies and policies which comprise the Policy Framework and initiate any appropriate consultation on them	✓					
Take urgent decisions that are contrary to or not wholly in accordance with the Policy Framework <sup>56</sup>			✓			CE
Refer to Cabinet those plans strategies and policies which do not comprise the Policy Framework and require Cabinet approval <sup>57</sup>	✓	✓				All
Agree/amend plans strategies and policies which do not comprise the Policy Framework and require Cabinet approval			✓			
Agree/amend plans strategies and policies which do not comprise the Policy Framework and require Cabinet Member approval (except Key Decisions <sup>58</sup> )		✓				
Agree/amend plans strategies and policies which do not comprise the Policy Framework and require Officer approval (except Key Decisions)						All
Respond to consultations from Government, local authority associations and similar bodies which have policy or cross service issues	✓	✓				

<sup>53</sup> As defined in Appendix //<sup>54</sup> CE – Chief Executive, ED – Executive Director, DR – Director Commissioning, DR – Director Resources, All – Chief Executive, Executive Directors, Directors<sup>55</sup> As defined in Article 4<sup>56</sup> Subject to Rule 4 Budget & Policy Framework Rules (Part 4G)<sup>57</sup> See Appendix //<sup>58</sup> Key Decision is defined in Article 13

Respond to all other consultations						CE / ED
Implement the Authority's Risk Management Policy & Strategy	✓	✓	✓	✓		All
<b>Finance</b>						
Prepare and consult on the Authority's Budget <sup>59</sup> and recommend to Council for approval			✓			
Receive and consider quarterly budget monitoring reports			✓			
Take urgent decisions <sup>60</sup> that are contrary to or not wholly in accordance with the Budget			✓			CE
Make bid for funding with resource implications exceeding £250,000			✓	✓		
Make bid for funding with resource implications exceeding £100,000 and not exceeding £250,000	✓	✓				
Make bid for funding with resource implications not exceeding £100,000						All
Propose to Council a contribution to reserves above the level set in the Budget			✓			
Agree use of charging and trading powers		✓	✓			
Set fees and charges		✓				
Agree increase in fees and charges by more than inflation			✓			
Agree increase in fees and charges in line with inflation				✓		All
<b>Assets &amp; Property</b>						
Agree asset management plan			✓			
Dispose of non-land assets with a value exceeding £2,500			✓			
Dispose of non-land assets with a value not exceeding £2,500						All
Make compulsory purchase order (CPO) <sup>61</sup>			✓			
Acquire land or property following CPO						DR
Acquire other land or property or acquire a lease or			✓			

<sup>59</sup> As defined in Article 4<sup>60</sup> Subject to Rule 4 Budget & Policy Framework Rules (Part 4G)<sup>61</sup> Leg ref ////

tenancy agreement where the notional value exceeds £250,000						
Acquire other land or property or acquire a lease or tenancy agreement where the notional value does not exceed £250,000		✓				
Agree Void/Surplus Property Register in consultation with Asset Management Working Group						DR
Dispose of or exchange land or property with a notional value exceeding £250,000 including at an undervalue <sup>62</sup>			✓			
Dispose of or exchange land or property with a notional value exceeding £10,000 and not exceeding £250,000 including at an undervalue <sup>63</sup>		✓				
Dispose of or exchange land or property with a notional value not exceeding £10,000 including at an undervalue <sup>64</sup>						DR
Dispose of or exchange land or property where there is a statutory right to acquire						DR
Dedicate sell or lease land for highway purposes and for public utilities where this does not materially interfere with the proper management of the land/retained land or its investment value		✓				
Apply to Secretary of State to dispose of housing land under Housing Act 1985 <sup>65</sup>		✓				
Authorise the disposal of public open space <sup>66</sup>			✓			
Authorise the disposal of statutory allotments <sup>67</sup>			✓			
Allocate and re-allocate all Authority owned assets, land and property between service areas			✓			
Authorise a change in use of Authority owned land or property <sup>68</sup>		✓				

<sup>62</sup> A disposal at less than best consideration requires Secretary of State specific approval or general consent

<sup>63</sup> A disposal at less than best consideration requires Secretary of State specific approval or general consent

<sup>64</sup> A disposal at less than best consideration requires Secretary of State specific approval or general consent

<sup>65</sup> Subject to Council authorisation (para // LG (Functions & Responsibilities Regulations) 2000)

<sup>66</sup> S1// LGA1972

<sup>67</sup> Stat refs //

<sup>68</sup> Planning permission may be required

Authorise lease/rights/privileges of all Council owned land or property to external bodies where the annual rental or capital value exceeds £250,000			✓			
Authorise lease/rights/privileges of all Council owned land or property to external bodies where the annual rental or capital value does not exceed £250,000						DR
Authorise assignment or surrender of lease/rights/privileges of a capital value exceeding £250,000			✓			
Authorise assignment or surrender of lease/rights/privileges of a capital value exceeding £10,000 and not exceeding £250,000		✓				
Authorise assignment or surrender of lease/rights/privileges of a capital value not exceeding £10,000						DR
Authorise rent subsidy to third party on Authority owned land			✓			
<b>Grants</b>						
Agree service level agreements and service level agreement funding in respect of voluntary organisations			✓			
Make one off grants (excluding rent subsidy on Authority owned land) to voluntary organisations exceeding £10,000 pa			✓			
Make one off grants (excluding rent subsidy on Authority owned land) to voluntary organisations not exceeding £10,000 pa		✓				
<b>Service Delivery</b>						
Take all steps reasonably necessary to facilitate the effective and efficient delivery of services within their portfolio		✓				
Take all steps reasonably necessary for the effective and efficient delivery of services for which they are responsible				GJWC <sup>69</sup>	TBC/ CDC <sup>70</sup>	All

<sup>69</sup> Subject to the terms of the delegation agreement to the Glos Joint Waste Committee<sup>70</sup> Subject to the terms of the delegation agreements to Tewkesbury BC and Cotswold DC

Undertake internal transformation and improvement of the Authority's services						CE
<b>Commissioning &amp; Contracts</b>						
Approve the means by which the Authority's services will be provided including through a local authority company, community interest company, private organisation, trust or public/private partnership			✓			
Arrange for any Executive Function to be undertaken by another local authority			✓			
Arrange for any Executive Function to be exercised jointly with one or more local authorities through a Joint Committee or an Officer (including an officer of another local authority)			✓			
Appoint Member to a Joint Committee which undertakes Executive Functions and decide on the number of Members to be appointed and their term of office	✓					
Agree to Council appointment of Member to a Joint Committee which undertakes at least one Executive Function and agree the number of members to be appointed and their term of office <sup>71</sup>	✓					
Represent (or arrange for a Cabinet Member or Officer to represent) the Authority as shareholder in a company in which the Authority holds an interest	✓					
Monitor the performance of contracts and service level agreements in respect of all non-internally provided services		✓				DC
Engage consultant or locum not exceeding £50,000 pa						All
Engage consultant or locum exceeding £50,000 pa			✓			
Accept tenders within budget and exceeding £500,000			✓			
Accept tenders within budget and not exceeding £500,000 and exceeding £100,000		✓				
Accept tenders and quotations within budget and not exceeding £100,000						All

<sup>71</sup> Stat ref ///

Approve waiver to Contract Rules where the value is in excess of £50,000			✓			
Approve waiver to Contract Rules where the value does not exceed £50,000						ED
Approve waiver to Contract Rules where the Council's 'major incident plan' or business recovery plan is being activated						CE
Approve departure from Contract Rules for acceptance of tender or quotation			✓			
Approve departure from Contract Rules for acceptance of tender or quotation where urgent and with the prior approval of Leader						CE
<b>Local Strategic Partnerships</b>						
Establish a policy or strategic framework for a partnership			✓			
Establish a partnership's annual work programme and make in year changes	✓	✓				
Implement an agreed policy or strategy						All
<b>Constitution &amp; Democratic Process</b>						
Make Key Decision <sup>72</sup>			✓			
Make urgent Key Decision <sup>73</sup>	✓		✓			CE / ED
Respond to call-in of a decision <sup>74</sup>	✓	✓	✓	✓	✓	All
Respond to petition to Council		✓				
Appoint and remove Cabinet Members and decide their portfolios	✓					
Establish Cabinet Committee or working group			✓			
Delegate Executive Function to an Officer	✓					
Delegate Executive Function to an Officer with prior consent of Leader		✓	✓			
<b>Legal Services (One Legal)</b>						
Undertake the role and functions of the Authority's					TBC <sup>75</sup>	

<sup>72</sup> As defined in Article 13.

<sup>73</sup> The Leader, Chief Executive or Executive Directors may take an urgent key decision in accordance with para /// Access to Information Rules (Part 4//). Also see Table 6.

<sup>74</sup> Whoever took the decision will respond

<sup>75</sup> Tewkesbury BC pursuant to s101 LGA 1972/s19 LGA 2000. wef 30/11/09. See Appendix // for list of functions.

Borough Solicitor and chief legal officer and provide the Authority's legal service						
<b>Finance, HR and Procurement (GO)</b>						
<i>To be completed</i>					CDC <sup>76</sup>	
<b>Waste</b>						
<i>To be completed</i>				GJWC <sup>77</sup>		
<b>General</b>						
Undertake such specific Executive Function as may be allocated from time to time by the Leader	✓	✓	✓			All
Undertake any Executive Function which is delegated to an Officer where the Leader directs it should be exercised by Cabinet			✓			
Undertake any Executive Function which is delegated to an Officer where the Officer decides to refer it to Cabinet			✓			
Undertake any Executive Function delegated to a Cabinet Member where through absence, conflict or otherwise the Cabinet Member is unable to act	✓					
Undertake any Executive Function delegated to Cabinet which in the opinion of the Chief Executive requires an urgent decision before the next meeting of Cabinet	✓					

<sup>76</sup> Cotswold DC pursuant to s101 LGA 1972/s19 LGA 2000. wef 1/4/12. See Appendix // for list of functions.

<sup>77</sup> Gloucestershire Joint Waste Committee pursuant to s// LGA 2000. wef ///. See Appendix // for list of functions.

**ADDITIONAL DELEGATION OF EXECUTIVE FUNCTIONS TO OFFICERS**

3E.17 All Executive Functions, other than those allocated in Table 5 of this Part 3E, are delegated to the Chief Executive, Executive Directors and Directors as set out in Table 6 below.

3E.18 In addition, the Chief Executive, Executive Directors and Directors will exercise powers or duties specifically delegated to them by the Leader, Cabinet or a Cabinet Member<sup>78</sup>.

**Table 6**

<b>Chief Executive</b>	
<b>Function</b>	<b>Condition</b>
Discharge any Executive Function not otherwise allocated in Part 3E of the Constitution	
Discharge any Executive Function which is delegated to an Officer under Part 3E	Where that Officer is absent or unable to act through conflict of interest or otherwise
Take any decision in respect of an Executive Function, including a Key Decision <sup>79</sup> , in a situation where the matter is so urgent and important that it does not allow time for a report to be considered by the Leader, Cabinet or Lead Member.	Wherever possible this shall be done in consultation with the Leader and Lead Member (where not the Leader). The decision shall be reported to the next scheduled ordinary Cabinet meeting.
Authorise the use of the Authority's Coat of Arms and make arrangements for civic and twinning functions	
Authorising any Officer to or for any legal purpose including Statutory Officer appointments <sup>80</sup>	Unless otherwise prescribed by law or allocated to Council in Part 3B
The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities <sup>81</sup>	
Approve transformational change, cultural and organisational development policies	Except those relating to terms and conditions of employment <sup>82</sup>
<b>Executive Directors</b>	
<b>Function</b>	<b>Condition</b>
Discharge any Executive Function which is delegated to an Officer (including the Chief Executive) under this Part 3E	Where that Officer is absent or unable to act through conflict of interest or otherwise.

<sup>78</sup> Cabinet or a Cabinet Member may only delegate to an Officer with the prior approval of the Leader

<sup>79</sup> As defined in Article 13

<sup>80</sup> See Appendix ?? for Proper and Statutory Officer appointments

<sup>81</sup> s113 LGA 1972

<sup>82</sup> This is a Non-Executive Function and is delegated in Part 3D



Undertake the role of Chief Executive	Where the Chief Executive is absent or unable to act through conflict of interest or otherwise. This Function falls to the Executive Director who is deputising for that period
Undertake emergency planning and civil defence functions	
<b>Director Resources</b>	
<b>Function</b>	<b>Condition</b>
Corporate Finance Council Tax Benefit Creditors Debtors Insurance Fraud Front Line Services Council Tax Housing Benefit Internal Audit IT & T Procurement Corporate Governance Risk Management Land/Property/Asset Management Public Toilets	Except those Functions which are specifically allocated to Cabinet or a Cabinet Member, Joint Committee or other local authority or other Officer under Part 3E
<b>Director Commissioning</b>	
<b>Function</b>	<b>Condition</b>
Elections & Electoral Registration Democratic Services & Scrutiny Shared Services Equalities Corporate Performance Community Development & Regeneration Voluntary/Community Groups Community Safety Partnerships Community & Young People Partnerships Communications Corporate Policy Strategic Commissioning CSP/Leader's Group South West Councils Parish Liaison Sustainability/Climate Change Twinning & Civic Housing - Public (client side) Street Cleaning (client side) Waste Services (client side) Recycling (client side) Complaints/maladministration	Except those Functions which are specifically allocated to Cabinet or a Cabinet Member, Joint Committee or other local authority or other Officer under Part 3E
<b>Director Organisational Development &amp; Change</b>	
<b>Function</b>	<b>Condition</b>

Human Resources Learning & Organisational Development Payroll Pensions & Member Allowances	Except those Functions which are specifically allocated to Cabinet or a Cabinet Member, Joint Committee or other local authority or other Officer under Part 3E
<b>Director Built Environment</b>	
<b>Function</b>	<b>Condition</b>
Building Control Conservation & Urban Design Development Control Land Charges Planning Policy (inc Joint Core Strategy) Strategic Land Use Major Sites Development Transport Planning Sustainable Travel Car Parking (on and off street) inc enforcement Homelessness Housing Needs Housing - Private Housing Enabling Lifetime Housing Supporting People (Housing) Economic Development	Except those Functions which are specifically allocated to Cabinet or a Cabinet Member, Joint Committee or other local authority or other Officer under Part 3E
<b>Director Wellbeing &amp; Culture</b>	
<b>Function</b>	<b>Condition</b>
Children & Young People - delivery Healthy Living Art Gallery & Museum Arts/Festivals/Entertainments Community Play Development Leisure@Cheltenham Sports Development Tourism Allotments Cemetery & Crematorium Tree Management & Protection (Parks) Parks & Open Spaces Licensing Health & Safety Environmental Health Environmental Pollution & Contaminated Land Community Safety Abandoned Vehicles Environmental maintenance/enforcement	Except those Functions which are specifically allocated to Cabinet or a Cabinet Member, Joint Committee or other local authority or other Officer under Part 3E

## LEAD MEMBER PORTFOLIOS

Name	Title	Lead Member For
Cllr Steve Jordan	Leader	Corporate Governance Strategic Commissioning Communications Cheltenham Strategic Partnership/Leaders' Group Policy and partnerships Economic Development South West Councils Parish Liaison Twinning Sustainability and climate change Local Plan/LDF/Joint Core Strategy Emergency Planning Gloucestershire Airport Strategic Land Use
Cllr John Webster	Cabinet Member Finance & Community Development	Community Development & Regeneration Voluntary/Community groups Finance
Cllr Colin Hay	Cabinet Member Corporate Services	Front Line Services (inc Revenue Collections) Constitution Elections and Electoral Registration Legal Monitoring Officer & Standards Scrutiny liaison IT Democratic Services HR Learning and Organisation development Organisational Development and culture Payroll, pensions and Members allowances Shared Services Equalities

		Internal Audit Performance Risk Management
Cllr John Rawson	Cabinet Member Built Environment	Housing Enabling Car Parking Concessionary Travel Planning Street Trees Urban Design/Design Property/Asset Management Civic Pride
Cllr Klara Sudbury	Cabinet Member Housing & Safety	Homelessness/Housing Needs (grants/enforcement/energy efficiency) Housing – Private Housing – Public Lifetime Homes Supporting People (Housing related support) Children & Young People – Delivery Community Safety – Delivery Children & Young People – Partnerships Community Safety – Partnerships Env Pollution and Contaminated Land Food Safety and Health and Safety Healthy living Licensing
Cllr Roger Whyborn	Cabinet Member Sustainability	Sustainable Travel (CBC) Abandoned Cars Allotments Cemetery and Crematorium Environmental Maintenance/Enforcement Fleet Management Parks Public Toilets Recycling Street Cleaning Tree Management (Parks)

		Tree Protection (Parks) Waste Collection
Cllr Andrew McKinlay	Cabinet Member Sport & Culture	Art Gallery & Museum Arts/Festivals/Entertainments Community Play Development Leisure@Cheltenham Sports Development Tourism

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Page 138

## LOCAL CHOICE FUNCTIONS

### Allocated by Council as Executive Functions

Function
Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1 to the Local Authorities (Functions & Responsibilities)(England) Regulations as amended
The determination of an appeal against any decision made by or on behalf of the Authority
Any function relating to contaminated land
The discharge of any function relating to the control of pollution or the management of air
The service of abatement notice in respect of statutory nuisance
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area
The inspection of the Authority's area to detect any statutory nuisance
The investigation of any complaint as to the existence of a statutory nuisance
The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land
The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
The making of agreements for the execution of highways works
The appointment/nomination of any individual – (a) to any office other than an office in which he or she is employed by the Authority; (b) to any body other than – (i) the Authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body and the revocation of any such appointment <b>provided that</b> (1) the appointment is not in respect of a Non-Executive Function; and (2) the appointment/nomination is agreed between the political groups on the Council (In any case where the political groups do not so agree the appointment/nomination shall be a Council function)
The making of arrangements with other local authorities for the placing of staff at the disposal of those other authorities
Any function under sections 106, 110, 11 and 113 Local Government and Public Involvement in Health Act 2001 relating to local area agreements

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Page 140



## Corporate Policy Table

## Appendix 3

Name	Title of Cabinet member	Lead Officer	Division	Approving body or individual	Cabinet involvement	Date of last approval	Next review date
Acceptable use policy	Corporate services	Paul Woolcock	Resources	Director Resources		Dec-08	Under review
Anti fraud and anti corruption policy	Corporate services	Mark Sheldon	Resources	Cabinet	✓	Jun-07	Currently under review
Arts development strategy	Sport and Culture	Sonia Phillips	Wellbeing and Culture	Cabinet			
Asset management plan	Built Environment	David Roberts	Resources	Cabinet	✓	2010	2015
Business contingency plan	Finance and Community Development	Grahame Lewis	Strategic	Executive Director		2010	2011
Car parking Strategy Draft	Built environment	Owen Parry	Built Environment	Lead Member	✓	Oct-11	
Climate change strategy	Built Environment	Jane Griffiths	Commissioning	Cabinet	✓	May-05	
Communications strategy	Leader	Richard Gibson	Commissioning	Lead Member		2004	None planned
Complaints policy		Karen Watson	Commissioning	Director Commissioning		2009	annually
Corporate enforcement policy	Built Environment	Barbara Exley	Operations	Cabinet			
Corporate health and safety policy	Corporate services	Julie McCarthy	People, OD and Change	Cabinet	✓	Nov-10	Nov-12
Corporate risk Management Policy	Leader	Mark Sheldon	Resources	Director Resources		Mar-11	Mar-12
Corporate strategy	Leader	Richard Gibson	Commissioning	Council	✓	Mar-11	Mar-12
Crime and Disorder Reduction strategy	Housing and Safety	Helen Down	Commissioning	Council	✓	2008	2011
Cultural strategy	Sport and	Jane Lillystone	Wellbeing and	Cabinet	✓	2005	under review

	Culture		Culture				
Data protection policy	Corporate services			Director Commissioning		2009	under review
Data quality policy	Corporate services	Mark Sheldon	Resources	Director Resources		2010	under review
Debt management policy	Finance and Community Development	Mark Sheldon	Resources	Director Resources	✓	Jul-10	Jul-12
Economic development strategy	Leader	Jane Griffiths	Commissioning	Cabinet	✓	2007	2017
Email policy	Leader	Mark Sheldon	Resources	Director Resources		2008	Under review
Corporate Enforcement Policy	Built Environment	Owen Parry	Built Env.	Covered above	✓	Mar-07	As required
Environmental management strategy	Built Environment	David Roberts	Built Env.	Cabinet	✓	1997	current
Equality and diversity policy (Mar 2008)	Corporate services	Richard Gibson	Commissioning	Cabinet	✓	Mar-08	under review
Freedom of information policy	Corporate services	Jane Griffiths	Commissioning	Director Resources		2005	Current
Housing and Homelessness strategy	Housing and Safety	Martin Stacey	Built Env.	Cabinet	✓	Jan-08	Being developed for March 2012
ICT Security and policy	Corporate services	Paul Woolcock	Resources	Director Resources		2009	under review
ICT Strategy	Corporate services	Paul Woolcock	Resources	SLT	✓		
Information Management Strategy	Corporate services	Mark Sheldon	Resources	SLT		Draft	Annually
Licensing Policy Statements (Licensing Act 2003 and Gambling Act 2005)	Housing and Safety	Trevor Gladding	Operations	Council	✓	Mar-09	Feb-12
Local Development Plan/Framework				Council	✓	Jun-06	Under review

Medium term financial strategy	Finance and Community development	Mark Sheldon	Resources	Council	✓	Mar-11	Mar-12
Mobile phone policy	Corporate services	Paul Woolcock	Resources	Director Resources		Aug-04	under review
Procurement strategy		Angela Cox	Resources	Cabinet	✓	Cabinet 2010	2012
Public arts strategy	Sport and Culture	Sonia Phillips	Sport and Culture	Cabinet	✓	2004	Under review by Wilf Tomaney
Urban Design framework	Built Environment	Wilf Tomaney	Built Environment	Cabinet	✓	Dec-10	Current
Safeguarding children and vulnerable people policy	Housing and Safety	Tracy Brown	Commissioning	Cabinet	✓	Oct-09	Constant
Sourcing strategy	Finance and Community Development	Mark Sheldon	Resources	Cabinet	✓	Jul-10	Current
Sustainable community strategy	Leader	Richard Gibson	Commissioning	Cabinet	✓	Oct-07	Oct-12
Treasury Management Strategy	Finance and Community Development	Mark Sheldon	Resources	Council	✓	Mar-11	Mar-12
Whistle blowing policy	Corporate services	Julie McCarthy	People OD and Change	Chief Executive	✓	2010	2013

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Page 144

The risk		Risk Owner		Date raised	Original risk score (Impact x likelihood)			Managing risk			
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Legal risks of challenge to decisions and processes arising through occasional but not comprehensive review	Borough Solicitor	6/6/11	3	1	3	Reduce	Comprehensive review of constitution is being undertaken	12/10/11	Borough Solicitor	
	The potential additional flexibilities / increases in limits within the financial rules could increase the risk of inappropriate use of public funds.	Section 151 Officer	28/9/11	1	1	1	Accept	The supporting financial control processes (within the existing financial management system / new ERP) and the Financial Services business partnering role coupled with formal budget monitoring arrangements ensure that this risk is minimised.	31/3/13	Section 151 Officer	
	Risk of Officers decisions being made outside of due process	Borough Solicitor						Ensure robustness of the Decision Making principles in the Constitution  Ensure that Officers sub-delegating that the Officers	January 2012	Borough Solicitor  Chief Executive	



## Cheltenham Borough Council

Council 10 October 2011

### Statement of Accounts (including Annual Governance Statement) 2010/11

#### Report of the Chair of the Audit Committee

<b>Accountable member</b>	<b>Cabinet Member for Community Development and Finance</b>
<b>Accountable officer</b>	<b>Director of Resources, Mark Sheldon</b>
<b>Accountable scrutiny committee</b>	<b>Audit Committee</b>
<b>Ward(s) affected</b>	
<b>Significant Decision</b>	<b>Yes</b>
<b>Executive summary</b>	The purpose of this report is to notify Council of the deliberations and decisions made by the Audit Committee in its review of the council's Statement of Accounts for 2010/11.
<b>Recommendations</b>	<b>I therefore recommend that Council note the decision of the Audit Committee to approve the Statement of Accounts for 2010/11, including the Annual Governance Statement, and note that, as Chair of that Committee, I have signed the accounts to formally signify their approval by the Council.</b>

<b>Financial implications</b>	<p>None</p> <p><b>Contact officer: Mark Sheldon</b>  <b>E-mail: mark.sheldon@cheltenham.gov.uk</b>  <b>Tel no: 01242 264123</b></p>
<b>Legal implications</b>	<p>This report adopts relevant guidance issued in the Accounts and Audit Regulations 2003 and 2011.</p> <p><b>Contact officer: Peter Lewis</b>  <b>E-mail: Peter.Lewis@teWKesbury.gov.uk</b>  <b>Tel no: 01684 272012</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>None</p> <p><b>Contact officer: , @cheltenham.gov.uk, 01242</b></p>
<b>Key risks</b>	There are no risks arising from this report which need to be brought to the attention of members.

<b>Corporate and community plan implications</b>	None identified.
<b>Environmental and climate change implications</b>	None identified.

## 1. Introduction

- 1.1 The Accounts and Audit Regulations 2011 require the council to prepare an annual statement of accounts by 30 June of each year. The Section 151 Officer must sign and date the draft statement of accounts, and certify that they present a true and fair view of the financial position of the council. There should then be a period of public inspection of the accounts of 20 working days, for which public notice of at least 14 days must be given.
- 1.2 The Regulations then require that the draft accounts be audited and for the audited statement of accounts to be considered and approved by way of a council committee by 30 September, following the year end. The Section 151 Officer must re-certify the audited statement of accounts prior to this meeting. Following approval by the committee, the statement of accounts is to be signed and dated by the person presiding at the meeting.
- 1.3 At its meeting on 28 June 2010 Council delegated authority to the Audit Committee to review and approve the audited statement of accounts.
- 1.4 The Audit Committee review specifically considers whether appropriate accounting policies have been followed, the conclusion of the audit of the statements, and whether there are any issues that need to be brought to the attention of the Council. The Committee also considers whether the Annual Governance Statement fairly reflects the arrangements within the council and whether the suggested action plan will address any significant governance issues.

## 2. Background

- 2.1 The draft Statement of Accounts was signed by the Section 151 Officer on 30 June 2011. The public inspection period operated from 12 July to 8 August 2011 and a public notice to that effect was placed in the Gloucestershire Echo on 15 June 2011.
- 2.2 The accounts were audited during July and August 2011 and the Section 151 Officer signed the audited accounts on 13 September 2011.
- 2.3 The Audit Committee considered the Statement of Accounts for 2010/11, together with the auditor's Report to those charged with governance (ISA 260), at its meeting on 21 September 2011.
- 2.4 The Statement of Accounts for 2010/11 look very different from those of previous years as it now has to comply with a new code of accounting practice – the CIPFA Code of Practice on Local authority Accounting (the 'Code'), which fully incorporates International Financial Reporting Standards (IFRS).
- 2.5 As a result the Council had to change its accounting policies during the year in accordance with the Code. In particular a review had to be undertaken of the accounting treatment of every lease the council had entered into and every capital grant and contribution received in 2009/10 and 2010/11.
- 2.6 The Accounts incorporate new statements – a Comprehensive Income & Expenditure Account and a Movement in Reserves Statement – and the figures for 2009/10 had to be restated in the new format. There are new categories on the balance sheet, such as Usable and Unusable Reserves, and many new and more detailed notes to the Statements. The transition to IFRS



represents the largest change in accounting for a number of years.

### 3. Auditor's Report

- 3.1 The council's external auditors, KPMG LLP, conducted a full audit of the financial statements and have issued a 'Report to those charged with governance (ISA 260) for 2010/11', giving the Statement of Accounts an unqualified audit opinion. The audit did not identify any material misstatements in the accounts and the Audit Certificate was signed on 21 September 2011.
- 3.2 The auditor must appoint a date on which local government electors for the area to which the accounts relate may exercise their rights under regulation 15 and 16 of the Audit commission Act 1998 to question the auditor about or make objections to the accounts. The date appointed by the auditor was 9 August 2011.
- 3.3 The audit identified only two adjustments to the draft accounts, both of which were in relation to classification and had no impact on the net assets reported or the council's net expenditure. The auditor commented that 'this result demonstrates the high level of care and resource that the finance team put into preparing the financial statements and the working papers for audit' and that the 'quality of the accounts and the supporting working papers provided to us was again excellent.'
- 3.4 The council received one objection to the accounts in relation to the payment of car allowances to staff. This was formally considered by KPMG who concluded that there were no grounds for taking any further action.
- 3.5 The auditor also commented that the council had implemented the recommendations of the ISA 260 2009/10 report and that it had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources. Two priority two issues and one priority three issue were identified, which are being addressed. All are issues which do not need immediate action or which are not vital to the overall system of internal control.

### 4. Reasons for recommendations

- 4.1 The Audit Committee were provided with a comprehensive verbal explanation of the key changes and highlights of the accounts for 2010/11 and received a complimentary verbal report from the Auditor.
- 4.2 Accordingly the Audit Committee considers that there are no issues arising from the audit which need to be brought to the attention of Council.

### 5. Alternative options considered

- 5.1 See above.

### 6. Consultation and feedback

- 6.1 Director of Commissioning, Cabinet Member for Community Development and Finance

<b>Report author</b>	<b>Contact officer: Mark Sheldon</b>  <b>mark.sheldon@cheltenham.gov.uk</b>  <b>01242 264123,</b>
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<b>Appendices</b>	None
<b>Background information</b>	<p>Statement of Accounts 2010/11</p> <p>External Audit Working paper files 2010/11</p> <p>Code of Practice on Local Authority Accounting in the UK 2010/11 Accounts</p> <p>Service Reporting Code of Practice 2011/12</p> <p>Report to those charged with governance (ISA 260) for 2010/11</p> <p>Accounts and Audit Regulations 2003</p> <p>Accounts and Audit Regulations 2011</p>

## Cheltenham Borough Council

Council – 10 October, 2011

### Review of Polling Districts, Places and Stations Report of the Electoral Registration Officer (ERO)

<b>Accountable member</b>	Cabinet Member Corporate Services, Councillor Colin Hay
<b>Accountable officer</b>	Chief Executive, Andrew North
<b>Accountable scrutiny committee</b>	Economy and Business Improvement
<b>Ward(s) affected</b>	All with specific impact on College and Up Hatherley Wards
<b>Key Decision</b>	Yes
<b>Executive summary</b>	<p>The council has a statutory duty to review its polling stations, polling districts and polling places every four years.</p> <p>A consultation exercise has been completed and consideration has been given to the views put forward.</p>
<b>Recommendations</b>	<p><b>That the following changes to polling districts, places and stations be approved:</b></p> <p><b>College Ward, Polling District FB – change from Naunton Park Primary School, Naunton Lane to Emmanuel Church, Fairfield Parade</b></p> <p><b>Up Hatherley Ward, West Ward of the Parish of Up Hatherley – move Broad Oak Way and Caernarvon Close from Polling District SA to Polling District SB</b></p> <p><b>Up Hatherley Ward, West Ward of the Parish of Up Hatherley – move 2-8 Coombe Glen Lane, Hollis Road and Hollis Gardens from Polling District SA to Polling District SC</b></p> <p><b>Up Hatherley Ward, West Ward of the Parish of Up Hatherley – move 315 to 365 Hatherley Road from Polling District SA to Polling District SC</b></p> <p><b>Up Hatherley Ward, West Ward of the Parish of Up Hatherley – move 15-25 and 22-36 Montgomery Road from Polling District SA to Polling District SC</b></p> <p><b>Up Hatherley Ward, West Ward of the Parish of Up Hatherley – move 4-8 Greatfield Lane from Polling District SB to Polling District SC</b></p> <p><b>That the full list of polling districts, polling places and polling stations as set out in appendix 6 and 7 is published for a further period of six weeks, during which time individuals have the right to make representations to the Electoral Commission.</b></p>

<b>Financial implications</b>	<p>There are no financial implications. All changes can be met from existing election budgets.</p> <p><b>Contact officer: Andrew Sherbourne,</b>  <b>andrew.sherbourne@cheltenham.gov.uk, 01242 264337</b></p>
<b>Legal implications</b>	<p>The statutory process to be followed as referred to in the report.</p> <p><b>Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk, 01684 272012</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>There are no HR implications.</p> <p><b>Contact officer: Julie McCarthy, E-mail: julie.mccarthy@cheltenham.gov.uk, Tel no: 01242 264355</b></p>
<b>Key risks</b>	<p>There is a risk that individuals who have been used to voting in one area are unable to locate the polling station or go to the incorrect polling place. The council issues poll cards which will give the new location on the card.</p>
<b>Corporate and community plan Implications</b>	<p>There are no community and corporate plan implications</p>
<b>Environmental and climate change implications</b>	

## 1. Background

- 1.1** The Parliamentary Elections Regulations 2006 requires each local authority to carry out a review of Polling Districts, Polling Places and Polling Stations every four years. The reason for the review is to ensure that all electors in the Cheltenham Borough Council area have reasonable facilities for voting as are practicable and to ensure that polling stations are accessible to all electors, including those with special needs. The Acting Returning Officers for Cheltenham and Tewkesbury Parliamentary Constituencies (for the areas within the Borough of Cheltenham) have made formal comment as part of this review, both into the existing polling stations and the polling stations that would probably be used based on the newly recommended polling places.
- 1.2** **What is not being reviewed** – The Cheltenham or Tewkesbury Parliamentary Constituency, Gloucestershire County Council Electoral Division, Cheltenham Borough Council Ward, Parish Ward boundaries.

## 2. Responses from interested parties

- 2.1** Following the closing date for the review, as well as the Cheltenham and Tewkesbury Parliamentary Acting Returning Officer's formal comments (see paragraph 3 below), correspondence was received from two other sources.
- 2.2** The first correspondence was from a registered elector in Polling District JC. He was concerned about some community safety issues and the general environment around St. Michaels Cornerstone Centre and has suggested that the Electoral Registration Officer changes the Polling Station from St. Michaels Cornerstone Centre, 1 Severn Road to either Berkhamstead School or Cheltenham Town Football Club. See plan 'A' attached. Berkhamstead School is situated outside of the polling district JC and at present have not confirmed availability. Cheltenham Town Football Club (CTFC) would not be able to accommodate a polling station. The CTFC fixture list is not under their control and games can be played on Thursday nights.
- 2.3** St. Michaels Cornerstone Centre is located in the centre of the Polling District. Therefore, as the Elections Office has not received any previous complaints from electors in this polling district or have any records of any incidents either in or surrounding the polling station, the existing polling station will remain.
- 2.4** The second correspondence was from Councillor Roger Whyborn and Councillor Andrew McKinlay, with regard to Up Hatherley Ward, West Ward of the Parish of Up Hatherley, Polling Districts SA, SB and SC, with the following suggestions:-
- Broad Oak Way and Caernarvon Close are nearer to Hillview Community Centre (SB) than Lakeside Primary School (SA), move from SA to SB.
  - 2 – 8 Coombe Glen Lane, Hollis Road and Hollis Gardens are nearer to Up Hatherley Village Hall, Cold Pool Lane (SC) than Lakeside Primary School (SA), move from SA to SC.
  - More of Hatherley Road should go from SA to SC with suggested break point at Coombe Glen Lane, move 315 – 365 Hatherley Road from SA to SC.

- Remove arbitrary split in SA/SC in Montgomery Road, move 15 – 25 and 22 – 36 Montgomery Road from SA to SC
  - 4 – 8 Greatfield Lane nearer to Up Hatherley Village Hall (SC) than Hillview Community Centre (SB), move from SB to SC.
- 2.5** Plan B attached shows the locations of the polling stations and suggested roads and streets. Following the implementation of the new Parliamentary Constituency boundaries in 2010 there is no reason why these changes cannot be made.

### **3. Responses from the Cheltenham and Tewkesbury Acting Returning Officers (ARO)**

- 3.1** A full list of the Cheltenham Constituency polling stations is set out at appendix C and the Tewkesbury Constituency polling stations at appendix D along with the AROs' comments. There is one proposed change as set out below.
- 3.2 College Ward, Polling District FB** – Over the past ten years the school has requested moving the polling station to a new venue. The venue is suitable as a polling station and there have not been any complaints about its use but it does cause disruption to the school. Until now there has not been a suitable alternative but Emmanuel Church in Fairfield Parade now has seating which can be removed. The building is more than adequate to house a polling station and has very good disabled access through the main entrance and has its own parking which can be utilised. It is proposed that the polling station will change from Naunton Park Primary School, Naunton Lane to Emmanuel Church, Fairfield Parade.

### **4. Consultation and feedback**

- 4.1** An extensive consultation exercise was carried out and proposals and comments on the proposed review were requested. Comments were requested from the following:
- Local MPs
  - Cheltenham Borough Councillors
  - Gloucestershire County Councillors
  - Party Election Agents
  - Parish Councils
  - Various Disabled/Neighbourhood Projects etc.

A copy of this report was sent to the respective ward councillors and also to the clerk of Up Hatherley parish council so that they are aware of the proposals and any comments will be fed back at the meeting.

### **5. Performance management –monitoring and review**

- 5.1** The electoral team always undertake an informal review of polling stations after each election to identify any issues which may arise from time to time.

<b>Report author</b>	<b>Contact officer: Kim Smith, Senior Elections &amp; Registration Officer, kim.smith@cheltenham.gov.uk, 01242 774948</b>
<b>Appendices</b>	<ol style="list-style-type: none"> <li>1. Risk Assessment</li> <li>2. Plan A map for Polling District JC</li> <li>3. Plan B map for Polling Districts SA,SB,SC</li> <li>4. ARO comments Cheltenham</li> <li>5. ARO comments Tewkesbury</li> <li>6. Cheltenham list for publication</li> <li>7. Tewkesbury list for publication</li> </ol>

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
	Any risks associated with equality impact										
	Any environmental risks										
	Elector unsure of location of Polling Station	Director of Commissioning	19 September	1	1	2	A	Poll Card with note highlighting change of Polling Station. Helpline number on poll card.	from next election	Electoral registration manager	Divisional risk register



JB

JA

JC



Suggested Polling Stations



Existing Polling Station

St Michaels Cornerstone Centre

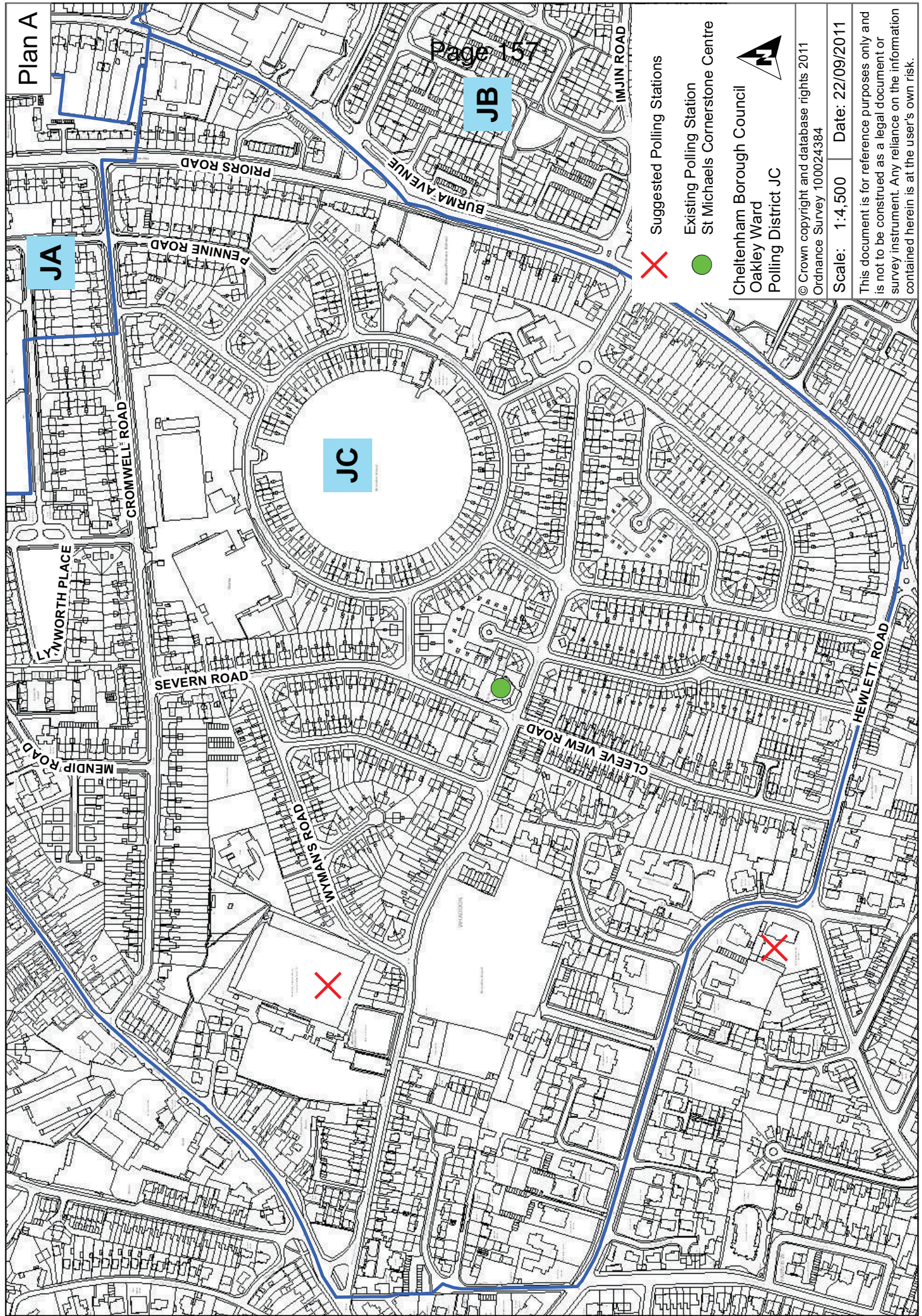


Cheltenham Borough Council  
Oakley Ward  
Polling District JC

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Scale: 1:4,500 Date: 22/09/2011

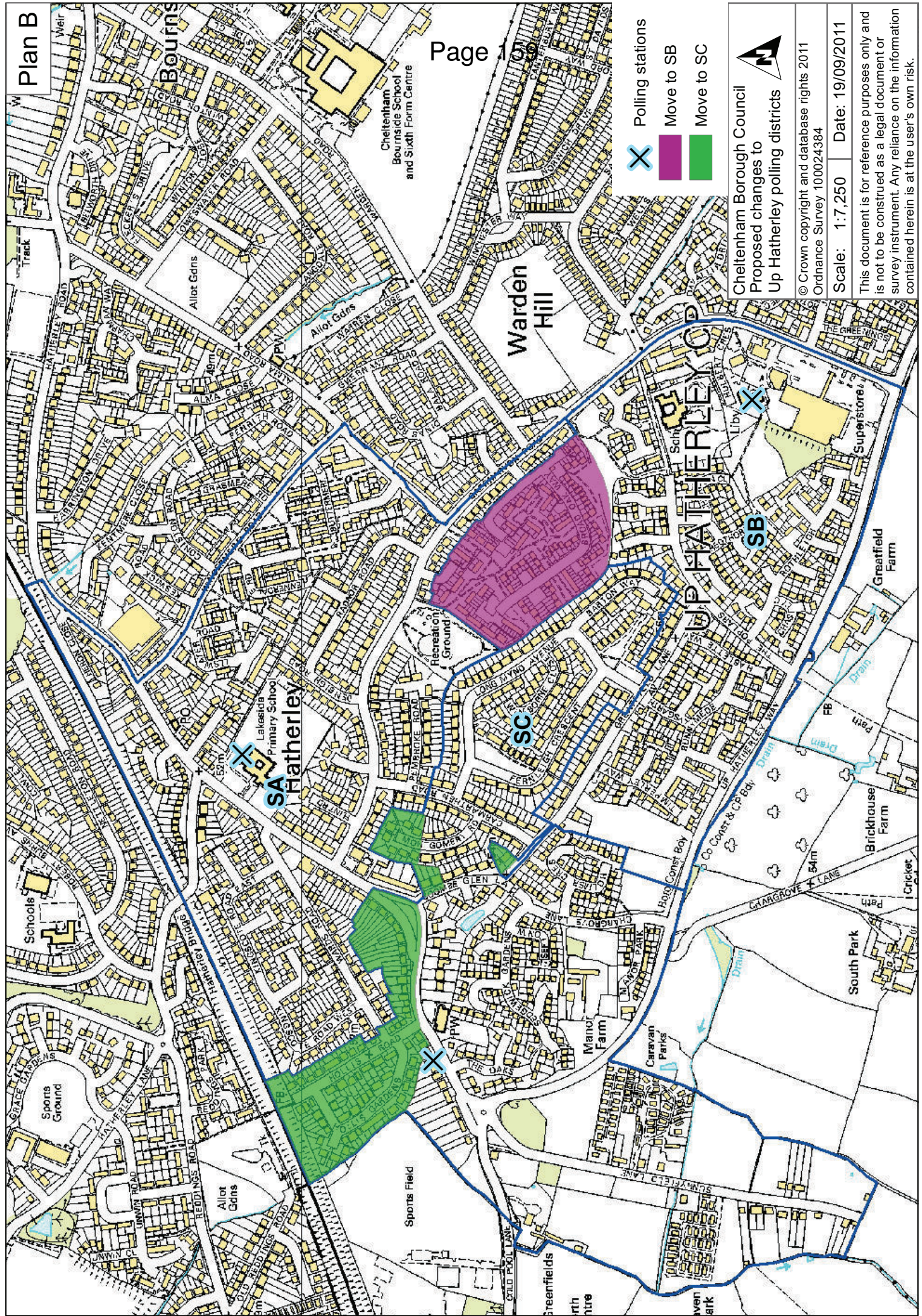
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Page 158





- X Polling stations
- Move to SB
- Move to SC



Cheltenham Borough Council  
Proposed changes to  
Up Hatherley polling districts

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Scale: 1:7,250	Date: 19/09/2011
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Page 160

**REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS****CHELTENHAM PARLIAMENTARY CONSTITUENCY**

<b><u>Polling Station Number</u></b>	<b><u>Polling District</u></b>	<b><u>Current Polling Place and or Polling Station</u></b>	<b><u>Acting Returning Officer's Comments</u></b>	<b><u>Proposed Polling Place and or Polling Station</u></b>	<b><u>Proposed Polling District</u></b>
<b>1</b>	<b>AA</b>	Holy Trinity Primary School, Jersey Street	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>2</b>	<b>AB</b>	Morton Brown Room, Highbury Church Hall, Priory Terrace	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>3</b>	<b>BA</b>	Holy Apostles Jnr & Infants School, Battledown Approach	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>4</b>	<b>BB</b>	Holy Apostles Church Hall, London Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>5</b>	<b>CA</b>	St Marks C of E School, Robert Burns Avenue	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>6</b>	<b>CB</b>	St Marks C of E School, Robert Burns Avenue	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>7</b>	<b>CC</b>	The Reddings & District Community Centre, North Road West	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>8</b>	<b>DA</b> Electors 1 - 2223	Kings Hall, (Next to Library), Church Piece	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>9</b>	<b>DA</b> Electors 2224 - 4344	Kings Hall, (Next to Library), Church Piece	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.

<u>Polling Station Number</u>	<u>Polling District</u>	<u>Current Polling Place and or Polling Station</u>	<u>Acting Returning Officer's Comments</u>	<u>Proposed Polling Place and or Polling Station</u>	<u>Proposed Polling District</u>
10	EA	Sacred Hearts Parish Hall, Moorend Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
11	EB	Leckhampton Baptist Hall, Pilley Lane	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
12	EC	Sacred Hearts Parish Hall, Moorend Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
13	FA	Portakabin Outside Sandford Pool, Keynsham Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
14	FB	Naunton Park Primary School, Naunton Lane	Naunton Park Primary School has Disabled access & I have had no complaints from electors. Over past 10 years I have had enquiries from the school, school governors and Councillors about moving the polling station to a new venue.  Propose polling station change to Emmanuel Church, Fairfield Parade. The use of the church is now an option as the seating can now be moved. The building is more than adequate to house a polling station. Very good disabled access through the main entrance, the church also has its own parking which we will be able to utilise.	<b>Emmanuel Church, Fairfield Parade</b>	No changes proposed.
15	FC	Portakabin, Situating in Car Park, The Town Hall, Imperial Square	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.

<u>Polling Station Number</u>	<u>Polling District</u>	<u>Current Polling Place and or Polling Station</u>	<u>Acting Returning Officer's Comments</u>	<u>Proposed Polling Place and or Polling Station</u>	<u>Proposed Polling District</u>
16	GA	St Aidans Church, Coronation Square, Edinburgh Place	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
17	GB	St Marks & H.W. Community Centre, Brooklyn Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
18	HA	Christ Church Church Hall, Malvern Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
19	HB	St Andrews Church Hall, Montpelier Street	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
20	HC	St Gregorys R. C. School, Knapp Road	<p>Disabled access. No changes proposed.</p> <p>No complaints from electors. Enquiries from the school about moving the polling station to a new venue.</p> <p><b>Cheltenham Spa Ladies Club &amp; Gym</b> – unwilling to close to its clients, especially at late notice.</p> <p><b>St Matthews Church</b> – Unable to meet terms and conditions, specifically for elections to take priority booking.</p> <p><b>Cheltenham Christadelphians</b> – Unable to meet terms and conditions for elections to take priority booking.</p> <p><b>Old Priory Hall</b> – Unwilling to rearrange its regular Thursday elderly activity sessions.</p>	No changes proposed.	No changes proposed.
21	IA	Zion Hall, Rear of Leckhampton Baptist Hall, Pilley Lane	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
22	IB	Leckhampton Primary School, Hall Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
23	IC	Leckhampton Primary School, Hall Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.

<u>Polling Station Number</u>	<u>Polling District</u>	<u>Current Polling Place and or Polling Station</u>	<u>Acting Returning Officer's Comments</u>	<u>Proposed Polling Place and or Polling Station</u>	<u>Proposed Polling District</u>
24	JA JB	Oakley Community Resource Centre, Clyde Crescent	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
25	JC	St Michaels Cornerstone Centre, 1 Severn Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
26	KA	St Stephens Parish Church, St Stephens Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
27	KB	Bethesda Methodist Church Hall, Great Norwood Street	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
28	LA	Pittville Pump Room, East / West Approach Drive	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
29	LB	Robert Harvey House, Access Via Belmont Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
33	NA	Hesters Way Primary School, Dill Avenue	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
34	NB	Springbank Resource Centre, Springbank Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.



<u>Polling Station Number</u>	<u>Polling District</u>	<u>Current Polling Place and or Polling Station</u>	<u>Acting Returning Officer's Comments</u>	<u>Proposed Polling Place and or Polling Station</u>	<u>Proposed Polling District</u>
35	OA	Rowanfield Junior School, Alstone Lane	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
36	OB	St Marks & H.W. Community Centre, Brooklyn Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
37	PA	St Pauls Church Centre, Access Via Brunswick Street	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
38	PB	Gas Green Youth Centre, Baker Street	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
39	QA	Salem Baptist Hall, St Georges Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
40	QB	St Barnabas Church Hall, Orchard Way	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.

<u>Polling Station Number</u>	<u>Polling District</u>	<u>Current Polling Place and or Polling Station</u>	<u>Acting Returning Officer's Comments</u>	<u>Proposed Polling Place and or Polling Station</u>	<u>Proposed Polling District</u>
<b>44</b>	<b>SA</b>	Lakeside Primary School, Hatherley Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>45</b>	<b>SB</b>	Hillview Community Centre, (Next to Library), Hulbert Crescent	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>46</b>	<b>SC</b>	Up Hatherley Village Hall, Cold Pool Lane	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>47</b>	<b>TA</b>	St Margarets Hall, Coniston Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>48</b>	<b>TB TC</b>	St Christophers Church Hall, Lincoln Avenue	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.

## REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

### TEWKESBURY PARLIAMENTARY CONSTITUENCY

<u>Polling Station Number</u>	<u>Polling District</u>	<u>Current Polling Place and or Polling Station</u>	<u>Acting Returning Officer's Comments</u>	<u>Proposed Polling Place and or Polling Station</u>	<u>Proposed Polling District</u>
<b>30</b>	<b>MA1</b> Electors 1 – 2046	Prestbury Hall, Bouncers Lane	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>31</b>	<b>MA2</b> Electors 2047 – 4128	Prestbury Hall, Bouncers Lane	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>32</b>	<b>MB</b> <b>MC</b>	Portakabin, Situating in Car Park, St Nicolas Church Hall, Swindon Lane	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>41</b>	<b>RA</b>	Swindon Village Hall, Church Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>42</b>	<b>RB</b>	St Nicolas Church Hall, Swindon Lane	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.
<b>43</b>	<b>RC</b>	Gardners Lane Primary School, Swindon Road	Disabled access. No changes proposed.	No changes proposed.	No changes proposed.

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Page 168

**LIST OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS****CHELTENHAM PARLIAMENTARY CONSTITUENCY****1<sup>ST</sup> DECEMBER 2011**

<b><u>WARD</u></b>	<b><u>Polling District</u></b>	<b><u>Polling Place and or Polling Station</u></b>
<b>ALL SAINTS</b>	<b>AA</b>	Holy Trinity Primary School, Jersey Street
<b>ALL SAINTS</b>	<b>AB</b>	Morton Brown Room, Highbury Church Hall, Priory Terrace
<b>BATTLEDOWN</b>	<b>BA</b>	Holy Apostles Jnr & Infants School, Battledown Approach
<b>BATTLEDOWN</b>	<b>BB</b>	Holy Apostles Church Hall, London Road
<b>BENHALL &amp; THE REDDINGS</b>	<b>CA</b>	St Marks C of E School, Robert Burns Avenue
<b>BENHALL &amp; THE REDDINGS</b>	<b>CB</b>	St Marks C of E School, Robert Burns Avenue
<b>BENHALL &amp; THE REDDINGS</b>	<b>CC</b>	The Reddings & District Community Centre, North Road West
<b>CHARLTON KINGS</b>	<b>DA</b> Electors 1 - 2223	Kings Hall, (Next to Library), Church Piece
<b>CHARLTON KINGS</b>	<b>DA</b> Electors 2224 - 4344	Kings Hall, (Next to Library), Church Piece
<b>CHARLTON PARK</b>	<b>EA</b>	Sacred Hearts Parish Hall, Moorend Road
<b>CHARLTON PARK</b>	<b>EB</b>	Leckhampton Baptist Hall, Pilley Lane
<b>CHARLTON PARK</b>	<b>EC</b>	Sacred Hearts Parish Hall, Moorend Road
<b>COLLEGE</b>	<b>FA</b>	Portakabin Outside Sandford Pool, Keynsham Road
<b>COLLEGE</b>	<b>FB</b>	Emmanuel Church, Fairfield Parade
<b>COLLEGE</b>	<b>FC</b>	Portakabin, Situated in Car Park, The Town Hall, Imperial Square

<b><u>WARD</u></b>	<b><u>Polling District</u></b>	<b><u>Polling Place and or Polling Station</u></b>
<b>HESTERS WAY</b>	<b>GA</b>	St Aidans Church, Coronation Square, Edinburgh Place
<b>HESTERS WAY</b>	<b>GB</b>	St Marks & H.W. Community Centre, Brooklyn Road
<b>LANSDOWN</b>	<b>HA</b>	Christ Church Church Hall, Malvern Road
<b>LANSDOWN</b>	<b>HB</b>	St Andrews Church Hall, Montpellier Street
<b>LANSDOWN</b>	<b>HC</b>	St Gregorys R. C. School, Knapp Road
<b>LECKHAMPTON</b>	<b>IA</b>	Zion Hall, Rear of Leckhampton Baptist Hall, Pilley Lane
<b>LECKHAMPTON</b>	<b>IB</b>	Leckhampton Primary School, Hall Road
<b>LECKHAMPTON</b>	<b>IC</b>	Leckhampton Primary School, Hall Road
<b>OAKLEY</b>	<b>JA</b>	Oakley Community Resource Centre, Clyde Crescent
<b>OAKLEY</b>	<b>JB</b>	Oakley Community Resource Centre, Clyde Crescent
<b>OAKLEY</b>	<b>JC</b>	St Michaels Cornerstone Centre, 1 Severn Road
<b>PARK</b>	<b>KA</b>	St Stephens Parish Church, St Stephens Road
<b>PARK</b>	<b>KB</b>	Bethesda Methodist Church Hall, Great Norwood Street
<b>PITTVILLE</b>	<b>LA</b>	Pittville Pump Room, East / West Approach Drive
<b>PITTVILLE</b>	<b>LB</b>	Robert Harvey House, Access Via Belmont Road
<b>SPRINGBANK</b>	<b>NA</b>	Hesters Way Primary School, Dill Avenue
<b>SPRINGBANK</b>	<b>NB</b>	Springbank Resource Centre, Springbank Road

<b><u>WARD</u></b>	<b><u>Polling District</u></b>	<b><u>Polling Place and or Polling Station</u></b>
<b>ST. MARK'S</b>	<b>OA</b>	Rowanfield Junior School, Alstone Lane
<b>ST. MARK'S</b>	<b>OB</b>	St Marks & H.W. Community Centre, Brooklyn Road
<b>ST. PAUL'S</b>	<b>PA</b>	St Pauls Church Centre, Access Via Brunswick Street
<b>ST. PAUL'S</b>	<b>PB</b>	Gas Green Youth Centre, Baker Street
<b>ST. PETER'S</b>	<b>QA</b>	Salem Baptist Hall, St Georges Road
<b>ST. PETER'S</b>	<b>QB</b>	St Barnabas Church Hall, Orchard Way
<b>UP HATHERLEY</b>	<b>SA</b>	Lakeside Primary School, Hatherley Road
<b>UP HATHERLEY</b>	<b>SB</b>	Hillview Community Centre, (Next to Library), Hulbert Crescent
<b>UP HATHERLEY</b>	<b>SC</b>	Up Hatherley Village Hall, Cold Pool Lane
<b>WARDEN HILL</b>	<b>TA</b>	St Margarets Hall, Coniston Road
<b>WARDEN HILL</b>	<b>TB</b>	St Christophers Church Hall, Lincoln Avenue
<b>WARDEN HILL</b>	<b>TC</b>	St Christophers Church Hall, Lincoln Avenue

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Page 172



**LIST OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS****TEWKESBURY PARLIAMENTARY CONSTITUENCY****1<sup>ST</sup> DECEMBER 2011**

<b><u>WARD</u></b>	<b><u>Polling District</u></b>	<b><u>Polling Place and or Polling Station</u></b>
<b>PRESTBURY</b>	<b>MA</b> Electors 1 - 2046	Prestbury Hall, Bouncers Lane
<b>PRESTBURY</b>	<b>MA</b> Electors 2047 - 4128	Prestbury Hall, Bouncers Lane
<b>PRESTBURY</b>	<b>MB</b>	Portakabin, Situated in Car Park, St Nicolas Church Hall, Swindon Lane
<b>PRESTBURY</b>	<b>MC</b>	Portakabin, Situated in Car Park, St Nicolas Church Hall, Swindon Lane
<b>SWINDON VILLAGE</b>	<b>RA</b>	Swindon Village Hall, Church Road
<b>SWINDON VILLAGE</b>	<b>RB</b>	St Nicolas Church Hall, Swindon Lane
<b>SWINDON VILLAGE</b>	<b>RC</b>	Gardners Lane Primary School, Swindon Road

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Page 174

## Cheltenham Borough Council

**Council – 10 October, 2011**

**Cabinet – 18 October, 2011**

### North Place & Portland Street - progress update

### Report of the Cabinet Member for Built Environment

Note: this report will only go to Council & Cabinet if the bid passes the assessment process and the evaluation panel wants to recommend proceeding with the appointment of a preferred bidder

<b>Accountable member</b>	<b>Councillor John Rawson, Cabinet Member Built Environment</b>
<b>Accountable officer</b>	<b>Grahame Lewis, Executive Director</b>
<b>Accountable scrutiny committee</b>	<b>Environment</b>
<b>Ward(s) affected</b>	<b>St. Paul's &amp; Pittville directly</b>  <b>All Saints, Lansdown &amp; College indirectly</b>
<b>Key Decision</b>	<b>Yes</b>
<b>Executive summary</b>	<p>The Cheltenham Development Task Force was established on 4<sup>th</sup> January, 2010, with the purpose of driving forward the ambitions previously set out under the Civic Pride banner. It became clear that due to changing circumstances the previously adopted brief for this key site was not likely to be deliverable, so following public consultation, the Council approved the revised development brief for this site in December 2010. As a result, the site was marketed in line with the EU Competitive Dialogue procedure set out in the Public Contracts Regulations from 24<sup>th</sup> January 2011. A tight timetable was proposed in order to maximise developer interest. This resulted in a positive market response and by 26<sup>th</sup> July, 2011, it was possible to identify two short listed bidders, who were invited to work up full schemes based upon their initial proposals (which were judged both on their design interpretation and financial package).</p> <p>Unfortunately, one of the two shortlisted consortia withdrew in early August. However, given the merits of the remaining scheme, it was decided to proceed with the competitive dialogue process, albeit with minor amendments reflecting the change in circumstances.</p> <p>Dialogue meetings have continued with a specific focus upon design and financial factors. Design considerations have been informed by input from the urban design and planning teams, together with responses from the public, whilst the financial focus has been on capital values and assessed scheme deliverability.</p> <p>Cabinet will now consider whether to convey preferred bidder status on Augur Buchler and their associated scheme, at its meeting on 18<sup>th</sup> October, 2011. In view of the significance of the proposed development, Cabinet is</p>

keen to engage with the wider Council and to secure input from fellow Councillors, to help inform its own deliberations and subsequent decision.

Additionally, the proposal will be considered by the Cheltenham Development Task force on 14<sup>th</sup> October, 2011, and that too will result in a recommendation to help inform the Cabinet decision.

Given the visual nature of the development proposal, a short presentation will be provided. Additionally, given the financial and commercial sensitivity of this matter, members are advised that it will be necessary to consider any financial aspects of the scheme in closed session, if they want to debate or consider these matters in more detail.

Officers consider that the key factors are design issues and financial outputs.

Note: The following additional documents will be made available to Cabinet prior to its meeting on 18th October: 1) the Council recommendation 2) a report and recommendation from the Cheltenham Development Task Force; and 3) an exempt Appendix attaching Augur Buchler's final proposal.

**Recommendations**

- 1. That Council recommends to Cabinet that it should appoint Augur Buchler Partners Limited as the preferred bidder to undertake the redevelopment of the North Place and Portland Street sites.**
- 2. That Cabinet:**
  - a. considers the recommendation of Council on 10 October 2011 and taking into account the advice of the Cheltenham Development Task Force, agrees to appoint Augur Buchler Partners Limited as the preferred bidder to undertake the redevelopment of the North Place and Portland Street sites (the Sites);**
  - b. delegates authority to the Head of Property Services in consultation with the Borough Solicitor to:**
    - i) conclude the documentation necessary to appoint Augur Buchler Partners Limited as the preferred bidder;**
    - ii) conclude the documentation required to dispose of the Sites as necessary (noting that the Sites may be disposed of in parts by way of leasehold and freehold disposals and to more than one party);**
    - ii) enter into an agreement with Gloucestershire County Council for the purchase of land at Warwick Place.**

<b>Financial implications</b>	<p>The final financial details are commercially sensitive and will therefore be exempt information, made available to Council and Cabinet as a confidential exempt Appendix.</p> <p><b>Contact officer: Paul Jones</b></p> <p><b>E-mail: paul.jones@cheltenham.gov.uk</b></p> <p><b>Tel no: 01242 775154</b></p>
<b>Legal implications</b>	<p>The Council has undertaken the competitive dialogue procedure as set out in the Public Contract Regulations 2006, to choose a developer to redevelop the North Place and Portland Street sites. This involved a staged process of assessment as follows:</p> <ul style="list-style-type: none"> <li>• Pre-qualification selection process;</li> <li>• Invitation to shortlisted candidates to participate in a dialogue process during which aspects of the project were discussed and solutions developed;</li> <li>• Two bidders were chosen from the shortlisted candidates and invited to continue dialogue;</li> <li>• Dialogue closed and final tenders invited for selection of a preferred bidder.</li> </ul> <p>If Augur Buchler is chosen as the preferred bidder the Council will need to enter into a preferred bidder letter, inviting the preferred bidder to enter into a contract with the Authority to deliver the Project.. Following appointment of a preferred bidder there is a further opportunity to 'clarify aspects of the tender or confirm commitments' provided that there are no substantial changes to the tender.</p> <p>The Council can dispose of the Sites using its powers under Section 123 Local Government Act 1972 and unless it can rely on a general or specific consent issued by the Secretary of State, it must achieve best consideration for the disposals. The Council can purchase the land at Warwick Place by using its powers under Section 120 Local Government Act 1972.</p> <p><b>Contact officer: Donna Ruck, Solicitor</b></p> <p><b>E-mail: donna.ruck@tewkesbury.gov.uk</b></p> <p><b>Tel no: 01684 272696</b></p>
<b>HR implications (including learning and organisational development)</b>	<p>None arising from this report</p> <p><b>Contact officer: Julie McCarthy</b></p> <p><b>E-mail: julie.mccarthy@cheltenham.gov.uk</b></p> <p><b>Tel no: 01242 264355</b></p>

<b>Key risks</b>	<ol style="list-style-type: none"> <li>1. The state of the global economy and the current fragility of markets in relation to support for new investment are an on-going concern.</li> <li>2. If the scheme is not considered deliverable, the Council's investment plans for infrastructure improvements in other areas of the town centre will be put at risk due to the lack of available capital funding.</li> <li>3. The Council's reputation could be significantly damaged and the authority may be at risk of legal challenge if it was to withdraw from the tender process without good reason.</li> </ol>
<b>Corporate and community plan implications</b>	<p>This high profile development has the potential to improve an existing distinct scar on the urban landscape, to deliver much needed housing (including 40% affordable provision), employment opportunities, modern parking facilities, a bus node and public square; all in a sustainable manner.</p> <p>Additionally, sale of the site will yield a capital receipt that can be targeted at future town centre improvement schemes.</p>
<b>Environmental and climate change implications</b>	<p>The design brief for the site envisaged a scheme that would deliver an exemplar in terms of sustainability. The proposals at this stage indicate that this ambition will be realised, with a host of environmental improvements proposed. These include green walls and roofs which will limit run-off and flood issues as well as absorb pollutants; improvements to the local bio-diversity through trees and other planting; bus connectivity; minimum code 4 housing with the potential to reach code 5 and minimum BREEAM rating of very good on the commercial elements.</p>

## 1. Background

- 1.1 Council established The Cheltenham Development Task Force, under the independent chairmanship of Graham Garbutt on 4<sup>th</sup> January, 2010, to drive forward the ambitions previously set out under the Civic Pride banner.
- 1.2 Initial analysis by the Task Force (subsequently substantiated by independent property advice), established that the previously adopted development brief for the North Place and Portland Street sites was unlikely to be delivered in its adopted format. For this reason, an amended brief was developed and publicly consulted upon. This brief essentially retained all of the principal elements of the previous scheme, including commitments to sustainability, the delivery of a public square, a minimum of 100 housing units (of which 40% to be affordable), a minimum 300 public car parking spaces and a bus node, but a reduced level of specificity concerning what other uses would be allowed to underpin the financial provision of such requirements. The brief allowed for a wide spectrum of uses, including residential, commercial and/or leisure.
- 1.3 As a result of the requirement for physical outputs, such as the car park, the procurement moved from a simple land disposal to one whereby a comprehensive development solution was required. As a result of this, the proposal redevelopment of the Sites needed to be advertised in the Official Journal of the European Union regulations as a "concession for works". The key challenge to the Public Contracts Regulations 2006 requirement is that many potential developers find the process extremely slow and frustrating, so it was felt prudent to follow an aggressive timetable, to demonstrate to the market that CBC and its partners were serious about delivering this scheme and releasing capital for other public realm improvement initiatives.

- 1.4** The formal marketing of the site began on 24<sup>th</sup> January, 2011 and a process has been followed that sequentially reduced bidders in a structured manner. Thus, from 115 initial expressions of interest, 9 formal bids were received; on the basis of an objective scoring matrix five were invited to participate in a competitive dialogue process (ITPD). One of these withdrew at this stage, leaving four bidders to submit 'Outline Solutions' by 1<sup>st</sup> July, 2011. Throughout the process, all bid proposals were considered against an evaluation matrix endorsed by Cabinet at its meeting on 8th February, 2011, which essentially allocated scores on a 50:50 basis for design and financial return criteria.
- 1.5** From the 4 bids received, two schemes scored much higher than the others and were invited to continue dialogue on 26<sup>th</sup> July, 2011, with the purpose of ultimately partaking in an invitation to submit a final tender (ISFT). The two schemes were from Salmon Harvester and Augur Buchler.
- 1.6** Unfortunately, on 9<sup>th</sup> August, 2011, the bid from Salmon Harvester was formally withdrawn for commercial reasons. This changed the dynamics of the process as it was anticipated to have two bidders up to the final stage, with one ultimately chosen as the preferred partner. Meetings were held between Augur Buchler and CBC, where both parties agreed to continue the process based upon some key assumptions, including a commitment by the bidding team not to exploit their position or CBC would feel obliged to withdraw from the process. Both Councillor Steve Jordan and Andrew North were present at these meetings.
- 1.7** In light of this commitment and the mobilisation of an even larger design and consultant team by Augur Buchler, the dialogue process has continued. Although Augur Buchler is the only bidder remaining in the process, it can only be granted preferred bidder status by a Cabinet decision.
- 1.8** The original timetable has now been accelerated to reflect this solus position. Cabinet will be asked to consider granting 'preferred bidder' status to Augur Buchler on 18<sup>th</sup> October, having first heard the views of Council on 10<sup>th</sup> October and the recommendation of the Cheltenham Task Force on 14<sup>th</sup> October. If preferred bidder status is supported and there is no overview and scrutiny call-in, so that an Award Decision Notice with a 10 day "standstill" period can be issued, it would be technically possible to secure the Development Agreement between CBC and Augur Buchler on or around 15<sup>th</sup> November, 2011, with final completion of the transaction subject to securing planning permission for the preferred scheme.

## **2. Key considerations**

### **2.1 Minimum Requirements**

- 2.1.1** The proposed scheme will deliver the mandatory bid requirements set out in the various bidding documents which mirror the design brief approved by Council. This includes:-
- A minimum 100 housing units – the scheme proposes 130 units, of which 40% will be affordable;
  - A public square – in this case opposite the church and aptly alluded to as 'Trinity Square;;
  - A bus node – utilising the stopped-up highway land at Warwick Place, in the ownership of GCC;
  - A minimum 300 car park spaces – the scheme proposes two car parks albeit within the same structure – a 300 space car park dedicated for public use and another, of similar footprint, for the use of the foodstore. The hotel will use the public space car park as its demand for space complements general day time use (Note: this is the same model deployed by the nearby NCP / Holiday Inn Express). Parking provision for the housing is separate to these allowances and will comprise at least one space per dwelling.
  - A substantial capital receipt for the Council;
  - An on-going revenue stream from the car park provision, equating to the current net current revenue generated by CBC for the Portland Street car park.

Note: These proposals may be subject to modification as a result of the formal planning process, which will ultimately determine the acceptability or otherwise of the finer details of the overall scheme.

- 2.1.2** In addition to the above, the level of sustainability proposed is higher than prescribed and will be an exemplar, with BREEAM (Building Research Establishment Environmental Assessment Method) Excellent targets for the commercial elements and Code for Sustainable Homes Level 4 targets for the housing, (level 5 if residential elements can be linked to the store's combined heat & power provision).

## **2.2 Public Engagement**

- 2.2.1** The scheme has been subject to significant scrutiny by the urban design and planning teams and critically, by the public. The scheme was unveiled to the public on 20th August, 2011, via the front page of the Echo and CBC website. This was supported by static and manned displays plus an evening meeting targeted at local residents and a further meeting with the Civic Society.

- 2.2.2** Details of the consultation and its outcomes are set out in section 3 below.

## **2.3 Legal Structure**

- 2.3.1** A development agreement will be entered into, which will set out the developer's obligations for building out the sites and setting out when land will be disposed of by the Council and to whom. At the time of writing the report the disposal of the Sites is being negotiated, but the likely method of disposal is as follows:-

- CBC releases the freehold of the sites for housing and commercial development;
- CBC retains the freehold and grants a long lease (250 years) over the area containing the car park reserved for public use;
- CBC to receive an annual payment for the leased area; this effectively becomes ground rent, but is set at a rate that equates to the net revenue from 300 spaces currently on the site. There would be a break clause in the lease in line with the commercial lets, but if enacted it requires the asset (the car park) to be handed over to CBC to run. Alternatively, the lease could be extended, or both parties could at some point in the future determine to redevelop the site again.
- At exchange of contracts, CBC will receive 5% of the capital receipt and the remainder (95%) upon confirmation of planning permission. On this basis, CBC will release freehold title to the land before commencement of works, as it will have received all monies arising from the scheme.
- The developer is required to use all reasonable and commercially sensible endeavours to obtain a satisfactory planning permission within a fixed period from exchange of contracts (to be agreed). Additionally, the developer is required to commence and complete works within a fixed period from exchange of contracts (again, to be agreed). Failure to do so will require the developer to pay a daily sum (equivalent to the car park revenue) for each extra day.
- If the car park is not managed within the agreed terms i.e. public access for a minimum 300 spaces and quarterly rent payments to the Council, CBC has the ability to seek forfeit of the lease.
- There will be a pro-rata payment to GCC for their interest in Warwick Place (which enables the bus node facility), based upon the net capital receipt received for the whole site.



## 2.4 Financial Considerations

- 2.4.1 Should members wish to discuss the indicative financial receipt and mechanics of the car park income, this will need to be done in closed session due to the commercial sensitivity involved.

## 3. Consultation

- 3.1 Augur Buchler's initial proposal for North Place / Portland Street was made available for public comment between 22nd August and 10th September. The objective of the consultation was twofold - to gauge public reaction to the proposal and to feed comment back to Augur Buchler and the Council's design and planning teams, so that if appropriate, the scheme could be amended.

- 3.2 Consultation arrangements were as follows:-

- 20<sup>th</sup> August – front page and positive leader comment in the Echo
- 22<sup>nd</sup> August – 10<sup>th</sup> September
  - Static, unmanned displays throughout the period at
    - Municipal Offices (main and Built Environment receptions)
    - Hester's Way Resource Centre
    - Springbank Resource Centre
    - Oakley Resource Centre
    - The new Lower High Street Community Resource Centre
    - Charlton Kings Library
    - Hill View Community Centre/Hatherley Library
  - Council website, with on-line comment form
- 3<sup>rd</sup> September – 10<sup>th</sup> September (excluding Sunday 4<sup>th</sup>)
  - Manned exhibition in High Street (outside Marks & Spencer) – 1 Council officer and 2 Augur Buchler representatives available from 9am to 5pm each day. Written comment forms available.
- 6<sup>th</sup> September
  - Face to face discussions with officers and Augur Buchler representatives at the Municipal Offices – 500 invites sent out to properties neighbouring the site.. Written comment forms available.
  - Presentation to Civic Society by Jeremy Williamson and Augur Buchler representatives

Press releases resulted in articles in the Echo and exchanges in the letters column. Initially, a record of attendance numbers was kept at the High Street exhibition, but numbers on the first day overwhelmed the staff's ability to keep tally, and a counting system was abandoned. About 50 neighbours attended the event on 6<sup>th</sup> September.

Other meetings took place to help inform the design debate including with active local residents and also the Cheltenham Civic Society.

100 comments were received in writing; 68 on-line. These 168 break down as follows

Outright Support	44	26%
Qualified Support	43	26%
<b>Total Support</b>	<b>87</b>	<b>52%</b>
Outright Objection	50	30%
Qualified Objection	26	15%

**Total Objection 76 45%**

Other comments 5 3%

An analysis of the comments shows the following trends.

- Outright support comments were stridently in favour of the scheme as displayed – particularly supportive of:-
  - Contemporary architectural style and overall design quality
  - High sustainability credentials.
  - Scheme layout.
  - Traffic management objectives
  - Landscape and open space provision.

Typically, comments include “get on with it” and “about time”.
- Qualified supporters are generally supportive of the proposals, but have some concerns. The most frequent concerns are:
  - Query the need for a supermarket and suggest the Council looks for an alternative use (generally not specified, though there are references to leisure uses – e.g. skating rink - and youth related uses).
  - A need to be less restrictive in traffic management arrangements on St Margaret's Road junctions to allow all-way turning movements and relieve rat-running to the site through Monson Avenue and Clarence Square
  - Introduce 2-way movement on Portland Street.
  - Introduce Regency style architecture.
  - More greening
- Qualified objectors are against the scheme as drawn and are generally looking for a rethink. Often these are people directly affected (neighbours or near neighbours). Typical concerns:
  - Introduce Regency style architecture.
  - No need for supermarket
  - Noise, amenity and visual amenity issues (particularly impact of the car park and service access on housing in Northfield Terrace/Passage and impacts on Dowty House)
  - Building height
  - Impact on car parking in neighbouring streets (a number seeking a residents parking scheme)
- Outright objectors have nothing positive to say about the project. Concerns include:
  - Supermarket is unnecessary – not needed, will impact on town centre viability, etc
  - Dislike architectural style
  - Need to retain all car parking on the site
  - Hotel is unnecessary – will impact on local hotel trade
  - Parking provision totally inadequate
  - Traffic impact untenable
  - Amenity, noise and crime issues
  - Social housing unnecessary
  - Parking impact on neighbouring streets (a number seeking a residents parking scheme).
  - Underground parking

The comments have been forwarded to Augur Buchler and have been discussed with the Council's planning and design team. This level of support is unusual, in that consultation events often elicit predominantly negative responses, with those supporting remaining silent – officers consider this level of support an endorsement of the scheme and the process followed thus far. A

number of the issues raised can be addressed through amendments to the proposal; others require action by outside agencies – notably the County Council on wider traffic and parking management issues.

Turning to the remaining issues of concern:

- Amenity impacts on neighbours are being closely examined for possible design solutions – particularly the impacts resulting from service and car park access, height and overlooking.
- The supermarket is not of a size that necessitates any special retail assessment in this edge of town centre location, which is within the core commercial area.
- Both supermarket and hotel elements will be assessed in terms of their impact as part of the planning process. Notwithstanding this, both of these elements have been considered through previous bidding rounds, including through the economic integration assessment, which has provided sufficient assurances about the potential impact of the proposals for this stage of the OJEU process.
- The County highways team has been supportive of this scheme in principle, as it makes no amendments to the existing highway network. However, it is likely that existing junction priorities will have to be amended once the full traffic modelling impacts are understood. This analysis will be a fundamental requirement of the formal planning submission.
- Initial discussions with County highways suggest that lifting the junction restrictions maybe an acceptable solution, subject to modelling and detailed consideration.
- It is a requirement of the development brief approved by Council that architectural style should be of its time and not a Regency copy or pastiche. This is also the view of the Council's officers and the developer team.
- Underground parking has been an issue in the press, but only an occasional issue in the comments received. The adopted development brief offers a range of options for parking -on-street, in public spaces, undercroft, underground or multi-storey. The proposal offers on-street, multi-storey and on-plot parking, which is compliant with the requirements of the brief. The solution proposed reflects a commercial decision by Augur Buchler, having regard to the overall requirements of the brief and the site specific circumstances.

## 4. Next steps

- 4.1 If the Cabinet decides to grant preferred status to Augur Buchler on the 18th October, 2011, sufficient time will be allowed for any potential Overview & Scrutiny call-in. If no such call-in arises, an Award Notice will be issued. This requires a “standstill” of 10 days to give the opportunity for judicial challenge of the award process. If no such challenge is received, CBC can proceed to exchange of contracts, on the basis of the legal structure outlined in 2.3 above and will secure a 5% deposit at point of exchange.
- 4.2 Following exchange, Augur Buchler is keen to submit a planning application as soon as practicable. This could be submitted as early as late January/early February 2012.
- 4.3 The scale of the scheme necessitates a 13 week planning decision time frame including statutory consultation, but the public engagement exercise has already identified the key issues that need to be addressed by the applicants. On this basis, it should be possible for the detailed scheme to be considered as early as the May 2012 planning committee.

<b>Report author</b>	David Roberts, Head of Property Services Cheltenham 264151 (Ext 4151) <a href="mailto:david.roberts@cheltenham.gov.uk">david.roberts@cheltenham.gov.uk</a>
<b>Appendices</b>	1. Risk Assessment

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	I	L	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
CR57	If the North Place & Portland Street process is compromised by misunderstanding of the proposal or legal framework (OJEU) within which proposal has been developed then Councillors will not lend their support to the scheme.	AN	23/05/11	4	3	12	Reduce	Full debate at council and recommendation from Cheltenham Development task Force to inform Cabinet decision	18/10/11	GL	Yes
	If the global economic situation deteriorates further then it is possible that bidding partners will either withdraw from the scheme or fail to commit.	AN	01/09/11	4	5	20	Accept	Given only one bidder remaining steps have been taken to accelerate the process in order to reduce the period of risk exposure.		GL	
	If the scheme does not proceed to conclusion then funds will not be available to re-invest in other town centre improvement schemes	AN	01/09/11	4	3	12	Contingency	Council would need to decide whether other disposals could help provide funding		GL	

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Page 186

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Page 192



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Page 194