



CHEL TENHAM

BOROUGH COUNCIL

Notice of a meeting of Council

Monday, 26 March 2012

2.30 pm

Council Chamber, Municipal Offices

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

Agenda

1.	A MOMENT OF REFLECTION	
2.	APOLOGIES	
3.	DECLARATIONS OF INTEREST	
4.	MINUTES OF THE LAST MEETING To approve the minutes of the meeting held on the 24 February 2012	(Pages 1 - 18)
5.	PUBLIC QUESTIONS These must be received no later than 10am on the fifth working day before the date of the meeting	
6.	COMMUNICATIONS BY THE MAYOR	
7.	COMMUNICATIONS BY THE LEADER OF THE COUNCIL	
8.	MEMBER QUESTIONS	
9.	PAY POLICY STATEMENT Report of the Cabinet Member Corporate Services	(Pages 19 - 42)
10.	ANNUAL REPORT OF THE STANDARDS COMMITTEE Report of the Standards Committee	(Pages 43 - 46)

11.	CORPORATE STRATEGY Report of the Leader of the Council	(Pages 47 - 80)
12.	COUNCIL DIARY SEPTEMBER 2012 TO AUGUST 2013 Report of the Director of Commissioning	(Pages 81 - 98)
13.	MEMBERS' ALLOWANCES REVIEW Report of the Director of Commissioning	(Pages 99 - 116)
14.	REVIEW OF THE CONSTITUTION Report of the Borough Solicitor and Monitoring Officer	(Pages 117 - 274)
15.	<p>NOTICES OF MOTION Proposed by: Councillor C. Hay Seconded by: Councillor Walklett</p> <p>In the last decade more than 800 Public Houses have closed in Gloucestershire, of which 115 have closed in Cheltenham alone. Many of which provided a valued social amenity, these have been lost forever. Community assets - such as local pubs, can be afforded protection from changes of use and demolition. Cheltenham planners do look at the viability of local pubs in coming to any recommendations and decisions, however, it has proved very difficult to stop the 115 closures.</p> <p>In order to preserve those pubs that do provide a community asset, this council resolves to;</p> <p>Adopt the Public House Viability Test developed by CAMRA (Campaign for Real Ale) and develop policies which further protect local Public Houses and other community assets.</p>	
16.	TO RECEIVE PETITIONS	
17.	ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION	

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Andrew North
Chief Executive

Council

Friday, 24th February, 2012

2.30 - 4.25 pm

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

Minutes

1. A MOMENT OF REFLECTION

Reverend Tim Mayfield invited members to take a moment of reflection.

2. APOLOGIES

Councillors Wheeler, Cooper, Coleman and Smith had given their apologies.

The Chief Executive had given his apologies and therefore the Executive Director, Pat Pratley, had attended in his place and likewise, the Head of Financial Services was in the place of the Director of Resources.

3. DECLARATIONS OF INTEREST

No interests were declared.

4. TO APPROVE AND CONFIRM THE MINUTES OF THE MEETING HELD ON THE 10 FEBRUARY 2012

The minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the minutes of the meeting held on the 10 February 2012 be agreed and signed as an accurate record.

5. PUBLIC QUESTIONS

The Mayor was pleased to see the number of public questions that had been received, given that she was a keen advocate of public participation.

The following responses were given to the 18 questions received from members of the public;

1.	Question from Robert Keevil to Cabinet Member Sustainability (Councillor Whyborn) and Cabinet Member Built Environment (Councillor Rawson)
	<p>Given the very strong local opposition to the proposed staging of Expo 2012 and subsequent Street Racing Events in the sensitive Conservation Area in Imperial Square, Imperial Gardens and The Promenade;</p> <p style="padding-left: 40px;">A. What areas do you envisage using this year and in future years?</p> <p style="padding-left: 40px;">B. What road closures are you planning and for what length of time?</p>
	Response from Cabinet Member Built Environment
	<p>Neither the Expo 2012 nor the street racing events which Cheltenham Motor Sports are talking about are council events. The organisers have booked the Town Hall and committee rooms in the Municipal Offices for Expo 2012 but have confirmed that they do not intend to use any parks or gardens.</p> <p>A document was received from the organisers this week indicating that they are seeking road closures around the proposed circuit during part of the weekend of 8th and 9th September 2012, though no racing. There are no details for future years. The document also says that the organisers propose to use the Inner Promenade for static displays in 2012.</p> <p>However, no formal proposals for road closures have been made. When they are, my understanding is that such closures will need to be approved by the County Council as Highways Authority, as they are likely to go beyond the very limited powers that the Borough Council has.</p> <p>In any case, my understanding is that permission for street racing would require a Private Act of Parliament, which Cheltenham Motor Sports say they are planning to seek, though not for any activity in 2012.</p>
	Supplementary question from Robert Keevil
	<p>Bearing in mind the huge amount of public funds that have been spent by the Council to redevelop and upgrade Imperial Gardens, for the benefit and enjoyment of all the people who live and work, or visit Cheltenham, what assurances and guarantees are you seeking from the promoters of this commercial motor sports event, regarding the safeguarding of this investment in the gardens, in respect of any future events that they are planning?</p>
	Supplementary response from Cabinet Member Built Environment
	<p>This issue was covered in a subsequent question but safeguarding of the gardens would form part of any permissions.</p>
2.	Question from Paulette Faulkner to Cabinet Member Sustainability (Councillor Whyborn) and Cabinet Member Built Environment (Councillor Rawson)
	<p>It has been acknowledged by all parties that Imperial Gardens cannot sustain any additional wear and tear. A Motor Sport Event in this Conservation Area is most inappropriate. Any activity such as Street</p>

	Racing in Imperial Square would result in large crowds tramping all over Imperial Gardens. Therefore will the Cheltenham Borough Council give their assurance that no permission will be given for either an Expo 2012 or for Street Racing in the Area of Imperial Square and Gardens?
	Response from Cabinet Member Sustainability
	The Expo promoters have confirmed that they will not be using Imperial Gardens in 2012. Any future usage of Imperial Gardens must comply with both the 2011 policies approved by cabinet, and the 2012 planning permission, albeit the latter is for 15 months. The situation for 2013/2014 is unclear, but the general spirit of limiting both the intensity and time for what is allowed would continue to be the case. If a booking for 2013 was accepted, it would be subject to rigorous conditions to protect the gardens. Of particular importance is that any September usage should not encroach onto flower bedding. The current regime depends on an orderly changeover from Spring to Summer bedding earlier in the year.
	Supplementary question from Paulette Faulkner
	Imperial Square and Imperial Gardens surrounded by important Listed buildings are representative of the Regency heritage of Cheltenham and any type of street racing in this sensitive area will bring with it a number of risks, namely, the large crowds of spectators and the consequent possible damage to the gardens and infrastructure, accidents due to speeds envisaged either during the event or afterwards by the likelihood of copycat racers and the probable damage to property. No satisfactory answer has been given by the organisers when asked about insurances against damage to either persons or property. We are constantly told that this event will benefit businesses in Cheltenham so it is surprising that the route was reportedly changed so as not to inconvenience businesses. Please will the Borough Council insist that the route is either changed back to the original circuit or to another route without so many residences so that road closures and potential hazards are borne by the beneficiaries of this event rather than the permanent residents?
	Supplementary response from Cabinet Member Sustainability
	Decisions relating to the exact route and any road closures would be for the County Council and Police to decide, this was not something CBC could decide.
3.	Question on behalf of the Friends of Imperial Square & Gardens to Cabinet Member Sustainability (Councillor Whyborn) and Cabinet Member Built Environment (Councillor Rawson)
	Has Cheltenham Borough Council assessed the full environmental impact of these so-called low carbon vehicles descending upon these much admired Conservation Areas as bio-diesel vehicles can emit substantial amounts of toxic carbon monoxide and larger amounts of nitrogen oxides than conventional cars under certain conditions as explained in a recent edition of the Sunday Times?
	Response from Cabinet Member Sustainability
	At the time of writing we do not have visibility of the Expo promoters'

	proposed emissions for the vehicles, though the Council will need to be satisfied as regards the impact on the local environment in terms of air quality.
4.	Question on behalf of the Friends of Imperial Square & Gardens to Cabinet Member Sustainability (Councillor Whyborn) and Cabinet Member Built Environment (Councillor Rawson)
	Bearing in mind the large number of motor vehicles which are likely to be involved, has anyone carried out a full Risk Assessment including the need for adequate Insurance Cover and the likelihood of Accidents to those attending such an event either in Imperial Gardens or the streets around Imperial Square?
	Response from Cabinet Member Built Environment
	As I said in response to question 1, no detailed proposals for street racing have yet been made, and Cheltenham Motor Sports do not propose that this should happen in 2012. It would be premature to undertake a Risk Assessment before there are any clear proposals. However, there is no doubt that any body involved in permitting any street racing, including the Borough Council in respect of use of Imperial Gardens, would require a robust Risk Assessment and consider it carefully before doing so.
	Supplementary question on behalf of the Friends of Imperial Square & Gardens
	Can/will Councillor Rawson guarantee that residents living in Imperial Square will have continuous and uninterrupted access to the highway from their car parks at all times during the proposed Expo 2012, especially as the organisers latest document says "Special Event Road Closures for the Street Race Circuit (plan attached) will be in place between 09:00 and 13:00 on Sunday 9th September 2012. There will be a gradual shutdown process that will start at approximately 06:00..."?
	Supplementary response from Cabinet Member Built Environment
	Issues concerning road closures were a matter for the County Council in conjunction with the Police. He gave assurances that the wellbeing of residents would be an important consideration for CBC in any application.
5.	Question from Gary Redmond to Cabinet Member Built Environment (Councillor Rawson)
	As Expo 2012 is proposed as the fore-runner to Street Racing, has the Council considered the visual and road safety impact on this Conservation Area which will be surrounded by nearly a mile of high and substantial crash barriers on both sides of the roads along with the disruption and time needed to build and dismantle them?
	Response from Cabinet Member Built Environment
	Expo 2012 may well be seen by its organisers as a forerunner of street racing, but it has come forward as a separate proposal and the Borough Council has no alternative but to treat it as an event in its own right. So far as street racing is concerned, the visual impact and the road safety impact are clearly matters that would need to be considered before permission was given by any authority whose consent would be required.

	Supplementary question from Gary Redmond
	If street racing is approved what action will the Council take to stop boy racers adopting sections of the circuit to undertake copycat races?
	Supplementary response from Cabinet Member Built Environment
	This point was taken but without having seen detailed proposals or having had discussions with Highways or the Police, it was difficult to provide a solution at this time.
6.	Question from Fiona Wild to the Leader (Councillor Jordan)
	Who has been meeting the organisers of the proposed Expo 2012 and street-racing the following year, and giving them the go-ahead to make announcements that the event is already up and running?
	Response from the Leader
	While I don't know which announcements are being referred to, any statement by the organisers of the Expo 2012 about their intentions is their responsibility. The organisers have booked the Town Hall and committee rooms in the Municipal Offices for Expo 2012 and have confirmed that they do not intend to use any parks or gardens. No formal requests have yet been made for the closure of roads.
	Supplementary question from Fiona Wild
	Can you assure me that the taxpayers of Cheltenham, directly or indirectly, will not be liable for costs, a situation not without precedence, for the proposed Expo this year and street racing in the future, as the original Cheltenham Motor Sports website mentions that an Act of Parliament would be required?
	Supplementary response from the Leader
	The issue of costs was covered in a subsequent response, but no, the Council would not provide any funding to the organiser in relation to the Act of Parliament.
7.	Question from Fiona Wild to Cabinet Member Sustainability (Councillor Whyborn)
	Cheltenham Borough Council has recently had Imperial Gardens redesigned at great cost, plus new pavements along the side, and the Promenade is currently being re-laid. After spending so much time and money on these projects, how can car-racing of any kind around the area be justified when Cheltenham is fortunate enough to have a race-course, a place for time-trials (Prescott) and Castle Combe Circuit not far away?
	Response from Cabinet Member Sustainability
	The types of racing in these venues are likely to be different; however please be assured, by the answers given to previous questioner (Q2) that the Council has every intention to protect its recent investment in Imperial Gardens. Any plans submitted for Imperial Gardens will be subject to rigorous scrutiny to ensure the gardens are protected.
8.	Question from Barry Wild to Cabinet Member Sustainability

	<p>(Councillor Whyborn)</p>
	<p><i>The Cheltenham Street Race proposes to use entirely, so called “green” vehicles. The “green” alternatives which are proposed for use in the Cheltenham Street Race are</i></p> <ol style="list-style-type: none"> <i>1. Electric cars. These have no emissions but their electrical power is mainly derived from burning fossil fuels in power stations – they therefore contribute to climate change.</i> <i>2. Cars which burn biodiesel in a conventional car engine. Biodiesel is made from fats such as cooking oil and is “carbon neutral” because although it emit CO2 when burnt, that carbon originated from plants which extracted it from CO2 in the air via photosynthesis. These cars however also emit toxic carbon monoxide (although less than from a normal car) but emit more nitrogen oxides. If they are raced at high speeds (they can reach well over 140 mph) and are subject to rapid acceleration and deceleration around the eight sharp bends, they will emit substantial quantities of carbon monoxide and nitrogen oxides, both of which are health hazards. These cars driven at high speed will be very noisy too!</i> <i>3. Cars which burn a ‘second generation’ biofuel such as bio-methanol, produced from biomass – waste biological material. Burning methanol in engines produces very high-powered vehicles, also producing carbon monoxide and nitrogen oxides. Methanol itself is also toxic.</i> <i>4. Hydrogen powered vehicles. These have no emissions but the hydrogen is generated using fossil fuels and thus contributes to climate change.</i> <p><i>These “green” vehicles, when driven at speed around such a circuit, will pose a substantial threat to the health, environment, fabric and safety of our precious town.</i></p> <p>Has the Council assessed the full environmental impact and the safety implications of allowing high speed cars, burning biodiesel fuel, to race around the twisting 1.2 miles of Cheltenham’s finest streets?</p>
	<p>Response from Cabinet Member Sustainability</p>
	<p>Please see the answer to previous Questioner (Q3). The Council does not have visibility of the Expo promoters’ proposed emissions for the vehicles. It should be added that any environmental claims are made by the organisers, and not by the Council, though the Council will need to be satisfied as regards the impact on the local environment in terms of air quality.</p>
	<p>Supplementary question from Barry Wild</p>
	<p>Did Council members see or try the Cheltenham Motorsports online video game (now conveniently removed) that clearly showed the narrow and dangerous racetrack that winds through the town?</p>
	<p>Supplementary response from Cabinet Member Sustainability</p>

	No he had not personally seen or tried the online video game. The environmental impact of any application would be assessed.
9.	Question from Barry Wild to the Leader (Councillor Jordan)
	What evidence does the Council have that the ordinary citizens of Cheltenham want their town centre turned into a high speed race track?
	Response from the Leader
	Neither the Expo 2012 nor the street racing events which Cheltenham Motor Sports are talking about are council events. While the organisers have been holding public forums to explain their proposals, we understand that any permission for street racing would require a Private Act of Parliament, and this should give the chance for residents to express their views.
	Supplementary question from Barry Wild
	It is possible for these green cars to reach speeds of 200mph, yet our MP has suggested a speed limit of 20mph in Cheltenham town centre on grounds of safety. Do you not think that the contrast between these two figures speaks volumes about the unsuitability of this venture?
	Supplementary response from the Leader
	These details would all be subject to the Act of Parliament.
10.	Question from Yvonne Archdale to the Leader (Councillor Jordan)
	Has Cheltenham Borough Council thought of the financial implications of Expo 2012 and Street Racing and what contingencies are being put in place should the events promoter be unable to meet its obligations and contributions? Traders will be faced with problems.
	Response from the Leader
	The Expo 2012 and any subsequent street racing event could provide considerable economic benefit to Cheltenham based on publicity for and extra visitors to the town. It also has potential to boost local high technology and 'green' industries. The Expo 2012 was one of 15 projects that were recommended for support from the Promoting Cheltenham Fund after being assessed by a panel made up of business representatives and cross party group of councillors. The financing of the Expo 2012 itself and any subsequent street racing is the responsibility of the organisers.
11.	Question from Yvonne Archdale to Cabinet Member Built Environment (Councillor Rawson)
	What assurances will the council demand regarding full insurance cover for any damage or injury to persons and property which could be substantial for these high profile motor sport events?
	Response from Cabinet Member Built Environment
	Any event taking place in the public realm requires Public Liability Insurance (typically no less than £5 million pounds) and in this case, the Council would take advice to ensure that such arrangements were

	adequate to cover any potential risks to the authority with regard to use of its land. The event organiser's insurer will no doubt want to make its own assessment of the risks involved in determining both an appropriate level of cover and the associated premium.
12.	Question from Julianna Tierney to Cabinet Member Sustainability (Councillor Whyborn) and Cabinet Member Built Environment (Councillor Rawson)
	Any major Motor Sport Event leads to infrastructure damage particularly in a sensitive Conservation Area. What plans are in place or in preparation and who is expected to pay for the extra police protection of property and environment, the prevention of crime, the inevitable aftermath of such an event, viz. litter and damage, and the restoration to normality of the environment?
	Response from Cabinet Member Built Environment
	<p>So far as the Borough Council is concerned, we would certainly want to ensure that the cost of any damage to our property was met by the organisers of the event.</p> <p>As previously stated, there are currently no proposals for the use of gardens. If there were, land use agreements (LUA) would be required which would include arrangements for litter picking and restoration of damage, at organisers' expense, and also street cleaning. Re-instatement of gardens routinely forms part of the LUA and is now a condition of the new planning consent conditions.</p> <p>As stated, in the answer to question 11, <u>any</u> public events on Council land would require the organisers to carry at least £5M in public liability insurance.</p> <p>The question of policing and potential damage to the highways infrastructure would be matters for the Gloucestershire Constabulary and the County Council respectively.</p>
13.	Question on behalf of Cheltenham in Bloom to Cabinet Member Sustainability (Councillor Whyborn)
	<p>The proposed Cheltenham Motorsport & Expo 2012 which is likely to be staged on the 8th & 9th September within the Town, may well make use of our Floral Heritage Gardens. Cheltenham in Bloom committee are very concerned to be informed that there is the possibility our Nationally acclaimed 'Long Gardens' may well be Boarded over so that Cheltenham Motorsport's can display cars. With flower beds blooming well into late September, early October, we estimate the height of the boarding would have to be exceptional high, so that there was no damage to plants, at least 3 foot or more as often the 'Dot' planting is made up of tall plants, unless of course you have ideas to strip out the beds before their time which would be sacrilege.</p> <p>If the Boarding Over of the 'Long Garden's were to take place, would this not be setting a precedent for future events within this prestigious area of our town, which we view would be at the detriment of our Floral Heritage or would this be a 'one off' proposal?</p>

	Response from Cabinet Member Sustainability
	The Expo promoters have confirmed that they will not be using the Long Gardens in 2012. If any future request were to be made the impact on the Long Gardens would be a foremost concern.
14.	Question on behalf of Cheltenham in Bloom to Cabinet Member Sustainability (Councillor Whyborn)
	Cheltenham Motorsport Exp 2012: If this event were to go ahead, Cheltenham in Bloom committee understand that discussions are to be held to finalise display areas for cars and exhibit stalls. If the 'Long Garden's' were not to be used, and the 'Inner Promenade' was to be used. What protection to the Gardens would be put in place to stop the public from walking through the colourful and attractive floral beds, when going to and from the exhibit stands and viewing cars on display, would this implicate any cost to the local tax payer of Cheltenham or Cheltenham Motorsport, indeed if any gardens were to be damaged would the event organiser pay for damages?
	Response from Cabinet Member Sustainability
	The Expo promoters have confirmed that they will not be using the Long Gardens in 2012 but hope to use the Inner Promenade, subject to a formal request for a road closure. The point is accepted that some form of barriers would have to be put in place to protect the floral beds from members of the public going to/from exhibits. Indeed it may be necessary to protect the turf also.
	Supplementary question on behalf of Cheltenham In Bloom
	The language used today in response to earlier questions has been very provisional, when will the Council take responsibility for future events?
	Supplementary response from Cabinet Member Sustainability
	As yet, no formal proposals had been received for 2013-14 and it was not possible to provide answers to questions which were not before him. It was accepted that use of the Long Gardens would require some form of protection.
15.	Question from Ken Pollock to Cabinet Member Finance & Community Development (Councillor Webster)
	With regard to the Expo 2012 who is going to pay for: a) the road closures, b) the police resources, c) all the necessary road closure signage and re-direction signage that will be required for a major town centre event, d) Public Liability Insurance?
	Response from Cabinet Member Finance & Community Development
	(a) This question should be directed to the Highways Authority whose responsibility it is.

	<p>(b) This question should be redirected to the Chief Constable: police resources are the responsibility of the Police Authority.</p> <p>(c) It is premature to say what signage may be necessary, but this is something that in the normal course of events, the organisers would have to pay for.</p> <p>(d) See answer to Q11. The responsibility for insurance is the event organisers. Any event taking place in the public realm requires Public Liability Insurance (typically no less than £5 million pounds) and in this case, the Council would take advice to ensure that such arrangements were adequate to cover any potential risks to the authority. The event organiser's insurer will no doubt want to make its own assessment of the risks involved in determining both an appropriate level of cover and the associated premium</p>
	Supplementary question from Ken Pollock
	<p>According to the police website, the onus is on the event organiser to provide a 'Traffic Management Plan' and to pay for the use of police resources in order to control/direct traffic.</p> <p>Who is on the Working Group needed to guide this Traffic Management Plan, a group upon which CBC clearly needs to be represented?</p>
	Supplementary response from Cabinet Member Finance & Community Development
	The event organiser was responsible for providing the Traffic Management Plan and any request to sit on a working group would be considered by the Council, at the time of it being received.
16.	Question from Ken Pollock to Cabinet Member Sustainability (Councillor Whyborn)
	Will you not acknowledge that, knowing (since earlier last year) about this event scheduled for 8th and 9th September 2012 (and The Leader and Chief Executive having declared their "support" for it), your 'omission' to even mention it in the recent Planning Application for Events in Imperial Gardens (whilst leaving a nominal spare capacity of 5 days) looks like deliberate scheming?
	Response from Cabinet Member Sustainability
	Not at all. The Expo promoters initial requests for use of Gardens were not at all well defined. However within the last few days they have confirmed that they will not be using Imperial Gardens in 2012. However the Town Hall has been booked during the weekend of 8 th /9 th September.
	Supplementary question from Ken Pollock
	As the 2012 event is now booked (in the the Town Hall) and is just 6 months away, and as Chief Executive North and Leader Jordan have declared their public approval of it (at the Montpellier Chapter), should you not be answering today's public questions rather than saying 'not got all the details yet' or 'go and ask the County Council or the Police'?
	Supplementary response from Cabinet Member Sustainability
	The Cabinet Member took exception to the insinuation that he had been

	economical with the truth or disingenuous in any way.
17.	Question from Mary Nelson to the Leader (Councillor Jordan)
	<p>At the Cheltenham Motor Sport Forum held at the Montpellier Chapter Hotel in July last year, attended by Chief Executive Andrew North and Leader Cllr. Jordan, the following statement (verbatim) was made by Cheltenham Motor Sport's co-director, Peter Allison:</p> <p>"We have an outline agreement in place that was arrived at in August last year (i.e. 2010) between Cheltenham Borough Council which will lead the legislative process with strong support from Gloucestershire County Council and Cheltenham Motor Sport. That is the partnership that will be moving forward to look at the legislation that is required."</p> <p><i>Regarding the above mentioned legislation (Road Traffic Regulation Act (Special Events)) Cheltenham Motor Sport's website makes the following statement:</i></p> <p><i>If we were successful in getting Parliament time, then at the very best, the timescale for the process would be 8 – 10 months. If there is consultation required and other public processes, then it could be up to 2 years. Financially, if we were to have the best route through the process we could hope for, then we would be looking at approximately £30k - £40k. If there were delays and again, consultation etc., we could easily be getting up to in excess of £200k.</i></p> <p>Can the Leader confirm whether this "<u>outline agreement</u>" was made in verbal or written form, which officers and councillors were party to/involved with or informed of the existence of the agreement, and whether there has been any agreement or pledge by Cheltenham Borough Council to fund any of the estimated £30K to £200K expenses involved in this legislative process, either directly by paying the application and legal costs, and/or by CBC providing officers' time free of charge on behalf of Cheltenham Motor Sports?</p>
	Response from the Leader
	<p>While neither the Expo 2012 nor the street racing is a council event, the organisers Cheltenham Motor Sports have made presentations to a number of groups including a joint meeting of the cabinet and board of directors of Cheltenham Borough Council. This meeting felt the idea was worth pursuing although there was no written agreement. The responsibility for getting agreement to any aspect of the event that needs approval remains with the organisers.</p> <p>The council has agreed to hire the Town Hall and committee rooms in the Municipal Offices to Cheltenham Motor Sports for Expo 2012.</p> <p>The Expo 2012 was one of 15 events that were recommended for support from the Promoting Cheltenham Fund after being assessed by a panel made up of business representatives and cross party group of councillors. The original bid was for £20k but it was agreed at the 18th October 2011 cabinet meeting to offer £10k and this is subject to formal agreement depending on the event going ahead. The council is not</p>

	providing any other funding towards legal or any other costs of the event.
	Supplementary question from Mary Nelson
	The response doesn't answer the question of whether a verbal agreement was made?
	Supplementary response from the Leader
	No verbal agreement was made but as already stated, it was felt that it was an idea worth pursuing.
18.	Question from Mary Nelson to the Leader (Councillor Jordan)
	<p>Can Cllr. Jordan explain who he was speaking on behalf of (i.e. define his use of the word "<u>we</u>") when he addressed the Cheltenham Motor Sport Forum in July 2011 and said (verbatim as recorded):</p> <p><i>".....we thought this was a great idea. We are keen to make this one happen and I think the good news is - if I worked it out correctly time wise - we are over half way to making this happen"</i></p> <p>and does he consider that by making the above statement he might have overstepped his elected authority and paid too scant a regard to democracy, bearing in mind that few councillors were aware of the proposed Motor Sport events until recently, yet discussions had been ongoing for 3 years and an outline agreement with CBC had been reached a year earlier in August 2010?</p>
	Response from the Leader
	<p>The organisers, Cheltenham Motor Sports, have made presentations to a number of groups including a joint meeting of the cabinet and board of directors of Cheltenham Borough Council. This meeting felt the idea was worth pursuing, but that the organisers would clearly have considerable work to do before any event could take place.</p> <p>Cheltenham welcomes a wide variety of events which benefit both the economy and culture of the town. The cabinet is keen to encourage new events and council has set up the Promoting Cheltenham Fund to do just that. My view is that this event will be good for Cheltenham and it is entirely appropriate to say so. However, this in no way removes the need to get approvals for any specific aspects of the event that may need it. This responsibility remains with the organisers.</p> <p>It would be surprising if "few councillors were aware of the proposed Motor Sport events until recently" since there have been regular stories in the Gloucestershire Echo since April 2010 outlining the emerging plans of the event organisers.</p>
	Supplementary question from Mary Nelson
	The statement of support implies that some form of democratic agreement or approval was achieved, is this the case?
	Supplementary response from the Leader
	I refer you to my previous supplementary response. There was and

should be a distinction between opinion and responsibility.

6. COMMUNICATIONS BY THE MAYOR

In the week prior to this meeting, the Mayor had put forward a request to Members that this meeting be held later in the day. This proposal had not proved convenient for some Members and as such her decision had been to go forward with the 2.30pm start. She wondered whether consideration should be given to arranging Council meetings in an evening, given the difficulty that a 2.30pm start posed to those Members in employment,

7. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader had no communications.

8. MEMBER QUESTIONS

No Member questions had been received.

9. COUNCIL TAX RESOLUTION 2012-13

The Mayor referred Members to the appendix that had been circulated at the start of the meeting. The appendix contained the total council tax to be paid by residents of Cheltenham in 2012-13 by council tax band and included the precepting authorities (Gloucestershire County Council and Gloucestershire Police Authority).

The Cabinet Member Finance & Community Development had nothing further to add and formally moved the resolutions.

Upon a vote it was unanimously

RESOLVED that the council tax resolution at Appendix 2 be approved.

10. REVIEWING THE 'DEVELOPMENT ON GARDEN LAND AND INFILL SITES' SPD

The Cabinet Member Built Environment reminded Members that at the June 2011 meeting, Council had asked for a working group to be established to review the working of the SPD on Garden Land and Infill sites. What was before Members was the result of discussions by the working group on 2 November and the Planning Committee on 17 November, at which the recommendations of the working group were endorsed by a large majority. Members on all sides of the Chamber, in Council and Planning Committee had agreed that the SPD was a valuable addition to the Councils defence of garden land, with benefits including, aiding Officers and the Planning Committee to oppose garden land development, plans being withdrawn, recommendations being changed from approval to refusal and in numerous cases where pre-application advice had been sought by prospective developers and resulting plans had been improved. There was no way of knowing how many schemes it had prevented from being put forward.

The SPD's role in planning appeals had undoubtedly been a positive one, a sentiment supported by Councillor Godwin at Planning Committee on 21 July when he said "Since the SPD was introduced, most inspectors considered it a document of material value which carried weight when making decisions".

At Council in June 2011 Members raised a number of concerns, the first of which was that there was some confusion about the Council's interpretation of Local Plan Policies HS1 and HS2, in light of changes to national policy statement PPS3. This has now been clarified and both the working group and the Planning Committee were of the view that this should be subject to further clarification.

The second concern was the SPD would require revision when the Localism Bill and the final version of the National Planning Policy Framework were passed. The Localism Act had received Royal Assent in November 2011 and the publication of the NPPF was imminent. Both the working group and Planning Committee agreed that once passed, the working group would need to meet again to consider any implications and this was incorporated in the recommendations of this report.

The third and most contentious issue was the question of whether the document was too flexible. The document allowed flexibility in certain areas whereby it stated that certain developments 'would not normally be permitted'. Whilst some Members felt that this flexibility should be taken away, large majorities of the working group and Planning Committee disagreed. He urged Members not to forget that the SPD was not and never could be, a guaranteed way of preventing any garden land development. The guidance was a material consideration in planning decisions but it did not have the status of policy and even if it were, it could not have the effect of stopping all garden land development. Government policy was clear, although garden land was no longer regarded as brownfield land, it could be developed in appropriate circumstances.

He suggested that in order to resist garden land development the Council would need to advance sound reasons based on individual schemes and the suitability of the particular site. The SPD was a tool box of ideas and arguments that should be used to protect against bad development and improve more acceptable schemes.

It was clear that taking a dogmatic approach and not allowing any garden development on principle was not acceptable to Government inspectors but this was not to say that nothing could be done, but rather, that each case should be argued on its merits or demerits.

The Cabinet Member Built Environment did not support garden land development and wanted to resist development that would destroy the character of some of the best residential neighbourhoods in the town, including some in his own ward (St.Peter's). This would require an intelligent approach, one that was consistent with national planning policy, one that was likely to be effective and that was what, in his view, this planning guidance provided.

A number of Members voiced concerns about the statutory review; it had been almost 4 months since the recommendations had been agreed by the working group and Planning Committee and in that time the Localism Act had been enacted and the NPPF was due to be passed within the next 2 weeks. Members considered that this review should be undertaken as a priority and the SPD updated as necessary.

Some Members were unconvinced by the argument that the SPD should offer a degree of flexibility and felt that there were areas in which the guidance should be far more prescriptive than stating 'not normally permitted'. This wording was condemned by these Members as unclear and therefore meaningless.

Those Members who disagreed and felt that flexibility should be inherent in planning documents did so as they believed that it would be unwise of the Council to give the appearance that they were against back garden development. They were of the opinion that the current wording offered the flexibility to protect against those inappropriate schemes and increase the quality of what were acceptable schemes. These Members felt strongly that each scheme should be considered on its individual merits.

Councillor Fisher was concerned that should the SPD be more prescriptive and less flexible, there would be an inability to approve acceptable schemes and this could lead to an increase in applications to demolish existing properties, whereby developers could put numerous properties in its place.

In closing, the Cabinet Member Built Environment assured Members that, as set out in the report, the working group would be reconvened to review the SPD once the NPPF had been published, which admittedly, could be any day now. The working group would be tasked with considering to what extent the pieces of policy affected the SPD and it could be that the NPPF made it more difficult to allow back garden development. Ultimately, he respected the views of the Planning Committee, who had, by a large majority, accepted the recommendations of the working group, as set out in the report.

Upon a vote it was

RESOLVED that the decision of Planning Committee set out in paragraph 4.1 of the report be noted, namely:

- **The SPD should continue in use in its present form without a statutory review, at least until the Localism Bill is enacted and the National Planning Policy Framework (NPPF) is published.**
- **Textual amendments necessary as a result of changes in higher level policy should be re-published as an addendum.**
- **Members should be provided with a further note to explain current policy considerations, following clarification on the implementation of Local Plan Policy HS1 and recent appeals relating to this.**
- **A further meeting of the Member working group is arranged following the publication of the approved NPPF to consider its effects on decision-making.**

(Voting: CARRIED with 3 Abstentions)

11. NOTICES OF MOTION

Councillor Wheeldon, seconded by Councillor Walklett, proposed the following motion:

This council is fully committed to reduce its output of greenhouse gases and therefore resolves that;

Our current target of a 30% reduction by 2015 should be brought in line with other public bodies and changed to a 40% reduction target by 2020.

In proposing the motion, Councillor Wheeldon first reminded Members of some of the extreme weather events Cheltenham had seen over the past 15 years.

He confirmed it was his intention to stand down in the upcoming Borough Elections and spoke of his plans to work in The Gambia, a country which generates less carbon emissions than the town of Cheltenham.

Friends of the Earth had invited the Council to sign up to their pledge to reduce Co2 emissions across the borough by 40% by 2020, but this wasn't something he felt the Council could commit to given that it was not in a position to influence external organisations. He did however, consider that the Council could commit itself to this target and lead from the front by setting an example for the rest of the town.

The current corporate policy set out the Council's commitment to a 30% reduction to the 2005 figures for emissions by 2015. The issue was that this target was not comparable to other public bodies whose target reduction was 40% by 2020.

He was confident that this new target was achievable. Members had recently demonstrated unanimous support for the purchase of zero carbon electricity and even a low carbon option would realise the current 30% reduction figure, but next year rather than by 2015. He felt that it was actually the final 10% which would be more difficult to achieve and that was why he considered it necessary for the Council to adopt a longer term commitment to reach the higher target.

He regularly heard Members complain about the heat in the public rooms and proposed that reducing heating costs would not only save the environment but also tax payer's money.

He took this opportunity to thank Transition Towns and Vision 21 for the vital environmental work they did in the town and thanked residents of St. Paul's, Officers and Members of the Council for their support in his role as a Borough Councillor. He hoped that Members would support his motion.

As seconder, Councillor Walklett reserved his right to speak in support of the motion until later in the debate.

A number of Members took the opportunity to thank Councillor Wheeldon for the work he had undertaken in his Ward of St. Pauls and his commitment to reducing carbon emissions and wished him well in his future endeavours.

Members who voiced concerns about the motion did so because there was no business case which set out the costs associated with achieving the proposed target reduction. Whilst the aspiration was welcomed, Members felt unable to

commit the Council to a course of action without this information and asked that the matter be considered by scrutiny.

Members who supported the motion considered that the reduction was achievable, carbon saving initiatives would ultimately result in savings for Cheltenham tax payers and most importantly, that the Council should lead by example.

The Cabinet Member Sustainability agreed that the proposed target was achievable and confirmed that there were already a number of initiatives included in the Corporate Strategy.

Councillor Hall, as Chair of the Environment O&S Committee, was displeased that the motion had not been raised with the Committee before being put to Council under the name of the Climate Change Working Group.

The Leader assured Members that a Council motion did not bind Cabinet to any specific actions and agreed with Councillor Hall that the issue of the motion should be considered by the Environment O&S Committee, where more detail should be attached.

Councillor Garnham proposed an amendment to the motion, that the word 'resolved' be replaced by the word 'aspires' and that the issue then be considered by scrutiny. Councillor Whyborn seconded the amendment.

Councillor Wheeldon, as proposer of the original motion which he deemed to most importantly, set out a comparable target against other authorities. He did not accept the proposed amendment, but rather, proposed the addition of the wording 'subject to consideration by scrutiny' so the substantive motion would read;

This council is fully committed to reduce its output of greenhouse gases and therefore resolves that;

Our current target of a 30% reduction by 2015 should be brought in line with other public bodies and changed to a 40% reduction target by 2020 subject to consideration by scrutiny.

As seconder of the original motion, Councillor Walklett agreed that the addition of the extra wording proposed by Councillor Wheeldon would meet the requirements of those Members who had voiced concerns.

In response to a request for clarification, the Borough Solicitor & Monitoring Officer confirmed that rule 13.2(a) of the constitution 'Amendments to motions' did allow Council to refer the matter to an appropriate body or individual for consideration or reconsideration.

Upon a vote on the substantive motion it was CARRIED with 2 Abstentions.

12. TO RECEIVE PETITIONS

No petitions had been received since the last meeting, nor were any presented at the meeting.

13. 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 26th March 2012
Pay Policy Statement**

Accountable member	Cabinet Member Corporate Services, Councillor Colin Hay
Accountable officer	Amanda Attfield Director People, Organisation Development and Change
Accountable scrutiny committee	N/A
Ward(s) affected	None
Significant Decision	No
Executive summary	The Localism Act 2011 requires councils to produce a pay policy statement in respect of its employees for 2012-13 and each subsequent financial year. This report sets out the rationale for and matters covered by the pay policy statement (attached). In addition the council is required under the LGPS regulations to produce a policy in respect of its discretions under the LGPS. That policy has been revised in respect of augmentation of service.
Recommendations	<p>That Council</p> <ul style="list-style-type: none"> i) approves the 2012-13 Pay Policy Statement (Appendix 2); ii) approves the revised LGPS Statement of Policy/Discretions (paragraph 2.23) (see Appendix 3).

Financial implications	<p>As contained in the body of the report, specifically at para 2.23, this delivers the best value for money for local taxpayers and sets the right example on pay restraint.</p> <p>Contact officer: Paul Jones paul.jones@cheltenham.gov.uk, 01242</p>
Legal implications	<p>The legal requirements for producing a pay policy statement are referred to in the body of this report.</p> <p>Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p>As contained in the body of this report.</p> <p>Contact officer: Amanda Attfield, amanda.attfield@cheltenham.gov.uk, 01242 264186</p>
Key risks	If the policy is not approved by the end of March, the Council risks non-compliance with legislation.

Corporate and community plan Implications	N/A
Environmental and climate change implications	N/A

1. Background and Issues

- 1.1** The Council is required by section 38(1) of the Localism Act to prepare a pay policy statement. The statement must articulate an authority's own policy towards a range of issues relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees. Pay policy statements must be prepared for each financial year, beginning with 2012/13 and must be approved annually by Full Council.
- 1.2** Draft guidance has been issued by the Secretary of State for Communities and Local Government (<http://www.communities.gov.uk/openness/>) setting out the key policy principles that underpin the pay accountability provisions in the Act, and by section 40(1) of the Act, the Council must have regard to this guidance when preparing and approving its pay policy statements. This guidance has now been received, along with joint guidance from the LGA (Local Government Association) and ALACE (Association of Local Authority Chief Executives) on the implications, and Local Government Association guidance on "Strengthening the strategic approach to pay and rewards in the public sector", all of which have been considered in drafting the attached pay policy.
- 1.3** Nothing in the pay accountability provisions in the Act or in this guidance is intended to supersede existing responsibilities and duties placed on authorities in their role as employers, under relevant employment legislation, and authorities must, of course, bear in mind these responsibilities and duties when formulating a pay policy statement. Discussion of an authority's policies in relation to pay does not engage the Data Protection Act as it does not concern data relating to a particular individual.
- 1.4** CBC is an individual employer in its own right and has the autonomy to make decisions on pay that are appropriate to local circumstances and which deliver value for money for local taxpayers. The provisions in the Act do not seek to change this or to determine what decisions on pay should be taken or what policies CBC should have in place. Rather, the Act requires that authorities are more open about its own local policies and how its local decisions are made.
- 1.5** The Government's Guidance outlines that it is estimated that, between 2001 and 2008, median top salaries in local government grew at faster rates than entry salaries. In that context, around 800 local government employees are in the top 1% of all earners. The Guidance states that decisions about the pay and reward of senior local authority staff need more hence the requirement for all councils (whether there has been transparency or not in the past) to produce a pay statement.
- 1.6** In the Coalition Agreement, the Government made a commitment to strengthen councillors' powers to vote on large salary packages for council officers. As part of the Code of Recommended Practice for Local Authorities on Data Transparency on 29 September 2011, principles of transparency are enshrined, including publishing data in open formats available for re-use on a timely basis – this includes data on senior salaries and the structure of their workforce. CBC has fully complied with the Data Transparency requirement.
- 1.7** In June 2010, the Government asked Will Hutton to undertake an independent review of Fair Pay in the public sector. Hutton's Final Report (www.hm-treasury.gov.uk/indreview_willhutton_fairpay.htm) was published in March 2011 and made several recommendations for promoting pay fairness in the public sector by tackling disparities between the lowest and the highest paid in public sector organisations.

- 1.8** The provisions in the Localism Act bring together the strands of increasing accountability, transparency and fairness in the setting of local pay. They require councillors to take a greater role in determining pay, ensuring that these decisions are taken by those who are directly accountable to local people. Alongside the Code on transparency, the Act's provisions are intended to ensure that communities have access to the information they need to determine whether remuneration, particularly senior remuneration, is appropriate and commensurate with responsibility. In addition, they will ensure that policies on the pay and reward of the most senior staff are set clearly within the context of the pay of the wider workforce.
- 1.9** The Secretary of State considers that, for local government, decisions on pay policies should be taken by councillors as they are directly accountable to local communities, and that they have a significant input into how decisions on pay are made, particularly on decisions on senior pay, and that they are open about the policies that determine those decisions.
- 1.10** That is why the Localism Act requires that pay policy statements, and any amendments to them, are considered by a meeting of full council and cannot be delegated to any sub-committee. It is worth noting that the Secretary of State does not consider that any of the grounds for exclusion of the public would be met for discussions of pay policy statements. Such items at meetings of Council should, therefore, be open to the public and should not exclude observers. All decisions on pay and reward for chief officers must comply with the current pay policy statement.
- 1.11** In addition, under these arrangements, full council should be offered the opportunity to vote before large salary packages are offered in respect of a new appointment. The Secretary of State considers that £100,000 is the right level for that threshold to be set (this would include any bonuses, fees or allowances routinely payable and any benefits in kind).
- 1.12** The government guidance states that a council's approach to pay (as set out in the pay policy statement), needs to be accessible for citizens and enable local taxpayers to take an informed view of whether local decisions on all aspects of remuneration are fair and make best use of public funds. CBC's approved pay policy statement will, therefore, be published on the CBC website as soon as is reasonably practicable after it is approved..
- 1.13** As is required, CBC includes in its pay policy statement, the approach to the publication of and access to information relating to the remuneration of chief officers. Remuneration includes salary or payment under a contract for services, expenses, bonuses, any performance related pay as well as severance payments. CBC already publishes on an annual basis, the remuneration details of all its chief and deputy chief officers, and those earning over £55,000 pa.
- 1.14** The Act sets out the information that the Council is required to include in its pay policy statement as a minimum, however local discretion can be used as to additional information the Council wishes to include regarding its approach to pay and reward. The CBC statement sets out the approach to pay of all its employees.
- 1.15** The Council does not need to use a pay policy statement to publish specific numerical data on pay and reward. The information set out within the pay policy statement is consistent with other pay data it publishes separately (see para 2.13 above). This means that the current published data can be seen within the context of the Council's agreed statement, and will provide the public with a clear justification of how their money is being used appropriately in the pay and reward of Council staff.
- 1.16** In his interim report, Will Hutton found that top managers in local government have seen larger increases in pay than the lowest paid in their workforces and the pay ratios between local authority chief executives and the lowest paid in local councils have grown in the last ten years. In his final report, Will Hutton went on to highlight that there is value in ensuring that decisions about senior pay are taken in the context of similar decisions on lower paid staff, and that the relationship between those decisions is considered in order to ensure that pay levels across an organisation are fair, and that differing approaches to pay and reward can be justified.

- 1.17** In this context, the Act requires the Council to set its policy on remuneration for their highest paid staff alongside its policy toward the lowest paid employees, and requires it to explain what it believes the relationship should be between the remuneration of its chief officers and its employees who are not chief officers.
- 1.18** Will Hutton recommended the publication of an organisation's pay multiple – the ratio between the highest paid employee and the mean average earnings across an organisation – as a means of illustrating that relationship. The Code of Recommended Practice for Local Authorities on Data Transparency includes pay multiples within the minimum set of data that authorities should publish. CBC has included this information in the current policy, it is noted that it is currently 1:7 (NB 1:20 was the minimum cited by Will Hutton), and intends to maintain a low pay multiple within the broader policy on pay and reward.
- 1.19** Section 38(4) of the Act specifies that in addition to senior salaries, councils must also make clear their approach to the award of other elements of senior remuneration, including bonuses, performance related pay as well as severance payments. This should include any policy to award additional fees for chief officers for their local election (Returning Officer) duties. While some authorities have taken the local decision to include such fees within a chief officer's overall salary, others pay separate fees. CBC makes clear in its pay policy statement all of its relevant pay elements, including that separate fees are paid for the Returning Office role.
- 1.20** The draft government guidance states that if a Council operates any performance related pay, authorities should consider Will Hutton's recommendations on the value of a system of 'earn back' pay. CBC does not operate performance related pay system for any of its employees.
- 1.21** The draft guidance states that taxpayers interests also need to be borne in mind when senior staff move posts within the public sector, particularly when those moves could be perceived as driving up average pay levels across the sector. In addition, taxpayers should have the opportunity to question whether they are getting value for money from arrangements where it could appear that the public sector is paying an individual twice – through salary and a pension – for doing the same job. CBC has included an explicit statement on this practice in the pay policy statement.
- 1.22** Section 38(4) of the Act sets out in detail the specific elements which a pay policy statement must include in relation to senior pay, and these are contained in the CBC pay policy. In addition to the information which is required by section 38(2)(b) (policies on the remuneration of the lowest paid employees), it is open to councils to mirror this level of detail within the pay policy for their approach to the pay of those who are not chief officers – again, this is contained in the pay policy for CBC.
- 1.23** The draft guidance states that councils need to ensure that the way the workforce is managed (including payments offered to leavers) delivers the best value for money for local taxpayers and sets the right example on pay restraint. The Local Government Pension Scheme (Benefits Membership and Contributions) Regulations 2007 currently provide for the exercise of discretion for early retirement benefits to be enhanced. CBC currently offers an enhancement of up to six and two thirds additional pension years for those over the age of 55 (depending on length of service) who leave for reason of early retirement/redundancy. This additional cost is factored into any business case for agreeing early retirement requests, and any early retirement/redundancy situations. This provision is a significant cost, and the Council is mindful of its budget position and fiduciary duty to the taxpayers. Where a council has elected to exercise the discretion, it must be paid in each case i.e. it cannot be varied in any individual circumstances. This means that in practice, the business case to releasing individuals early is simply not viable in all cases. CBC is the only council in the county, and one of very few left in the south west that continues to exercise this discretion. In the Local Government Employers Report of the Early Retirement and Redundancy Compensation Survey 2011 (sent to the 375 employers), around nine-out-of-ten respondents did not award augmented membership under the LGPS. The pay statement therefore sets out that the CBC usual policy is to not enhance pension benefits for any of its employees. CBC must notify the Pension Scheme administrators within a month of agreement to

any variation to the exercise of its discretion, and publish it.

1.24 Finally, while section 38 of the Act specifies the information which must be included in a pay policy statement, the Council can include any additional information relating to its policies on pay that it considers appropriate, for example, its approach to the pay and remuneration of its employees (NB not other councils' employees) working in shared services.

2. Reasons for recommendations

2.1 To comply with the Localism Act 2011, to have an agreed Pay Policy in place by 31 March 2012 and to revise the LGPS Statement of Policy/Discretions.

3. Alternative options considered

3.1 None, as there are no options other than to comply with the Localism Act requirements. The continuation of the discretionary policy approach of pension augmentation is not considered to be viable (see paragraph 2.23 above).

4. Consultation and feedback

4.1 The Pay Policy Statement has been considered by the Trades Unions, Group Leaders, Senior Leadership Team.

5. Performance management –monitoring and review

5.1 There is a requirement for an annual review and agreement by Full Council, of the Pay Policy Statement.

Report author	Contact officer: amanda.attfield@cheltenham.gov.uk, 01242 264186
Appendices	1. Risk Assessment 2. Pay Policy Statement 3. LGPS Statement of Policy/Discretions (revised)
Background information	

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-4	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	If the Council does not approve and publicise a Pay Policy, it risks non-compliance with legislation, with the corresponding legal, financial, and reputational implications	Amanda Attfield	16 12 12	3	1	3	Reduce	Ensure Pay Policy is approved	31 3 2012	Julie McCarthy	Service Risk Register –HR
2	If the Council does not approve the revised LGPS Statement of Policy/Discretions the Council's severance arrangements may not be seen to deliver the best value for money for local taxpayers and set the right example on pay restraint	Amanda Attfield	1 03 2012	3	3	9	Reduce	Ensure Pay Policy is approved	31 3 2012	Julie McCarthy	Service Risk Register –HR
3	If the Council does not approve the revised LGPS Statement of Policy/Discretions severance arrangements any business cases for early retirement/redundancy will continue to be unviable	Amanda Attfield	1 03 2012	3	3	9	Reduce	Ensure Pay Policy is approved	31 3 2012	Julie McCarthy	Service Risk Register –HR
4	If the Council does not ensure that the revised LGPS Statement of Policy/Discretions is lodged with one month of the revisions being agreed, and made public, it will not meet its statutory obligations under the LGPS Regulations.	Amanda Attfield	1 03 2012	3	3	9	Reduce	Ensure Pay Policy is approved	31 3 2012	Julie McCarthy	Service Risk Register –HR



Pay Policy Statement

For all Employees at
Cheltenham Borough Council

March 2012



Title: Pay Policy
Issued by: HR Operations Team
Draft: 13 March 2012
First Issue: 31 March 2012

last updated:

next update: March 2013

Introduction

A pay policy statement is required to be produced annually under section 38 of the Localism Act. Regard is to be had to any guidance from the Secretary of State in producing this statement.

Any decision under powers delegated in the Council's Constitution with regard to remuneration to be taken during 2012/13 will be bound by and must comply with this Statement.

Coverage

This pay policy statement sets out the Council's policy with regards to:

- The remuneration of chief and deputy chief officers
- The remuneration of the lowest paid employees
- The relationship between chief officers remuneration and that of other officers

"Remuneration" for the purposes of this statement includes three elements:

- Basic salary
- Pension
- All other allowances arising from employment

The Council regards the following as its "chief and deputy officers"

- Chief Executive
- Executive Director
- Executive Director
- Director of Resources
- Director of Commissioning
- Director of Built Environment
- Director of wellbeing & Culture
- Director of People, Organisational Development and Change

Objectives of the Policy

- To ensure a capable and high performing workforce

In respect of the chief executive, chief officers and all other employees the Council's policy is to set remuneration sufficient to attract and retain adequately experienced, trained and qualified individuals to deliver the Council's priorities.

- To differentiate between remuneration and other employee related expenses.

The Council will meet or reimburse authorised travel and subsistence costs for attendance at approved business meetings and training events. The Council does not regard such costs as remuneration but as non pay operational costs. This policy is applied consistently to the chief executive, chief officers and other employees.

Remuneration subject to National and Local Determination

1. The National Context

1.1 Pay Bargaining

The Council is a member of the local government employers association for national collective bargaining in respect of chief executives, chief and deputy chief officers, and all other employees.

Listed below are the separate negotiations and agreements in respect of each of these three groups.

- Chief Executives - Joint Negotiating Committee for Local Authority Chief Executives
- Chief and Deputy Chief Officers – Joint Negotiating Committee for Chief Officers of Local Authorities
- All other employees – National Joint Council for local Government Services

Changes from national negotiations generally take effect from 1 April each year and are retrospective to 1 April where agreements are struck later than 1 April. It is the Council's general policy to implement national agreements. The Council is mindful that, exceptionally, unprecedented economic pressures may necessitate the Council to consider alternative arrangements and would seek to consult on such arrangements locally.

Pay for all three groups was last increased in April 2009. The Council will apply any settlement reached in respect of April 2012.

In addition to pay the national agreements cover other terms and conditions such as:

- Pension
- Occupational Sickness Scheme
- Maternity Scheme.
- Overtime

1.2 The Local Government Pension Scheme (LGPS) and policy with regard to the exercise of discretions

Pension provision is an important part of the remuneration package. All employees may join the LGPS. The LGPS is a statutory scheme with contributions from employees and from employers. For more comprehensive details of the LGPS please click on the link below.

<http://www.lgps.org.uk/lge/core/page.do?pageld=1>

For the Cheltenham Borough Council, the LGPS is administered by Gloucestershire County Council). For information click on the link below.

<http://www.gloucestershire.gov.uk/11513>

Neither the LGPS nor the Council adopt different policies with regard to benefits for any category of employee: the same terms apply to the chief executive, chief and deputy officers and other staff.

The LGPS provides for the exercise of discretion that allow for retirement benefits to be enhanced. The Council will consider each case on its merits but has determined that does not normally enhance pension benefits for any of its employees (see the LGPS Statement of Policy/Discretions on the Council's website). This policy statement reaffirms this in respect all employees.

The LGPS provides for flexible retirement. In applying the flexible retirement provision no distinction is made between the chief executive, chief and deputy chief officers and other employees. The LGPS requires that a minimum reduction in working hours of 20% is made and/or there is a reduction in grade and that any consequential payments to the pension fund are recoverable in three years.

2. Local variations and allowance

2.1 Pay evaluation and the local award

The chief executive and chief/deputy chief officers have their basic pay determined by a job evaluation scheme (the Hay scheme). All other employees have their basic pay determined by a different job evaluation scheme (the National Joint Council Job Evaluation scheme). Both schemes ensure that different jobs having the same value are paid at the same rate. The "job score" determines the pay grade for the job. With the exception of the Chief Executive who is on a spot salary grade (with no provision for incremental progression nor additional payment on completion of a period of service.), all other pay grades have 4 incremental points. Progression through the incremental points is by annual increments until the top of the pay scale is reached. Job evaluation is carried out for new roles, a substantial change in duties, or may be required as a result of an equal pay audit. A fair and transparent process is in place for managing job evaluations, which includes Trade Union input, and moderation of evaluation outcomes to ensure consistency of application of the scheme. Equal pay audits are carried out as required.

2.2 Pay protection

The Council seeks to ensure that all employees receive equal pay for work of equal value. To be consistent with equal pay principles the council's protection arrangements will not create the potential for pay inequalities (e.g. open-ended protection).

There may be times when the grade for an individuals role changes for reasons unrelated to their performance e.g. restructures, In such cases the protection arrangements outlined will apply for 12 months from the date of the change.

Details of the full scheme can be found in the Council's Pay Protection Policy, available on request.

2.3 Allowances on appointment

The Council's policy is to not pay any form of "signing on" fee or incentive payment when recruiting.

The Council does operate a scheme of relocation allowances to assist new employees who need to move in order to take up an appointment with the council. Relocation allowances are paid at the discretion of Directors where they think that it is essential to pay such allowances in order to attract the right candidate for the job.

The same policy applies to chief executive, chief/deputy chief officers and other employees in that payment will be made against a range of allowable costs for items necessarily incurred in selling and buying a property and moving into the area. The costs include estate agents fees, legal fees, stamp duty, storage and removal costs, short term rental etc. An employee who leaves within 2 years of appointment will have to make a repayment of 1/24th for each month short of the 2 year period. Details of the full scheme can be found in the Council's Scheme of Relocation Allowances, available on request.

2.4 Redundancy payments and payments on termination

The Council has a single redundancy scheme which applies to all employees without differentiation. The Council does not provide any further payment to employees leaving the Council's employment other than in respect of accrued leave which by agreement is untaken at the date of leaving. The redundancy payment is based on the length of continuous Local Government service which is used to determine a multiplier which is then applied to actual pay. The maximum number of year's service taken into account is 20. The maximum number of weeks pay is 30 for anyone aged 61 or older with 20 years or more service. Details of the full scheme can be found in the Council's Redundancy Policy, which is available on request.

2.5 Professional Fees and Subscriptions.

The Council meets the cost of a professional fee or subscription where it is a statutory requirement for the role, for example, a legal practicing certificate, environmental health, and it meets the cost of membership of SOLACE (Society of Local Authority Chief Executives).

2.6 Dedicated Car User Allowance

Eligibility for a dedicated car user allowance (which is a temporary transitional scheme that will cease on 31st March 2013) is determined by assessing the job description for the post against a number of criteria and also reviewing previous travel claims to assess patterns of travel. The dedicated car user allowance criteria applies to all employees of the Council. Details of the full scheme can be found in the Council's Dedicated Car User Allowance Policy, available on request.

2.7 Pay ceilings

For 2012/13 the basic pay ceiling for current employees holding chief officer posts is current pay. Basic Pay is quoted. For Non-Statutory and Deputy Chief Officers as defined the basic pay ceiling is set out in the pay ranges by grade.

As set out above, external advice on the salary to be offered will be taken at the time of a chief executive or chief officer vacancy. The council will not exceed a maximum ratio multiple of 1:10* of the current salary of the highest paid employee to the pay floor (see below), for existing or new appointments. This is in order to allow leeway between the current ratio (1:7) should any review need to be undertaken.

* ALACE response to the Hutton review of 'fair pay' September 2010 - Shire district council ratio norm 1:7 – 8 times. County Council, ratio norm 1: 13-15. National pay norm suggested in Hutton Review 1:20

2.8 Pay floor

The pay floor is the remuneration of the lowest paid employees. "Lowest paid" is defined as the average pay of the 2% of the Council's employees with the lowest hourly rate. Where any employee is less than full time their pay is multiplied up to full time and the aggregate full time equivalent pay for the group divided by the number of full time employees to determine the average.

As at December 2011 this average was £15,844.50.

The Council will not pay basic pay less than the amount applicable to scale point (scp) 006 of the national pay scales as agreed from time to time by the local government employers. Employees in this group will be entitled to all other benefits pension, occupational sickness, redundancy etc as all other employees.

2.9 Pay multiples

The Council does not explicitly set the remuneration of any individual or group of posts by reference to a simple multiple of another post or group of posts. The use of multiples cannot capture the complexities of a dynamic and highly varied workforce in terms of job content and skills required. Nor does it readily address the treatment of in house provided as against labour intensive bought in services if pay multiples are used as some sort of benchmark.

In terms of overall remuneration packages the Council's policy is to differentiate by setting different levels of basic pay to reflect differences in responsibilities but not to differentiate on other allowances, benefits and payments it makes.

The Council would not expect the remuneration of its highest paid employee to exceed a ratio of 1:10 times that of the pay floor average for employees (currently it is 1:7), accepting a degree of movement may be required to allow for job or market changes.

2.10 Market Supplements

The Council is committed to the principles of single status employment and seeks to ensure employees receive equal pay for work of equal value.

In exceptional circumstances it may be necessary to ensure the effective recruitment and retention of employees and to pay individuals and/or groups of employees a premium rate to reflect the market competitiveness of the job. Any market supplement must be provided for from within existing budgets and be objectively justifiable. The job evaluation determined grade for that post will not be changed. Market supplements will be paid as a temporary fixed allowance. The supplements will be reviewed annually and consequently can be withdrawn, should the review demonstrate that current evidence does not justify a supplementary payment continuing. Should such a supplement continue to be paid for an extended period,

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e.g. several years or more, the need for continuation will be examined carefully during the annual review in order to ensure that such continuation continues to be objectively justifiable in the circumstances. Details of the full scheme can be found in the Council's Market Supplements Policy, available on request.

2.11 Interim Arrangements

If the need arises to provide agency/interim cover the policy is to seek to cap the cost of that appointment at no more than that of the permanent appointment taking into account additional employment costs (employer pension and national insurance contributions)

2.12 Acting Up

'Acting Up' is when an employee is authorised by their line manager to provide cover for a more highly graded post for a period of less than four weeks.

The payment ('acting up' allowance) is a temporary payment and will be made to the individual employee for covering the duties of the higher graded job for the agreed period of time. The policy applies to all employees. The supplement to be paid will be the difference between the employee's current salary and depending on experience up to the second scale point of the grade relating to the higher level post. The payment will cease on completion of the 'acting up' period and the employee's salary will revert to that which it would have been had 'acting up' not occurred. Details of the full scheme can be found in the Council's Acting Up Policy, available on request.

2.13 Honoraria Payments

The Council has a responsibility to ensure equal pay for all employees and so the use of honoraria payments should be carefully considered, and be capable of justification. A payment can be made for the following reasons:-

- To recognise a *specific* contribution that an employee has made by making a single payment to him/her,
- or**
- To recognise that an employee is temporarily undertaking additional responsibility for a continuous period of at least four weeks by making a regular monthly payment to them during that temporary period.

Details of the full scheme can be found in the Council's Honorarium Policy, available on request.

3. Reimbursement of Expenditure

3.1 Travel and subsistence

All employees who incur additional expense in the course of their work in respect of travel & subsistence will be reimbursed in accordance with the Council's travel and subsistence policy. Claims should be submitted on the designated forms, be supported by appropriate receipts in all cases and authorised by the appropriate senior officer.

Details of the full scheme can be found in the Council's Travel and Subsistence Policy, available on request.

3.2 Disturbance allowance

All employees who incur additional costs arising from a compulsory change in their work place will be reimbursed in accordance with the Council's Disturbance Allowance policy.

Details of the full scheme can be found in the Council's Disturbance Allowance Policy, available on request.

4. Publication and access to information

The publication of and access to information relating to remuneration of the Chief Executive, chief/deputy chief officers will be set out in this document and published annually on the Council's Website.

5. Approach to Chief Officer and Deputy Chief Officer pay

The Council will aim to pay no more than median salary levels when looking at market rates, and in the case of senior roles will seek to maintain pay differentials well within the parameters recommended by the pay and pensions review (1:20). For CBC the current ratio of Chief Executive to lowest paid (pay floor) is 1:7. See section on Pay multiples, and Pay Ceilings.

Any chief or deputy chief officers who were previously employed by CBC and who, on ceasing to be employed, are in receipt of a severance or redundancy payment will not be re-employed as chief officers under a contract for services unless otherwise agreed by the relevant authorising body (e.g. Appointments Committee).

6. Approach to shared management arrangements

Where these were agreed and set in place, the costs of any shared management roles is appropriately apportioned and recharged via the secondment / management agreement. Such roles, where the CBC was the employer, would be evaluated if needed according to the existing CBC job evaluation schemes.

7. Other pay and conditions

Other pay and conditions can be found in the relevant Council policy or scheme in operation, available on the Council's intranet or on request as follows:

- Casual workers
- Shift premium
- Stand by and call out
- Evening/Weekend/bank holiday/public holiday working
- First Aid allowance
- Long Service Award
- Annual leave – buy/sell leave
- Other leave paid/unpaid inc volunteering
- Childcare Vouchers

- Training fees reimbursement (post entry training scheme)
- Agency workers – over 12 weeks continuous
- Electoral Registration - Returning Officer (RO) remuneration – these are paid separately as per nationally agreed rates (rate is pensionable). Remuneration for RO role will be published as part of the senior management pay information, annually, where a senior officer carries out the role.
- Welfare Service
- Car loans
- Employee and elected member Parking Levy
- Season ticket loans
- Eye test vouchers
- Time off for TU duties

8. Other payments

- Elected member allowances

9. Pay and Benefits – Consultation and Decision making

The key decision making bodies / processes are:

- Collective bargaining (local) – Joint Consultative Committee
- Head of Paid Service – as per the Council's Constitution and Scheme of delegations
- Appointments Committee – as per the Council's Constitution and Scheme of delegations
- Council – matter reserved as per the Council's Constitution
- Member Allowances panel

All policies are available on request, from the Council's HR team. Contact 01242 775092 or emails jobs@cheltenham.gov.uk for more information about this Statement and/or its contents.

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Gloucestershire
COUNTY COUNCIL



Local Government Pension Scheme

Statement of Policy / Discretions for:

Employer Name: Cheltenham Borough Council

Applicable/Operative Date: 26th March 2012

Completed/Authorised By: Amanda Attfield

Date Completed: 26 03 2012

Signed - Amanda Attfield - Director People, Organisation Development and Change. Hard Copy to follow.

Signed:.....

**** PLEASE ENTER ABOVE DETAILS, which will be replicated onto each page of the document when it is printed. Once completed and printed, please ensure the Policy is signed by a person suitably authorised to do so ****

The Local Government Pension Scheme Regulations require an Employer to prepare and keep under review, a written statement of its policy in relation to the exercise of its functions under a number of provisions of the Regulations. Similarly, there are a number of discretions under the Regulations which, although not specifically requiring a written policy, would benefit from employers doing so, thereby demonstrating and ensuring a fair and consistent approach amongst its scheme members

The following template document has therefore been prepared to assist employers in preparing a "Policy Statement". A brief description of each discretion has been included together with confirmation of whether a written policy is a "Statutory Requirement" or "Advisable".

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Please note that where an employer is changing a policy that is a “Statutory Requirement”, 1 months notice must be given before its operative date.

**Statement of Policy / Discretions in relation to the
Local Government Pension Scheme**

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Employer Name: Cheltenham Borough Council

Applicable/Operative Date: 26th March 2012

Completed/Authorised By: Amanda Attfield

Date Completed: 26 03 2012

**Signed - Amanda Attfield - Director People, Organisation
Development and Change. Hard Copy to follow.**

**The Local Government Pension Scheme (Benefits,
Membership and Contributions) Regulations 2007**

**Regulation 12 - Power of employing authority to increase total membership of active members (Augmentation)
(STATUTORY REQUIREMENT)**

This provision gives an employer the discretion to grant up to a maximum of 10 years additional membership to scheme members

Regulation 12: The Council notes the discretion and confirms that it will not normally make use of this discretionary power.

**Regulation 13: Power of employing authority to award additional pension –
(STATUTORY REQUIREMENT)**

This provision gives an employer the discretion to grant up to a maximum of £5,000 additional annual pension to active scheme members.

Regulation 13: The Council notes the discretion and confirms that it will not normally make use of this discretionary power.

**Regulation 18: Flexible Retirement
(STATUTORY REQUIREMENT)**

This provision gives an employer the discretion to
*(i) allow a scheme member aged **55 or over, having reduced their hours and/or "rate" of pay, to receive their accrued benefits (in part or full) and continue working in the "reduced" capacity*
*** substitute 50 if member contributing at the 31/03/2008 and retires on or before 30/03/2010 and*
(ii) the discretion to waive on compassionate grounds, any reduction that may normally apply due to the early payment of those benefits

Regulation 18 (i): The Council notes the discretion and confirms that it will allow scheme members aged 55 or over, having reduced their hours and/or "rate" of pay in accordance with the Councils' Flexible Retirement Policy, to receive their accrued benefits (in part or in full) and continue working in the "reduced" capacity.

Regulation 18 (ii): The Council notes the discretion and confirms that it will not

**Statement of Policy / Discretions in relation to the
Local Government Pension Scheme**

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Employer Name: Cheltenham Borough Council

Applicable/Operative Date: 26th March 2012

Completed/Authorised By: Amanda Attfield

Date Completed: 26 03 2012

**Signed - Amanda Attfield - Director People, Organisation
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normally make use of this discretionary power.
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**Statement of Policy / Discretions in relation to the
Local Government Pension Scheme**

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Applicable/Operative Date: 26th March 2012

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Date Completed: 26 03 2012

**Signed - Amanda Attfield - Director People, Organisation
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**Regulation 30: Choice of early payment of pension
(STATUTORY REQUIREMENT)**

*This provision gives an employer the discretion to
(i) allow a scheme member aged between **55 and 60 to receive their accrued
benefits early
** substitute 50 if member contributing at the 31/03/2008 and retires on or before 30/03/2010
and
(ii) the discretion to waive on compassionate grounds, any reduction that may
normally apply due to the early payment of the benefits*

*N.B. This Regulation applies in relation to both active and deferred members (who
left after 31/3/2008). It is therefore important that if you wish to apply your policy
differently to actives and deferreds, you make this clear in your statement.*

Regulation 30 (i): The Council notes the discretion and confirms that it does intend to
exerice this discretionary power in respect of 'active' members, subject to approval
of a business case to do so. The Council does not intend to exercise this
discretionary power in respect of 'deffered' members.

Regulation 30 (ii): The Council notes the discretion and confirms that it will not
normally make use of this discretionary power.

**Regulation 3 - Contributions payable by active members
(ADVISABLE)**

*An employer must decide the basis on which it will assess/ reassess the contribution
"band" applicable to scheme members*

The Council confirms that where there is a material change to a members 'whole
time' pensionable pay in the course of a financial year, the employees contribution
"band" will be re-assessed and the appropriate new contribution level applied with
effect from the date of that material change.

**Statement of Policy / Discretions in relation to the
Local Government Pension Scheme**

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Employer Name: Cheltenham Borough Council

Applicable/Operative Date: 26th March 2012

Completed/Authorised By: Amanda Attfield

Date Completed: 26 03 2012

**Signed - Amanda Attfield - Director People, Organisation
Development and Change. Hard Copy to follow.**

**The Local Government Pension Scheme (Administration)
Regulations 2008**

**Regulation 16 – Re-employed and rejoining deferred members
(ADVISABLE)**

This provision allows an employer the discretion to extend the statutory 12 month window within which a scheme member can elect to aggregate previous deferred LGPS benefits into their current employment.

Regulation 16: The Council notes the discretion and confirms that it will not normally make use of this discretionary power.

**Regulation 83 – Inward Transfer of Pension Rights
(ADVISABLE)**

This provision allows an employer the discretion to extend the statutory 12 month window within which a scheme member can elect to transfer benefits from another scheme into their current employment.

Regulation 83: The Council notes the discretion and confirms that it will not normally make use of this discretionary power.

**Statement of Policy / Discretions in relation to the
Local Government Pension Scheme**

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Date Completed: 26 03 2012

**Signed - Amanda Attfield - Director People, Organisation
Development and Change. Hard Copy to follow.**

The following are now "Old" provisions relating to scheme members who have already left your employment and are entitled to Deferred Benefits under previous Regulations. Please note that the following two discretions could be considered as the "predecessors" of Regulation 30 of The Local Government Pension Scheme (Benefits, Membership and Contributions) Regulations 2007 (as applied to a deferred beneficiary).

It is important however, that a policy is in place for these historic provisions, to ensure that any future requests made from scheme members in such situations can be correctly and promptly dealt with.

The Local Government Pension Scheme Regulations 1995 (As Amended)

**Regulation D11 2(c): Early payment of Deferred Benefits on Compassionate grounds (where left employment before 01/04/1998)
(STATUTORY REQUIREMENT)**

This provision gives an employer the discretion to allow early payment of Deferred benefits on compassionate grounds, where the scheme member left the employers employment before 01/04/1998 and has attained the age of 50

N.B. Early payment of benefits will always be without an actuarial reduction applied (i.e. payable at their full rate)

Regulation D11 2(c): The Council notes the discretion and confirms that it will not normally make use of this discretionary power.

The Local Government Pension Scheme Regulations 1997 (As Amended)

**Regulation 31: Early payment of Deferred Benefits (where left employment between 01/04/1998 and 31/03/2008)
(STATUTORY REQUIREMENT)**

This provision gives an employer the discretion to allow early payment of Deferred benefits where the scheme member left the employers employment between 01/04/1998 and 31/03/2008 to

*(i) allow a scheme member aged between **50 and 60 to receive their accrued benefits early*

(ii) the discretion to waive on compassionate grounds, any reduction that may

**Statement of Policy / Discretions in relation to the
Local Government Pension Scheme**

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**Signed - Amanda Attfield - Director People, Organisation
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<i>normally apply due to the early payment of the benefits</i>
--

Regulation 31 (i): The Council notes the discretion and confirms that it will not normally make use of this discretionary power.
--

CHELTENHAM BOROUGH COUNCIL

STANDARDS COMMITTEE ANNUAL REPORT

APRIL 2011-MARCH 2012

My report this year is not in the usual form of just a summary of what we have been doing; it consists mostly of a commentary on the part of the Localism Act 2011 that concerns Standards. It aims to give a flavour of what the new regime will mean, to express the initial thoughts of the Standards Committee and to outline issues on which you, the Council, must shortly make decisions.

But first to deal with our activities this past year. This can be summed up as “not very many”. With our imminent demise, there has been no change of membership, no new or revised codes or protocols to dissect, no papers from Standards for England look at, and no conferences or seminars to attend. We reduced the number of meetings accordingly, our last one being a workshop in February on the new Act. We discussed its implications and most of the commentary below springs from that discussion.

The number of complaints of breaches of the Code remained very low and we have had very few cases to consider. Those that did come up did not involve major transgressions and no-one was found to be in breach. On the whole the investigations this year were completed relatively quickly unlike previous investigations which I reported last year.

Turning to the Localism Act 2011 which, as you know, finally received the Royal Assent at the end of last year. It did not come into force immediately and while Standards for England is abolished local Standards Committees remain in existence for at least a few months yet. Then they will either have to be abolished or reconstituted. The reason for the delay is that the Act has to be supplemented by Regulations and these have not yet appeared, even in draft form. The latest indication of Government intention is that the Regulations will be made to enable the new conduct regime to be implemented on 1st July 2012. This has already shifted from the original target date of 1st April and one of the consequences of the slippage is, of course that for Councils such as CBC, which have elections in May, the new Councillors will take up their office under the current arrangements and will (assuming the 1st July date holds good) within a very short space of time have to change to the new arrangements.

The part of the Localism Act concerned with Standards is mercifully brief and, discounting the bits concerned with London, amounts to about eight pages only. A schedule lists amendments to other Acts, mainly the Local Government Act 2000, consequential on the abolition of the present regime. The basic provisions of the Act are:

1. An authority must promote and maintain high standards of conduct by members.
2. An authority must adopt a Code of Conduct consistent with certain principles (selflessness, integrity etc.).

3. An authority must maintain a Register of Interests.
4. There must be arrangements under which allegations can be investigated.
5. There must be arrangements under which decisions on allegations can be made.
6. There must be arrangements in place for appointing at least one independent person whose views are to be sought, and taken into account, before any decision under 5 is made.
7. An independent person cannot be, either presently or within the previous five years, a member, co-opted member, or officer of the authority, or a relative or close friend of such persons.
8. Strict rules apply to the disclosure of pecuniary interests.
9. Transgression of those rules is a criminal offence.
10. Sensitive interests can be withheld from the publicly available Register in certain circumstances.
11. Restrictions on members participating in Council business because of pecuniary interests can be lifted in certain circumstances.

It has been authoritatively stated that there is a “general power of competence” which empowers local authorities to do anything that is not forbidden. So on the face of it the Council has wide discretion as to how to put flesh on the bones of the Act, but the Regulations will inevitably set the parameters. Nevertheless, looking at these main provisions in more detail in correspondingly numbered paragraphs, the following are observations offered by myself on behalf of the Standards Committee.

1. Nothing contentious about this.
2. No-one could surely quarrel with the principles, which are essentially the Nolan ones to be found in the present Code. We are given the option of merely revising the present Code or of re-hashing it so drastically that it should be regarded as a new Code. The answer probably lies between fine-tuning and a complete rebuild, but until the regulations appear there is little point in setting out to re-draft. All I can say is that assuming that the current targets are met a new Code will be laid before you for approval later this year.
3. A Register of Interests already exists, of course. Under the new arrangements it must be made available on the Council’s website as well as in document form. The Act separates what must be entered in the Register into “pecuniary interests” and “interests other than pecuniary interests”, the distinction of which is not from the Act but will be contained in the awaited Regulations.
4. Under the old regime investigations were carried out by an independent consultant or by the in-house legal department. Apart from the expense, which could be considerable, this system led in some instances to long delays (almost a year in one or two cases) between the original complaint and its resolution. I have mentioned before that the system needed streamlining and now is the opportunity, subject of course to the Regulations. For example, it was mooted at our recent workshop that, following documentary submissions, an investigative

Hearing should be held to which all parties would be summoned to say their piece and be cross-examined. A decision might be given on the spot or within a few days. All resolved in a matter of weeks rather than months. I believe that something like that would have satisfactorily dealt with all the cases that have come before us.

5. See 4 above. Roll the investigation and decision making into one, rather than separate them. But what we do not know yet is what sanctions may be applied if the decision is that there has been a breach of the Code.
6. The views of an independent person or persons must be sought before making a decision on an allegation referred for investigation. This person or persons view can be sought not only by the authority but also by a member the subject of a complaint. It is difficult to envisage how this consultation may take place when a complaint is actively under consideration.. This has to be a permanent appointment although the length of term is unclear. The Act envisages more than one independent person, and that surely is sensible as holidays, illness, business commitments etc. are bound to deprive you of a singleton at some crucial point.
7. This provision rules out all the existing independent co-opted members of the Standards Committee carrying on as independent advisers, which is a pity as their collective experience would be an asset. There is therefore some recruitment to be done, which has seldom proved easy in the past.
8. The Regulations will provide definitions of disclosable and non-disclosable pecuniary interests. Further comment is difficult until more information is available.
9. Breaking the rules on pecuniary interests is a matter for the Director of Public Prosecutions. On conviction the penalty is a fine and/or up to five years disqualification.
10. The circumstances are that the member concerned could be subject to violence or intimidation if certain interests were made public. They still have to be disclosed to the Monitoring Officer, who decides whether or not they should be made public.
11. This continues current practice of dispensations and enables a quorum to be maintained or a fair political balance to be kept, or it is generally in the interests of those living in the Council's area.

What is noticeably absent from the Act is any reference to a Standards Committee. There is only the vague injunction that "arrangements" must be in place for certain procedures. So at one extreme the whole Council could become involved (a sledgehammer to crack a nut) and at the other the Monitoring Officer (advised by the non-voting independent) could deal with a case. Either is far from ideal and therefore the solution for Cheltenham is likely to lie somewhere in between. One of the elements of the current system which operates well is the limit of three Members on each Hearing sub-committee and that is a common number for low level tribunals (for example Magistrates' Courts). Also, political balance can be achieved. So the recommendation pending sight of the Regulations is to stick with three for any Hearings. A larger group will be needed to cater for absences and you might even call that group your Standards Committee! But at our recent workshop it was observed that there is some synergy with the Audit Committee in terms of ethics and governance, and so one of the choices for the Council is to expand that Committee's remit.

Parish Councils also have to follow these reforms and the above applies to them with a few exceptions. They must adopt a Code of Conduct and could do so independently, but it is quite in order for them to adopt the Code of the principal authority, i.e. that of the CBC. Their Register of Interests must be kept by the CBC Monitoring Officer and be available in document form in the CBC area. The Register must also be on their website if they have one, and in any event it must be on the CBC's website. They do not have to make their own "arrangements" for investigating allegations as the principal authority (CBC) must do this for them.

Because matters are still unresolved, this may not be my final word. But as the end of the present Standards Committee is nigh, I would like to record my thanks now to all past and present members for their service and support, and also to the officers of the CBC who have ensured that we have operated smoothly and, I think, well.

Cheltenham Borough Council

Council - 26 March 2012

Corporate Strategy – 2012-13 action plan

Report of the Leader of the Council

Accountable member	Leader of the Council, Councillor Steve Jordan
Accountable officer	Strategy and Engagement Manager, Richard Gibson
Accountable scrutiny committee	All
Ward(s) affected	All
Key Decision	No
Executive summary	Council agreed the corporate strategy 2010-2015 in March 2010 which sets out our 5 objectives and 11 outcomes and what we want to achieve by 2015. The 2012-13 action plan has been prepared with input from elected members and officers and agreement is sought from full council.
Recommendations	Council approves the 2012-13 corporate strategy action plan (appendix A) and uses this as a basis for monitoring the council’s performance over the next twelve months.
Financial implications	<p>None as a direct result of this report. The corporate strategy has been developed alongside the Medium Term Financial Strategy to ensure that there are sufficient budgets in place to deliver the outcomes as proposed. In addition, the corporate strategy will be reviewed on an annual basis to take into account our changing budgetary position.</p> <p>Contact officer: Paul Jones, Head of financial services E-mail: paul.jones@cheltenham.gov.uk Tel no: 01242 775154</p>
Legal implications	<p>The corporate strategy 2010-2015 is the “corporate strategy” for the purposes of the Local Authorities (Functions and Responsibilities) Regulations 2000. The Executive is responsible for preparing the plans which must then be submitted to and approved by council.</p> <p>Contact officer: E-mail: legalservices@tewkesbury.gov.uk Tel no: 01242 775207</p>
HR implications (including learning and organisational development)	<p>Capacity to deliver the strategy must remain a key focus for the senior leadership team. Effective forward planning, use of project management techniques, re- prioritising work streams are some of the tools available to ensure resource to deliver the strategy is achieved.</p> <p>Contact officer: Amanda Attfield, Director - People, Organisational Development and Change E-mail: amanda.attfield@cheltenham.gov.uk Tel no: 01242 264186</p>

<p>Key risks</p>	<p>We recognise that if the council does not establish prioritised, realistic and achievable ambitions there will be continued pressure on organisational capacity and staff to maintain core services, and an external perception of poor performance due to over ambitious or ill-informed planning.</p> <p>The Senior Leadership Team is responsible for the management of the risks associated with the delivery of the corporate strategy and where appropriate, risks are included on the corporate risk register.</p> <p>Elected members will have oversight of the corporate risk register through the new scrutiny arrangements and through Audit Committee.</p>
<p>Corporate and community plan Implications</p>	<p>The corporate strategy sets out a revised framework for our corporate priorities.</p>
<p>Environmental and climate change implications</p>	<p>The corporate strategy sets out the council's commitment to reducing carbon emissions and adapting to the impacts of climate change.</p>

1. Changes to the corporate strategy from last year

1.1 The Senior Leadership Team and cabinet members have agreed the following changes from last year:

- Re-word the value for money outcome as it previously suggested that delivering value for money was separate to mainstream service delivery. Instead value for money will be a core objective running across the remaining 9 outcomes, but the outcome now is specifically about the actions being undertaken by the Directors of Resources and Commissioning and the GO Partnership.
- Merge the economic development and tourism outcomes and re-word;
- Retain the remaining outcomes to ensure continuity with previous corporate strategies;
- Use feedback from commissioning exercises to set out our supporting improvement actions;
- Ensure that the document is clear about the separation of commissioner and providers' responsibilities;
- Set out the forward plan for commissioning reviews.

2. Commissioning reviews

- 2.1 Preparation of the 2012-13 action plan has taken place within the context of a number of commissioning reviews that provide greater detail about how the council is taking forward six of its corporate outcomes.
- 2.2 We have agreed a set of outcomes for our built environment services that will be delivered by the Director of Built Environment and we are working on a service level agreement which will include a set of performance indicators.
- 2.3 We have agreed a set of outcomes for our leisure and culture services and we will be asking our in-house Town Hall/Pittville Pump Room and Leisure@ and Sports, Play and Healthy Lifestyles service providers to deliver against them. We will also be considering the most appropriate organisational option that can deliver the proposed outcomes and measures of success for the Art Gallery and Museum whilst also meeting the requirements of the Heritage Lottery Fund special conditions and those of any other funders.
- 2.4 The housing review has led to the creation of a new set of outcomes that will guide the housing policy framework for the joint core strategy and preparations for self-financing. The review will also provide more detail for how the council delivers its housing outcome.
- 2.5 We have agreed to establish the local authority company which will mean the council has an arms

length relationship with Ubico which will deliver the cleanliness and maintenance outcome.

2.6 The Strategic Commissioning Programme Board has also considered the order of future commissioning reviews and has agreed that the following commissioning exercises should be listed as the next set of priority projects:

- Housing options;
- Supporting the review of asset management being led by Leadership Gloucestershire;
- ICT services.

2.7 The rationale bringing forward these commissioning reviews is set out in appendix 2.

2.8 These three commissioning reviews are built into the 2012-13 corporate strategy as distinct improvement actions.

3. Input from partnerships

3.1 Following the endorsement of new partnership structures in October 2011, partners have undertaken a piece of work to identify the most-pressing issues for partnership activity where there is both corroborating data/evidence and a willingness from partners to work collectively on solutions. The draft list, which was endorsed by the Cheltenham Strategic Partnership, is as follows:

- Ensuring that our young people have access to a suitable range of positive activities;
- Building stronger and more resilient communities through using the opportunity of the Olympics to create an Olympic Legacy and the Diamond Jubilee;
- Reducing alcohol and substance misuse;
- Tackling anti social behaviour;
- Tackling emerging crime;
- Reducing harm, vulnerability and poverty.

3.2 The draft action plan includes specific commitments to support the delivery of these six priorities.

4. Proposed CBC improvement actions 2012-13

Cheltenham has a clean and well-maintained environment.	<ul style="list-style-type: none"> • We will ensure a smooth implementation of the new Local Authority Company, Ubico, from 1 April 2012 • We will increase take-up of the garden waste and trade waste schemes • We will work with GCC and other districts on the development of a Joint Waste Committee
Cheltenham's natural and built environment is enhanced and protected.	<ul style="list-style-type: none"> • We will listen to the feedback from the developing options consultation and bring forward the preferred option for the Joint Core Strategy for council approval in 2012. • We will implement the recommendations of the Built environment commissioning review and prepare for market testing in 2013.
Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change.	<ul style="list-style-type: none"> • We will implement a range of energy saving initiatives that will reduce the council's carbon emissions
Cheltenham has a strong and sustainable economy	<ul style="list-style-type: none"> • We will make significant progress on the our plans to revitalise Cheltenham's town centre through Cheltenham Development Task Force • We will prepare for the move of our Tourist Information Centre to the redeveloped Art Gallery and Museum ready for opening in April 2013. • We will undertake a review of 2011 Promoting Cheltenham Fund to inform how the 2012 funds are allocated. • We will commission support and advice for local businesses so that they are more resilient.
Communities feel safe and are safe.	<ul style="list-style-type: none"> • We will continue to work in partnership to reduce incidences of anti-social behaviour and the harm this causes to communities • We will work in partnership to tackle burglary in the town through the burglary task and finish group. • We will work in partnership to reduce the impact of alcohol to individuals and families and alcohol-related violence.
People have access to decent and affordable housing.	<ul style="list-style-type: none"> • We will undertake a commissioning review about the best way to deliver our housing options service • We will complete our housing review and publish a new housing and homelessness strategy and develop local policies in response to the government proposals for benefits changes. • We will enable the provision of more social housing • We will support Cheltenham Borough Homes so that they are able to complete phase 1 of the St. Pauls regeneration project and have agreed plans for phase 2. • We will develop local policies in response to the government proposals for benefits changes.
People are able to lead healthy lifestyles.	<ul style="list-style-type: none"> • We will bring forward thoughts about the next steps on how best we provide Leisure@ and sports, play and healthy lifestyles as part of our leisure and culture commissioning review. • We will use the opportunity of the Olympics and the torch relay to create a legacy that increase participation levels and promotes more healthy active lifestyles.
Our residents enjoy a strong sense of community and involved in resolving local issues.	<ul style="list-style-type: none"> • We will work in partnership to enable more voluntary and community sector organisations to provide positive activities for young people. • We will deliver the 2012 borough elections in May and November elections for the Police and Crime Commissioner • We will undertake a community governance review of parish boundaries ahead of parish elections in 2014.
Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment.	<ul style="list-style-type: none"> • We will progress the Art Gallery and Museum redevelopment in order that it is able to open on time on 1st April 2013.

	<ul style="list-style-type: none"> • We will review organisational options for Art Gallery and Museum service balancing value for money with the need to deliver a range of agreed outcomes • We will test outcomes for the Town Hall and Pittville Pump Room with councils who provide other similar venues. • We will investigate the possibility of major capital investment into the Town Hall to help promote the building as a first class entertainment venue
<p>We will meet our 'Bridging the Gap' targets for cashable savings and increased income</p>	<ul style="list-style-type: none"> • We will continue to develop the 'Bridging the Gap' programme for delivering future year's savings including for the commissioning reviews. • We will review the current structure and service provision for ICT and undertake a sourcing project with a particular focus on a shared service model. • We will develop and publish a fully costed asset management strategy and contribute to the wider review of asset management being led by Leadership Gloucestershire. • We will move to the GO shared service arrangements for Finance, HR, payroll and procurement support. • We will move to the full partnership arrangements for audit. • We will implement the actions agreed from the Investors in People strategic review • We will implement new scrutiny arrangements that enable us to provide a better overview of our commissioning projects

5. Consultation and feedback

5.1 The draft action plan has been considered by the three overview and scrutiny committees. Their comments and responses are shown in the table below.

Social and Community O+S comment (9 Jan 2012)	Response
<p>Members questioned whether officers had the capacity to deliver all the outcomes identified in the draft strategy and wondered whether there was duplication of the work being undertaken by the partnerships.</p>	<p>As set out above, CBC is working alongside the partnerships to identify the most pressing priorities for partnership activity and the corporate strategy sets out where the council can support the delivery of collective priorities.</p> <p>CBC has also undertaken a resource planning exercise to estimate the officer resource levels needed to deliver the corporate plan. This has identified some pinch points, particularly in the commissioning division, HR operations and Built Environment. After further analysis, the Directors of those services have subsequently indicated their satisfaction with current plans.</p>
<p>Members commented on how best the council can work in partnership to tackle burglary in the town. Members believed that the council should commit to this work as burglary was an issue of community concern and the council should be seen to be supporting action on this. The partners involved should be clear on what they are doing with tangible milestones and performance indicators.</p>	<p>Noted; the action plan contains two commitments:</p> <ul style="list-style-type: none"> • To review the effectiveness of phase 1 of the CCTV on the Honeybourne Line project in reducing domestic burglary (and ASB) and look for ways to attract external funding to implement phase 2. • To support the Burglary Task and Finish Group

	deliver its actions and work to ensure that resources are in place to deliver all elements linked to this outcome including prevention, enforcement, intelligence, and communications.
Environment O+S comment (29 February 2012)	Response
Members questioned whether the number of improvement actions can be delivered	As above, CBC has undertaken a resource planning exercise to estimate the officer resource levels needed to deliver the corporate plan. This has identified some pinch points, particularly in the commissioning division, HR operations and Built Environment. After further analysis, the Directors of those services have subsequently indicated their satisfaction with current plans.
Cllr. Mrs Fletcher asked that older people should be included in the list of partnership priorities due to the extent of older people in our community and the risks of isolation and exclusion	Noted; the comments from Environment O+S have been fed into the partnership action planning process.
Cllr. Garnham queried the merits of the objective about providing people with access to decent and affordable housing when there is a significant obstacles to doing this. He also suggested that more reference be made to the work of the Gloucestershire Police and Crime Commissioner who will be in post from November 15 th .	Noted – suggestion that this topic be picked up by the new scrutiny arrangements New action included: “To work with the new Police and Crime Commissioner to ensure that we gain their support for enhancing partnership working in Cheltenham to tackle crime.”
Cllr. Bickerton asked whether any new funding will be made available to support the delivery of the partnership priorities	The new partnership structures are looking to align partnership resources to support the new partnership priorities. There may not be any new money as the resources were there but it is about making better linkages and that this is starting to happen.
Cllr. Mrs Hall asked about the baseline and targets for the natural and built environment outcome	Noted: these figures have now been included in the final document.
Economy and Business Improvement O+S (5th March 2012)	Response
Cllr. Stennett welcomed the new look strategy and suggested that the measures looked fine. He did suggest that where appropriate the baselines should be those originally used in the 2010-2015 corporate strategy	Where available, baselines have been included for 2010-11.
Cllr. Cooper requested more information about how the three proposed commissioning reviews for 2012-13 had been selected.	The requested information is attached as appendix 2 to this report.
Cllr. Jeffries sought clarification about the scope of the value for money outcome and how other areas of the council’s work, such as establishing Ubico, would tie into this outcome.	The value for money outcome has been re-worded as it previously suggested that delivering value for money was separate to mainstream service delivery. Instead value for money will be a core objective running across the remaining 9 outcomes, but the VFM outcome now is specifically about the actions being undertaken by the Directors of Resources and Commissioning and the GO Partnership

6. Next Steps

- 6.1 The corporate strategy sets out our intended milestones and performance indicators associated with the 10 outcomes and provides the basis for monitoring the council’s performance over the next twelve months.
- 6.2 To promote accountability, our Senior Leadership Team will receive quarterly performance reports that will set out progress made against corporate strategy milestones and performance indicators.
- 6.3 Monitoring reports will be brought to the new overview and scrutiny committee at least twice a year, mid-way through the performance cycle and at the end of the year as elected members have indicated their satisfaction with this timescale. However, an additional report at the end of the third quarter will be made if members and officers feel that this would help them take any remedial action where performance shortfalls are identified. In addition, the annual report detailing performance from the previous financial year will be brought in June to council for consideration.

Report author	Richard Gibson Strategy and Engagement Manager 01242 235354 richard.gibson@cheltenham.gov.uk
Appendices	<ul style="list-style-type: none"> 1. Draft Corporate Strategy action plan 2012-13 2. Priorities for commissioning exercises
Background information	<ul style="list-style-type: none"> 1. 2010-2015 Corporate Strategy, Report to Council, 29th March 2010.

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2010 to 2015 Corporate Strategy

2012-13 draft action plan for Council 26.3.12



CHELtenham
BOROUGH COUNCIL

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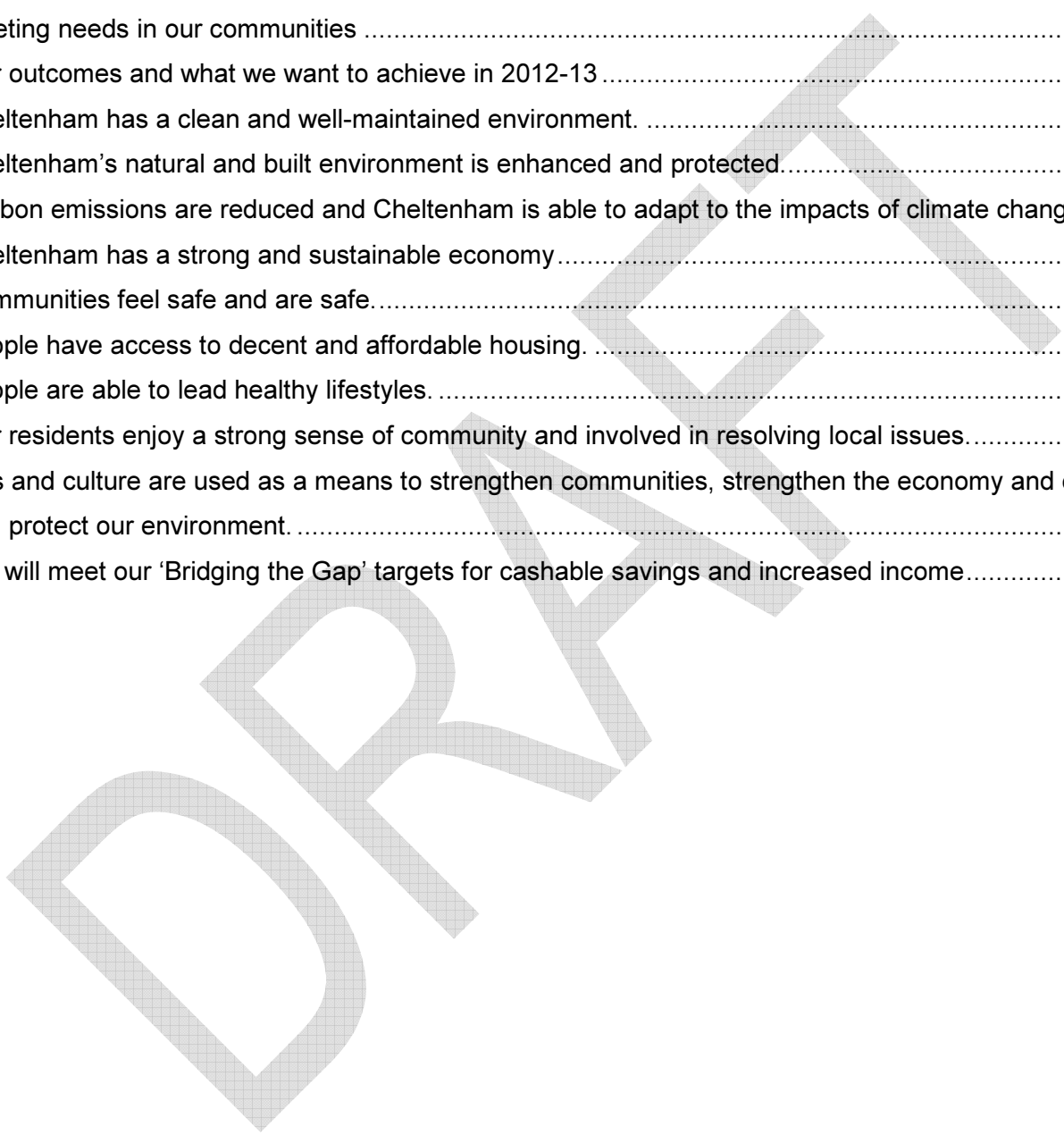
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Our objectives

Enhancing and protecting our environment

Strengthening our economy

Strengthening our communities

Enhancing the provision of arts and culture

Ensuring we provide value for money services that effectively meet the needs of our customers

Our outcomes

Cheltenham has a clean and well-maintained environment

Cheltenham has a strong and sustainable economy

Communities feel safe and are safe

People have access to decent and affordable housing

Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment

We will meet our 'Bridging the Gap' targets for cashable savings and increased income

Carbon emissions are reduced and we adapt to climate change

Cheltenham's natural and built environment is enhanced and protected

Our residents enjoy a strong sense of community

People are able to lead healthy lifestyles

Our improvement actions

- Implementation of Ubico from 1 April 2012
- Increase take-up of garden waste and trade waste
- Develop a Joint Waste Committee

- Revitalise Cheltenham's town centre through the Task Force
- Move our Tourist Information Centre to the Art Gallery and Museum
- Promote and allocate the 2012 Promoting Cheltenham Fund
- Commission support and advice for local businesses

- Work to reduce incidences of anti-social behaviour
- Work to tackle burglary in the town
- Work to reduce the impact of alcohol to individuals and families

- Commission our housing options service
- Publish a new housing and homelessness strategy
- Enable the provision of more social housing
- Support CBH to complete phase 1 of the St. Pauls regeneration project
- Develop local policies in response to benefits changes.

- Complete the Art Gallery and Museum redevelopment
- Review organisational options for Art Gallery and Museum service
- Test outcomes for the Town Hall and Pittville Pump Room
- Investigate major capital investment into the Town Hall

- Deliver future year's savings through 'Bridging the Gap'
- Review structure and service provision for ICT
- Develop and publish an asset management strategy
- Share Finance, HR, payroll and procurement support services
- Move to the full partnership arrangements for audit.
- Implement the Investors in People actions
- Implement new scrutiny arrangements

Implement energy saving initiatives to reduce carbon emissions

- Bring forward the preferred option for the Joint Core Strategy
- Implement the Built environment commissioning review

- We will help others to provide positive activities for young people.
- Deliver the borough and Police and Crime Commissioner elections
- Undertake a community governance review of parish boundaries

- Decide how best to provide Leisure@ and sports, play and healthy lifestyles
- Use the Olympics to promote more healthy active lifestyles.

Welcome

Welcome to the second annual update of Cheltenham Borough Council's corporate strategy 2010-2015.

The development of the 2012-13 action plan has, like last year's plan, taken place against the background of the international financial crisis which has resulted in significant cuts in public expenditure in the United Kingdom. Consequently, the draft budget for 2012/13 has had to bridge a financial gap of just over £1m. This is on top of the £2.87m gap that was addressed in the 2011-12 budget.

The over-arching priority for the 2012-13 corporate strategy therefore will be the continued delivery of value for money for local tax-payers.

Our Vision

The Corporate Strategy 2010-2015 continues its support for the Cheltenham's community strategy twenty year vision for Cheltenham which sets out an aspirational goal for the long-term future of Cheltenham:

"We want Cheltenham to deliver a sustainable quality of life, where people, families, their communities and businesses thrive; and in a way which cherishes our cultural and natural heritage, reduces our impact on climate change and does not compromise the quality of life of present and future generations."

Commissioning

The Council adopted a strategic commissioning approach which puts a strong focus on understanding the needs of Cheltenham and its people in designing outcomes for public services, seeking to work much more closely (including sharing budgets where appropriate) with other parts of the public service and the voluntary and community sector (VCS) and making objective, transparent, evidence-based decisions about how services should be provided and by whom. By using a strategic commissioning approach we will improve the outcomes for people who rely on the council and the wider public sector whilst at the same time creating opportunities for financial savings.

"By April 2012, we will lead our community by taking a commissioning approach. We will be driven by the needs of people and place, in order to improve wellbeing, the economy and the environment and use resources efficiently and effectively"

As part of our commitment to this vision we will explore different ways of delivering services that meet the needs of our customers and deliver value for money.

Input from partnerships

Following the endorsement of new partnership structures in October 2011, partners have undertaken a piece of work to identify the most-pressing issues for partnership activity where there is both corroborating data/evidence and a willingness from partners to work collectively on solutions. The draft list, which was endorsed by the Cheltenham Strategic Partnership, is as follows:

- Ensuring that our young people have access to a suitable range of positive activities
- Building stronger and more resilient communities
- Reducing alcohol and substance misuse
- Tackling anti social behaviour
- Tackling emerging crime
- Reducing harm, vulnerability and poverty

The draft action plan includes specific commitments to support the delivery of these six priorities.

Meeting needs in our communities

Under the Equality Act 2010, the council now has to comply with the public sector equality duty which came into force on 6 April 2011. The Equality Duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. As part of this we have a duty to set and publish equality objectives every four years; this is to be done in the first instance by 6 April 2012. We have already published equality information in relation to both our employees and people who are affected by our policies and services.

We have developed three objectives that we feel are most important in promoting equality and diversity:

- Listening and responding to a wide-range of communities.
- Promoting fair access to our services;
- Ensuring fair employment practices;

These three objectives relate back to our corporate equality and diversity policy that was agreed by the council in March 2008. The actions we will take forward in the coming year are as follows:

Listening and responding to a wide-range of communities.

Our commitment

We will provide a framework for the consultation and engagement with communities in the commissioning of our services so that we are better able to provide services that are responsive to the needs of our customers

Actions

- Develop engagement mechanisms that pay regard to people who share the protected characteristics covered by the equality duty.
- Continue to work in partnership with the police, housing providers and the voluntary sector to respond to incidents of hate crime through the Cheltenham Anti-Social Behaviour Working Group and the Gloucestershire Hate Crime Group.

Promoting fair access to our services

Our commitment

We will ensure that customers, service users and the wider community of Cheltenham have fair access to our services and are not discriminated against in any aspect of our service delivery.

Actions

- Continue to use an equality impact assessment process to assess the impacts of key decisions on groups of people.
- Embed equality considerations into commissioning and our procurement approach to ensure that relevant equality issues are taken into account when designing and procuring services.

Ensuring fair employment practices

Our commitment

We will ensure fair and equal opportunity in all areas of employment, including recruitment and selection, appraisals, learning and development and the career development of our employees.

Actions

- Commit to the regular publication of workforce intelligence reports that will help monitor trends in our workforce in terms of recruitment, retention, turn-over and sickness absence.
- Provide equality and diversity training for our employees so that they are able to help implement our equality objectives.

**Our outcomes and what we want to achieve
in 2012-13**

DRAFT

Enhancing and protecting our environment

Cheltenham has a clean and well-maintained environment.

Who is accountable for this outcome

Cabinet lead:	Cabinet Member Sustainability
Commissioner lead:	Grahame Lewis
Provider lead	Ubico – the new local authority company

How will the council commission this work in the future to secure longer-term delivery of this outcome, deliver improved value for money and to address risks

The council agreed in 2011 to establish a joint local authority company with Cotswold District Council to deliver the following services:

- Waste collection, kerbside recycling collections, organic waste collections, servicing of neighbourhood recycling sites, operation of the Swindon Road recycling centre, street cleaning, public toilet cleaning, grounds maintenance, grounds maintenance of Cheltenham Borough Homes, fleet management and maintenance.

What are our planned improvement actions in 2012-13 to deliver this outcome and to address risks?

Improvement Action	Key milestones	Dates	Lead
We will ensure a smooth implementation of the new Local Authority Company, Ubico, from 1 April 2012.	<ul style="list-style-type: none"> New company established. Transfer of SITA employees (Cotswold). Work with other partners who wish to join the company. 	1 4 2012 6.8.2012 31.3.2013	Jane Griffiths, Director Commissioning Rob Bell, Ubico
We will increase take-up of the garden waste and trade waste schemes.	<ul style="list-style-type: none"> Implement the roll out of the garden waste bag scheme and monitor take-up. Explore opportunities to increase plastic recycling for consideration in the 2013/14 budget. 	31.3.2013 30.11.2012	Rob Bell, Ubico Scott Williams, Strategic Client Officer
We will work with GCC and other districts on the development of a Joint Waste Committee.	<ul style="list-style-type: none"> To review the business case and report back to Cabinet. 	30.9 2012	Jane Griffiths, Director Commissioning

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How will we know what difference we have made in 2012-13

Proposed indicators	Measured by this indicator	Baseline (March 2011)	March 2013 Target	Lead
Service indicators	<ul style="list-style-type: none"> Residual household waste per head Percentage of household waste recycled and composted Percentage of refuse and recycling materials collected on the designated day 	590kg 34.4% new indicator	500kg 48% 99%	Rob Bell, Ubico

Enhancing and protecting our environment

Cheltenham's natural and built environment is enhanced and protected.

Who is accountable for this outcome

Cabinet lead:	Cabinet Member Built Environment
Commissioner lead:	Grahame Lewis
Provider lead	Mike Redman

How will the council commission this work in the future to secure longer-term delivery of this outcome, deliver improved value for money and to address risks

Following a commissioning review, the council agreed in 2011 to continue providing built environment services through its in-house provider. These services are as follows: Building Control, Strategic Land Use, Development Management, Urban Design and Heritage and Conservation. The in-house service will be tested against the market in 2013.

Following the creation of the Ubico, the joint local authority company, we will undertake a commissioning review of how best we provide our green space services in 2013/14.

What are our planned improvement actions in 2012-13 to deliver this outcome and to address risks?

Improvement Action	Key milestones	Dates	Lead
We will listen to the feedback from the developing options consultation and bring forward the preferred option for the Joint Core Strategy for council approval in 2012.	• Consideration of revisions to JCS in light of 2011/12 public consultation by JCS Member Steering Group.	30.6.12	Tracey Crews, Strategic Land Use Manager
	• Consideration of revisions to JCS in light of 2011/12 public consultation by CBC planning working group.	30.6.12	
	• Consideration of preferred option by Council for purposes of public consultation.	30.9.12	
	• Completion of public consultation on preferred option.	31.12.12	
We will implement the recommendations of the Built environment commissioning review and prepare for market testing in 2013.	• Business plan setting out how service will deliver the agreed outcomes.	31.5.2012	Mike Redman, Director Built Environment
	• First interim review of performance.	31.11.2012	

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How will we know what difference we have made in 2012-13

	Measured by this indicator	Baseline (2011-12)	March 2013 Target	Lead
Proposed indicators	Number of applications: Received / Determined / Approved / Refused / Appealed	1590 / 1346 / 1295 / 57 / 29	no target set, trends to be monitored.	Mike Redman, Director Built Environment
	Number of days to process an application from receipt to issuing of decision	65 days	no target set, trends to be monitored.	Mike Redman, Director Built Environment
	Number / percentage of planning appeals allowed	42%	no target set, trends to be monitored.	Mike Redman, Director Built Environment
	Number of projects implemented as a result of working with local interest groups on street redesign projects	1	2	Wilf Tomaney, Urban Design Manager

Enhancing and protecting our environment

Carbon emissions are reduced and Cheltenham is able to adapt to the impacts of climate change.

Who is accountable for this outcome

Cabinet lead:	Cabinet Member Sustainability
Commissioner lead:	Jane Griffiths
Provider lead	Dave Roberts, Head of Property Services

How will the council commission this work in the future to secure longer-term delivery of this outcome, deliver improved value for money and to address risks

The council will continue to set the strategic framework for this outcome.

What are our planned improvement actions in 2012-13 to deliver this outcome and to address risks?

Improvement Action	Key milestones	Dates	Lead
We will implement a range of energy saving initiatives that will reduce the council's carbon emissions.	<ul style="list-style-type: none"> • Evaporative cooling installed in the server room at the Municipal Offices. • Low energy LED lighting installed in the swimming pool hall at Leisure@. • Grosvenor Terrace car-park upgraded. • Voltage optimisation project implemented in council buildings. 	30.9.2012 30.6.2012 30.9.2012 31.3.2013	Dave Roberts, Head of Property Services

How will we know what difference we have made in 2012-13

Proposed indicators	Measured by this indicator	Baseline (year)	March 2013 Target	Lead
What will we do directly and be accountable for - Service indicators	Reduction in CO2 emissions from energy use, fuel use	4,661 tonnes CO ₂ (2005/06) – we now report our emissions as CO ₂ e (carbon dioxide equivalent) not just CO ₂ and using DEFRA reporting guidelines baseline has changed to 5,557 tonnes CO ₂ e for 2005/6	4,599 tonnes CO ₂ e (based on 40% reduction target by 2020 from 2005/6 levels - adoption of target subject to business case)	Gill Morris, Climate Change and Sustainability Officer
	Gas and electricity consumption	10,992,635 kWh (2008/9)	9,893,372 kWh (10% reduction on baseline – target in asset mgt strategy)	
	Office recycling	Figures for year 2011/12 will be used to set a baseline		
	Water use	Figures for year 2011/12 will be used to set a baseline		

Strengthening our economy

Cheltenham has a strong and sustainable economy

Who is accountable for this outcome

Cabinet lead:	Leader of the Council
Commissioner lead:	Jane Griffiths
Provider lead	Mike Redman

How will the council commission this work in the future to secure longer-term delivery of this outcome, deliver improved value for money and to address risks

The council will continue to directly provide an economic development function but has already commissioned Cheltenham Development Task Force to take the lead in bringing forward plans for the revitalisation of our town centre. The council will also work in partnership with businesses and their representative bodies who make-up Cheltenham Business Partnership and the Gloucestershire Local Enterprise Partnership to deliver this outcome.

What are our planned improvement actions in 2012-13 to deliver this outcome and to address risks?

Improvement Action	Key milestones	Dates	Lead
We will make significant progress on the our plans to revitalise Cheltenham's town centre through Cheltenham Development Task Force.	<ul style="list-style-type: none"> Complete the sale of North Place/Portland Street which itself is predicated on receipt of a planning permission. Complete plans to revitalise Grosvenor Terrace car park. Use development opportunities to improve access to the Brewery site from the High Street and improve the local street-scene. Consultation on the opportunity of AGM redevelopment to bring forward plans to regenerate St. Marys Churchyard. Invest collaboratively with GCC over Promenade East public realm improvements. Work with GCC to review findings from Junction efficiency trial on St. Margaret's Road. 	31.8.2012 31.8.2012 30.9.2012 31.8.2012 30.6.2012 30.6.2012	Jeremy Williamson, Managing Director, Cheltenham Development Task Force
We will prepare for the move of our Tourist Information Centre to the redeveloped Art Gallery and Museum ready for opening in April 2013.	<ul style="list-style-type: none"> Explore funding for a new tourism website. Testing new ways of delivering joint TIC / AG&M customer services prior to the move, ready for the opening. Review of signage within the town (i.e. signposting visitors to the new building) will need to be considered as part of the re-location plans. 	30.4.12 31.3.13 31.3.13	Jane Lillystone, Museum, Arts and Tourism Manager
We will undertake a review of 2011 Promoting Cheltenham Fund to inform how the 2012 funds are allocated.	<ul style="list-style-type: none"> Launch 2012 round with clear application guidelines and promote widely. Assess applications and award funding. 	30.4.2012 31.7.2012	Richard Gibson, Strategy and Engagement Manager
We will commission support and advice for local businesses so that they are more resilient.	<ul style="list-style-type: none"> Ensure that the business support service is in place as soon as possible. 	30.6.2012	Richard Gibson, Strategy and Engagement Manager

How will we know what difference we have made in 2012-13

Proposed indicators	Measured by this indicator	Baseline (year)	March 2013 Target	Lead
What will we monitor	Unemployment levels - claimant rate % of young people not in education, employment or training	3.3% (January 2012) 5.7% (January 2012)	We will monitor these and report against local and regional averages	Richard Gibson, Strategy and Engagement Manager

Strengthening our communities.

Communities feel safe and are safe.

Who is accountable for this outcome

Cabinet lead:	Cabinet Member Housing and Safety
Commissioner lead:	Jane Griffiths
Provider lead	Sonia Phillips

How will the council commission this work in the future to secure longer-term delivery of this outcome, deliver improved value for money and to address risks

The council will continue to directly provide a range of services that support this outcome including the work of the Public Protection Team who lead on licensing, environmental health, promoting community safety and tackling anti-social behaviour. The council is also committed to working in partnership with the Gloucestershire Police and Crime Commissioner who will be in post from November 15th and a wide range of other agencies to support delivery of this outcome.

What are our planned improvement actions in 2012-13 to deliver this outcome and to address risks?

Improvement Action	Key milestones	Dates	Lead
We will continue to work in partnership to reduce incidences of anti-social behaviour and the harm this causes to communities	<ul style="list-style-type: none"> To complete a partnership review of the Anti Social Behaviour Working Group to ensure its efficiency and effectiveness and monitor progress. The Anti Social Behaviour Working Group to explore whether gating orders would be beneficial in addressing anti-social behaviour (and burglary) and to explore potential funding streams. The Anti Social Behaviour Working Group to respond to national guidelines resulting from the Hidden in Plain Sight final inquiry report into disability related harassment. 	31.10.2012 31.3.2013 31.3.2013	Trevor Gladding, Community Protection Manager
We will explore how best the council can work in partnership to tackle high-profile crime; the current focus is on burglary in the town.	<ul style="list-style-type: none"> To review the effectiveness of phase 1 of the CCTV on the Honeybourne Line project in reducing domestic burglary (and ASB) and look for ways to attract external funding to implement phase 2. To support the Burglary Task and Finish Group deliver its actions and work to ensure that resources are in place to deliver all elements linked to this outcome including prevention, enforcement, intelligence, and communications. To work with the new Police and Crime Commissioner to ensure that we gain their support for enhancing partnership working in Cheltenham to tackle crime. 	31.10.2012 31.10.2012 31.3.13	Trevor Gladding, Community Protection Manager Andrew North, Chief Executive
We will work in partnership to reduce the impact of alcohol to individuals and families and alcohol-related violence.	<ul style="list-style-type: none"> Review the Reducing Alcohol Related Violence Project and update the principles and Codes of Practice to meet changes to current licensing legislation. Support the establishment of a Task and Finish Group to consider how best to reduce the harm that alcohol causes to vulnerable people. 	31.10.2012 30.6.2012	Trevor Gladding, Community Protection Manager Richard Gibson, Strategy and Engagement Manager

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How will we know what difference we have made in 2012-13

Proposed indicators	Measured by this indicator	Baseline (2010-11)	2013 target	Lead
What will we will monitor	Total volume of recorded crime per annum Number of anti-social behaviour incidents Serious acquisitive crime incidents Domestic burglary incidents Incidents of recorded violence in the Town Centre (Friday & Sat eve.) Incidents and repeat incidents of domestic abuse	10,187 7024 2406 1251 295 207 incidents and 79 repeat incidents (38.16%).	10,040 (2% pa) no targets set for the remainder, monitored by Positive Participation Partnership	Richard Gibson, Strategy and Engagement Manager

Strengthening our communities.

People have access to decent and affordable housing.

Who is accountable for this outcome

Cabinet lead:	Cabinet Member Housing and Safety
Commissioner lead:	Jane Griffiths
Provider lead	Mike Redman / Cheltenham Borough Homes

How will the council commission this work in the future to secure longer-term delivery of this outcome, deliver improved value for money and to address risks

The council has an arms-length relationship with Cheltenham Borough Homes that manages council properties on its behalf. The duty to provide housing advice is also being taken forward by an external provider and a new contract will be in-place to cover this provision in April 2012.

What are our planned improvement actions in 2012-13 to deliver this outcome and to address risks?

Improvement Action	Key milestones	Dates	Lead
We will undertake a commissioning review about the best way to deliver our housing options service.	Complete initial options appraisal	31.10.2012	Jane Griffiths, Director Commissioning
We will complete our housing review and publish a new housing and homelessness strategy and develop local policies in response to the government proposals for benefits changes.	To publish the new Housing & Homelessness Strategy following consultation and cabinet approval.	31.7.2012	Jane Griffiths, Director Commissioning
We will enable the provision of more social housing.	Within the context of the HRA business plan to consider proposals for new build social housing.	31.3.2013	Jane Griffiths, Director Commissioning
We will support Cheltenham Borough Homes so that they are able to progress the St. Pauls regeneration project.	complete phase 1 of St. Pauls regeneration project Agree plans for phase 2.	31.3.2013 31.3.2013	Jane Griffiths, Director Commissioning
We will develop local policies in response to the government proposals for benefits changes.	Delivered via activities identified with the Housing & Homelessness Strategy.	31.3.2013	Jane Griffiths, Director Commissioning

How will we know what difference we have made in 2012-13

Proposed indicators	Measured by this indicator	Baseline	March 2013 Target	Lead
What will we do directly and be accountable for - Service indicators	Gross housing completions	2010-11: Gross completions - 150 Net completions - 136 Affordable completions - 23	405 dwellings	Tracy Crews, Strategic Land Use Manager
	The number of households living in Temporary Accommodation	13 as at Dec 2012	25	Martin Stacy, Housing & Communities Manager
	The number of homelessness acceptances (rise in target in recognition that homeless likely to rise due to changes in housing benefit rules)	45 (estimate 2011/12)	55	Martin Stacy, Housing & Communities Manager

Strengthening our communities.

People are able to lead healthy lifestyles.

Who is accountable for this outcome

Cabinet lead:	Cabinet Member Sport and Culture
Commissioner lead:	Pat Pratley
Provider lead	Sonia Phillips

How will the council commission this work in the future to secure longer-term delivery of this outcome, deliver improved value for money and to address risks

The council is part-way through a commissioning review of its leisure and culture services which include leisure@, Prince of Wales stadium and Sports, Play and Healthy Lifestyles.

What are our planned improvement actions in 2012-13 to deliver this outcome and to address risks?

Improvement Action	Key milestones	Dates	Lead
We will bring forward thoughts about the next steps on how best we provide Leisure@ and sports, play and healthy lifestyles as part of our leisure and culture commissioning review.	<ul style="list-style-type: none"> Discussions to take place with NHS Commissioners to explore future opportunities for direct provision of health related activities, alongside the traditional mix leisure activities that appeal to casual users and members in a challenging and increasingly competitive leisure market. 	31.10.2012	Craig Mortiboys, Healthy Communities Partnership Manager Stephen Petherick, Commercial Manager
We will use the opportunity of the Olympics and the torch relay to create a legacy that increase participation levels and promotes more healthy active lifestyles.	<ul style="list-style-type: none"> Ensure a well managed Olympic Torch Relay through the town and associated evening celebration event at Cheltenham Racecourse. Successfully deliver a series of Olympic related initiatives and events during Summer 2012 in conjunction with local sports clubs and community partners. 	23.5.2012 31.8.2012	Craig Mortiboys, Healthy Communities Partnership Manager

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How will we know what difference we have made in 2012-13

Proposed indicators	Measured by this indicator	Baseline (2011-12)	March 2013 Target	Lead
What will we do directly and be accountable for	Attendances during the annual Summer of Sport initiative	1,426 attendances in 2011	1,497 in 2012 (5% increase)	Craig Mortiboys, Healthy Communities Partnership Manager Stephen Petherick, Commercial Manager
	Overall footfall at leisure@	294500	302000	
	Attendance free under 16 swim	49700	51000	
	Attendance at Active Life (50+) sessions	35000	55000	
	Attendance on the Re-Active programme	1000	12000	
	Number of GP referrals	250	350	
	Number of Reactive Concession referrals	250	350	
Concession card scheme membership sales	227	2500		

Strengthening our communities.				
Our residents enjoy a strong sense of community and involved in resolving local issues.				
Who is accountable for this outcome				
Cabinet lead:	Cabinet Member Finance and Community Development			
Commissioner lead:	Jane Griffiths			
Provider lead	Strategy and Engagement Team			
How will the council provide this work in the future to secure longer-term delivery of this outcome, deliver improved value for money and to address risks				
<ul style="list-style-type: none"> We will use the opportunities presented in the Localism Act to empower local people and to ensure that we use community engagement to support commissioning exercises. We will fully engage in neighbourhood management in order to address issues of local concern and to strengthen communities. 				
What are our planned improvement actions in 2012-13 to deliver this outcome and to address risks?				
Improvement Action	Key milestones	Dates	Lead	
We will work in partnership to enable more voluntary and community sector organisations to provide positive activities for young people.	<ul style="list-style-type: none"> For the Positive Lives Partnership to take a report from County Community Projects, Aston Project, Targeted Youth Support Service and others to build up a detailed picture of current provision (gaps, risks and opportunities), an assessment of the impacts on communities of the lack of youth activities and build a business case for a community-based approach for the future. To review the building resilience contract with County Community Projects and put arrangements in place to deliver the second year of the funding. 	31.7.2012 31.7.2012	Richard Gibson, Strategy and Engagement Manager	
We will deliver the 2012 elections in May and November elections for the Police and Crime Commissioner.	<ul style="list-style-type: none"> We will organise the 2012 Borough council elections We will support new councillors through an induction programme and provide ongoing support for all councillors We will organise the Police and Crime Commissioner elections We will prepare for the county council elections being held in May 2013 	3.5.2012 31.7.2012 15.11.2012 31.3.2013	Kim Smith, Elections & electoral registration manager Rosalind Reeves Democratic Services Manager	
We will undertake a community governance review of parish boundaries ahead of parish elections in 2014.	<ul style="list-style-type: none"> Agree terms of reference Undertake consultation Report to council recommending future parish council boundaries 	30.6.2012 30.11.2012 31.3.2013	Richard Gibson, Strategy and Engagement Manager	
How will we know what difference we have made in 2012-13				
Proposed indicators	Measured by this indicator	Baseline (year)	March 2013 Target	Lead
What will we do directly and be accountable for - Service indicators	Number of VCS organisations supported by GAVCA	18 (Sept 2011)	25	Richard Gibson, Strategy and Engagement Manager

Enhancing the provision of arts and culture.

Arts and culture are used as a means to strengthen communities, strengthen the economy and enhance and protect our environment.

Who is accountable for this outcome

Cabinet lead:	Cabinet Member Sport and Culture
Commissioner lead:	Pat Pratley
Provider lead	Sonia Phillips

How will the council commission this work in the future to secure longer-term delivery of this outcome, deliver improved value for money and to address risks

The council is part-way through a commissioning review of its leisure and culture services which include the Art Gallery and Museum, Town Hall and Pittville Pump Room.

What are our planned improvement actions in 2012-13 to deliver this outcome and to address risks?

Improvement Action	Key milestones	Dates	Lead
We will progress the Art Gallery and Museum redevelopment in order that it is able to open on time from June 2013 and within budget.	<ul style="list-style-type: none"> • Completion of construction programme • Completion of internal fit-out 	31.12.12 31.5.13	Jane Lillystone, Museum, Arts and Tourism Manager
We will review organisational options for Art Gallery and Museum service balancing value for money with the need to deliver a range of agreed outcomes.	<ul style="list-style-type: none"> • Report to Cabinet on the options for the delivery of the outcomes for the Art Gallery and Museum 	31.7.2012	Pat Pratley, Executive Director
We will test outcomes for the Town Hall and Pittville Pump Room with councils who provide other similar venues.	<ul style="list-style-type: none"> • Outcomes reviewed as part of options appraisal 	31.7.2012	Pat Pratley, Executive Director
We will investigate the possibility of major capital investment into the Town Hall to help promote the building as a first class entertainment venue.	<ul style="list-style-type: none"> • Initial scoping of investment required for options appraisal • Feasibility review depending on outcome of option appraisal 	31.7.2012 31.3.2013	Gary Nejrup, Entertainment & business manager / Pat Pratley, Executive Director

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How will we know what difference we have made in 2012-13

Proposed indicators	Measured by this indicator	Baseline (2011/12)	March 2013 Target	Lead
What will we do directly and be accountable for - Service indicators. AGM = Art Gallery and Museum TH/PPR = Town Hall and Pittville Pump Room	AGM - Number of people accessing engagement programme	20,000	25,000	Jane Lillystone, Museum, Arts and Tourism Manager
	TH/PPR – ticket sales	£73,990	£68,175	Gary Nejrup, Entertainment & business manager
	TH/PPR – hire income generated	£305,000	£350,300	
	TH/PPR - Catering Commission	£100,962	£106,700	
	TH/PPR – Total income	£479,952	£525,175	
TH/PPR - Web Site Visits	120,000	160,000		

Delivering value for money services			
We will meet our 'Bridging the Gap' targets for cashable savings and increased income			
Who is accountable for this outcome			
Cabinet lead:	Cabinet Member Corporate Services, Cabinet Member Finance and Community Development, Cabinet member Built Environment		
Commissioner lead:	Mark Sheldon		
Provider lead	GO		
What are our planned improvement actions in 2012-13 to deliver this outcome and to address risks?			
Improvement Action	Key milestones	Dates	Lead
We will continue to develop the 'Bridging the Gap' programme for delivering future year's savings including for the commissioning reviews.	<ul style="list-style-type: none"> We will have redeveloped a budget strategy for 2013/14 for approval by Cabinet. We will have identified savings and additional income (including those from commissioning) to meet the budget gap identified for 2013/14. We will have agreed a local policy in response to the localisation of council tax benefit which deals with the implication of a 10% cut in government support. We will have determined the impact on the MTFs of the government proposals for retention of business rates. 	16.10.2012 18.12.2012 31.12.2012 31.12.2012	Mark Sheldon, Director of Resources
We will review the current structure and service provision for ICT and undertake a sourcing project with a particular focus on a shared service model.	<ul style="list-style-type: none"> We will have considered the potential for a shared service with other councils. We will have reviewed the ICT service and identified the service outcomes, including member's requirements and sought member's approval to any immediate investment requirements. We will develop an updated ICT strategy which determines the way forward for the service and gained Cabinet / Council approval. 	30.5.2012 30.6.2012 30.10.2012	Mark Sheldon, Director of Resources
We will develop and publish a fully-costed asset management strategy and contribute to the wider review of asset management being led by Leadership Gloucestershire.	<ul style="list-style-type: none"> Develop the AMP to capture corporate aspirations for the council's property portfolio. We will develop and publish a fully costed Asset Management Plan for approval by Cabinet / Council. We will continue to explore opportunities to work collaboratively with other Authorities and public sector bodies. We will agree an accommodation strategy based on analysis of the options agreed by Cabinet in July 2011. 	31.5.2012 30.6.2012 31.3.2013 31.12.2012	David Roberts, Head of Property Services
We will move to the GO shared service arrangements for Finance, HR, payroll and procurement support.	<ul style="list-style-type: none"> Implementation of Agresso ERP system in CBC. TUPE (Transfer of Undertakings (Protection of Employment) Regulations) transfers of staff to GO Shared Services (Cotswold as the employing council). GO Shared Services savings to commence. 	10.4.2012 30.4.2012 1.10.2012	Pat Pratley, Executive Director

We will move to the full partnership arrangements for audit.	<ul style="list-style-type: none"> • TUPE transfers of staff to Cotswold D.C. • We will have completed an annual audit cycle supported by the partnership. 	30.4.2012 31.3.2013	Mark Sheldon, Director of Resources
We will implement the actions agreed from the Investors in People strategic review.	<ul style="list-style-type: none"> • Develop and agree the action plan by end June 2012. • Review progress against the action plan by end October 2012 	30.06.2012 31.10.2012	Amanda Attfield, Head of HR (GO Shared Services)
We will implement new scrutiny arrangements that enable us to provide a better overview of our commissioning projects.	<ul style="list-style-type: none"> • Work with members and officers to refine new arrangements and develop new procedures • Implement new arrangements after elections and complete induction • Ongoing support for new arrangements during first 6 months and complete review of first year by July 2013 	31.5.2012 31.7.2012	Sara Freckleton, Borough Solicitor and Monitoring Officer Rosalind Reeves, Democratic Services Manager

How will we know what difference we have made in 2012-13

Proposed indicators	Measured by this indicator	Baseline (year)	March 2013 Target	Lead
Financial health indicators	Deliver BtG programme savings / income target for 2012/13 Identify BtG programme savings / income target for 2013/14 Medium Term Financial Strategy (MTFS) funding gap	2012/13 budget MTFS estimate @ Feb 2012 (2013/14) - £734k MTFS estimate @ Feb 2012 2013/14 -2017/18) - £2.1m	£1.12m £0 – ie close 2013/14 budget gap Reduce the residual MTFS gap.	Director of Resources
What will we do directly and be accountable for - Service indicators	No. days lost due to sickness absence % staff appraisals completed Customer relations: <ul style="list-style-type: none"> • number of stage 3 complaints • number of complaints forwarded to the Local Government Ombudsman complaint investigation team. • number of Freedom of Information internal reviews 	TBA for 2011-12 2011-12 100% 2010-11 stage 3 complaints = 8 stage 2 complaints = 7 stage 1 complaints = 196 LGO decisions = 9 FOI - internal reviews = 3	7dys per FTE 100% no targets set; performance to be monitored.	Julie McCarthy HR Operations Manager (GO Shared Services) Jan Bridges HR Learning and Organisational Development Manager (GO Shared Services)

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Ongoing Commissioning Reviews with actions in 2012-13

Leisure and Culture

Improvement Action	Key milestones for 12-13	Dates	Lead
We will bring forward thoughts about the next steps on how best we provide Leisure@ and sports, play and healthy lifestyles as part of our leisure and culture commissioning review.	Discussions to take place with NHS Commissioners to explore future opportunities for direct provision of health related activities, alongside the traditional mix leisure activities that appeal to casual users and members in a challenging and increasingly competitive leisure market.	31.10.2012	Craig Mortiboys, Healthy Communities Partnership Manager Stephen Petherick, Commercial Manager
We will progress the Art Gallery and Museum redevelopment in order that it is able to open on time from June 2013 and within budget.	<ul style="list-style-type: none"> Completion of construction programme Completion of internal fit-out 	31.12.12 31.5.13	Jane Lillystone, Museum, Arts and Tourism Manager
We will review organisational options for Art Gallery and Museum service balancing value for money with the need to deliver a range of agreed outcomes	Report to Cabinet on the options for the delivery of the outcomes for the Art Gallery and Museum	31.7.2012	Pat Pratley, Executive Director
We will test outcomes for the Town Hall and Pittville Pump Room with councils who provide other similar venues.	Outcomes reviewed as part of options appraisal	31.7.2012	Pat Pratley, Executive Director
We will investigate the possibility of major capital investment into the Town Hall to help promote the building as a first class entertainment venue	Initial scoping of investment required for options appraisal Feasibility review depending on outcome of option appraisal	31.7.2012 31.3.2013	Gary Nejrup, Entertainment & business manager / Pat Pratley, Executive Director

Implementation of Ubico

Improvement Action	Key milestones for 12-13	Dates	Lead
We will ensure a smooth implementation of the new Local Authority Company, Ubico, from 1 April 2012	New company established Transfer of SITA employees (Cotswold) work with other partners who wish to join the company	1 4 2012 6.8.2012 31.3.2013	Jane Griffiths, Director Commissioning Rob Bell, Ubico

Implementation of Go

Improvement Action	Key milestones for 12-13	Dates	Lead
We will move to the GO shared service arrangements for Finance, HR, payroll and procurement support.	<ul style="list-style-type: none"> Implementation of Agresso ERP system in CBC. TUPE (Transfer of Undertakings (Protection of Employment) Regulations) transfers of staff to GO Shared Services (Cotswold as the employing council). GO Shared Services savings to commence. 	10.4.2012 30.4.2012 1.10.2012	Pat Pratley, Executive Director

Built Environment

Improvement Action	Key milestones for 12-13	Dates	Lead
We will implement the recommendations of the Built environment commissioning review and prepare for market testing in 2013.	<ul style="list-style-type: none"> Business plan setting out how service will deliver the agreed outcomes First interim review of performance 	31.5.2012 31.11.2012	Mike Redman, Director Built Environment

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Future commissioning reviews planned for 2012-13

Housing options and welfare reform		
service areas:		
<ul style="list-style-type: none"> ▪ Housing management, housing options, housing advice, welfare and benefits, private sector housing 		
Element	assessment	priority
Effectiveness	We have already transferred the majority of housing function to CBH which is rated as excellent. Changes in welfare benefit regulations and the national housing context may impact on effectiveness. The council needs to ensure it has balanced housing market.	Medium
Financial Benefits	HRA self financing provides opportunities to consider outcomes for council stock and tenants. BTG savings identified for housing options. Welfare and housing reforms plus current economic situation could lead to increase in debts.	High
Resilience	There is only a small housing team within council most of service now undertaken via CBH or via advice and inclusion contract. Government proposing changes to way in which benefits are delivered from 2015.	High
Timeliness	<p>The Welfare Reform Act and the Localism Act have introduced major changes and challenges in this area. The Government has drafted a national housing strategy.</p> <p>The member Review Group has been formed to scope out what the impact of these changes will be and also consider other context:</p> <ul style="list-style-type: none"> ▪ Housing advice contract has been re-tendered for April 2012 based on changing needs. ▪ JCS preparation (specifically re affordable homes) and HRA discussions are also timely. ▪ Draft GCC budget for 12-13 shows significant cuts to the Supporting people budget. ▪ The Positive Lives Partnership has identified housing as an important priority. 	High
Risk / opportunity	<p>Welfare and housing reform could result in increasing overcrowding and homelessness.</p> <p>Risk that council may need to put increased funding into hardship payments. Opportunity to be commissioned (CBH) for supporting people activity.</p>	High
Overall Priority (1=top)	1	
Recommendation	Develop the housing and homelessness strategy, private sector renewals and tenancy strategies. This will set the outcomes which the council and partners wishes to deliver and will link to supporting people strategy and emerging delivery plan. Scope out work for review of housing options against these outcomes and source accordingly.	
Potential Partners	GCC, Gloucestershire District councils, CBH, Health, VCS partners, DWP	
Comments	Strategy to be presented to cabinet July 2012. Scoping work already commenced.	

ICT Services		
Element	assessment	priority
Effectiveness	Resourcing conflicts arise when project dates coincide and may limit the council's ability to deliver better community outcomes in which ICT is a key facilitator.	High
Financial Benefits	There is a perception that ICT recharges are high and they are not getting value for money, although the recent SOCITM benchmarking results do not bear this out. The Audit partnership has been requested to investigate in more detail.	High
Resilience	<p>The ICT review, undertaken by Mike Brown from Cotswolds DC has highlighted that there are resilience issues in some roles and potential capacity within others. The most significantly under-resourced area was in database administration where demand has increased but the FTE headcount had been reduced.</p> <p>The introduction of new technologies required by the GO programme have provided challenges and have identified the need for expert advice and support from a third party, probably on a continuing basis.</p>	High
Timeliness	With the establishment of the GO shared services partnership for finance, procurement and HR, there is an opportunity to undertake a review to assess the business case for a shared ICT service.	Medium
Risk / opportunity	It is estimated that the minimum amount of expenditure over the next 18 months to bring the ICT infrastructure back to a robust and supportable state is in the region of £200k. This amount is in additional to what can be financed through existing ICT budgets.	Medium
Overall Priority (1=top)	2	
Recommendation	We will review the current structure and service provision for ICT and undertake a sourcing project with a particular focus on a shared service model. As part of this we will develop an updated ICT strategy which determines the way forward for the service and gained Cabinet / Council approval. This is an improvement action in the 2012-13 action plan to be completed by the end of October 2012.	
Potential Partners	Cotswold DC West Oxfordshire DC Forest of Dean DC	
Comments		

Asset Management		
Service area:		
▪ Property Services		
Element	assessment	priority
Effectiveness	More joined up thinking with other agencies re use of buildings and the community outcomes they are delivering. Leadership Gloucestershire wish to look at opportunities to consider shared services.	High
Financial Benefits	Assets are of high value and high maintenance costs and some are currently underutilised. The council could realise financial benefits from a proactive approach to asset management.	High
Resilience	The property services team is a small team with highly specialised skills.	High
Timeliness	The Localism Act encouraged the use of assets to be considered in context of engaging more with the public and voluntary and community sector organisations. There are budget pressures on public sector agencies to reduce back-office costs.	Medium
Risk / opportunity	Property assets are inextricably linked to services and delivery of outcomes and a review in isolation of other commissioning exercises may not lead to the appropriate decisions.	Medium
Overall Priority (1=top)	3	
Recommendation	Leadership Gloucestershire have established a task and finish group to consider the benefits of joint-working which CBC is supporting.	
Potential Partners	GCC, Districts, health, police and other public sector bodies.	
Comments	Work with Leadership Gloucestershire has started - needs to be built into commissioning review and workplans.	

Green Environment		
Service area: Green space development (parks development, community rangers, allotments) – health and wellbeing division Green space maintenance - Ubico		
Element	assessment	priority
Effectiveness	Better align services with required outcomes arising from other commissioning reviews (eg built environment and leisure and culture) and green space strategy. There is an opportunity to capitalise on localism.	High
Financial Benefits	A service area of high net spend - although there is a recognition that CBC cannot meet all the community's expectations for green space. There is income generated from grounds maintenance contracts and nursery contracts.	High
Resilience	Green environment service delivery is included within Ubico, the new local authority company. Green space development has just moved to health and wellbeing division. Long term sustainability of the service is an issue. The nursery will require investment at some stage.	Medium
Timeliness	Localism and big society provide more opportunities for communities to be more involved in maintenance of local green space. However, with the establishment of Ubico, there is a feeling that we should let the service bed-down in the new structure before proceeding with the commissioning review.	Medium
Risk / opportunity	There is a risk that lack of resources into maintenance of the environment undermines reputation of the council. There are opportunities to consider localism and to also define what the public value from open spaces.	Medium
Overall Priority (1=top)	4	
Recommendation	To review the green space strategy and agree the outcomes to be achieved against which the current service provision can be reviewed. Then move to a commissioning review including an options appraisal in 2013-14.	
Potential Partners	Community groups / friends of groups / Cheltenham in Bloom / FOLK / Ubico / Cheltenham in Bloom.	
Comments		

Communities feel safe and are safe		
Service areas: Community Safety Anti-social behaviour team Community safety partnership CCTV/town centre safety Abandoned cars Licensing Food safety Health and Safety at Work Act pollution control pest control contaminated land air quality animal welfare Environmental health		
Element	assessment	priority
Effectiveness	Area of great interest to the public, review alignment of existing services with required outcomes.	High
Financial Benefits	High net spend - this area includes spend on public protection. Also includes income from licensing and cemetery and crematorium.	High
Resilience	Some public protection activity is specialised. Elements of the team are involved with the leisure and culture review - therefore could impact on capacity within the division to support more than one review.	low
Timeliness	Influenced by appointment of police and crime commissioner in Nov 2012. Positive Lives Partnership has identified 3 crime and disorder priorities for concerted action by partners. Health and wellbeing board only just established and changes in the way in which public health provided ie move from NHS to GCC is not yet finalised.	medium
Risk / opportunity	There is a risk that withdrawal of youth services leads to increases in ASB; Public protection policies are important for the economic vitality of the town and outcomes trying to achieve need to be communicated well.	medium
Overall Priority (1=top)	5	
Recommendation	Public protection and cemeteries and crematorium have just moved into the health and wellbeing division. Needs an opportunity to settle within new division and for director to fully understand the service. Cem and crem is currently shared management post. Close links to health agenda - therefore opportunity for joint commissioning with others.	
Potential Partners	Gloucestershire Police, NHS public health, other district councils, VCS	
Comments	May potentially begin in 2013/14	

Sustainable Economic Growth		
Service areas:		
<ul style="list-style-type: none"> ▪ Economic development ▪ Tourism 		
Element	assessment	priority
Effectiveness	Some opportunities for increased effectiveness across economic development, marketing and tourism functions but reality is that the difference we can make on macro-economic conditions are minimal.	Medium
Financial Benefits	Low net spend on economic development service itself; 12-13 budget proposes deletion of 1 post.	Low
Resilience	The economic development service is currently running with 1 individual.	Low
Timeliness	Glos LEP structure in place now, but still some uncertainty about what its role in promoting Cheltenham. The JCS consultation has concluded, plus moves to complete sale of North Place. Free business clinics are in demand at the moment.	Medium
Risk / opportunity	The risk of double-dip recession making economic growth even harder to come by and that CBC is not in a position to support and stimulate the economy.	High
Overall Priority (1=top)	6	
Recommendation	Do not undertake a full commissioning review, instead focus on commissioning most appropriate form of business support to meet immediate needs; This is an improvement action in the 2012-13 action plan, to be completed by June at the latest.	
Potential Partners	GFirst, Gloucestershire LEP, Business partnership, chamber of commerce, FSB and business pride	
Comments		

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Council Diary September 2012 to August 2013

Accountable member	Cabinet Member Corporate Services, Councillor Colin Hay
Accountable officer	Director of Commissioning, Jane Griffiths
Accountable scrutiny committee	Not applicable
Ward(s) affected	
Significant Decision	No
Executive summary	<p>The proposed diary of Council meetings for September 2012 to August 2013 is attached as an Appendix 1.</p> <p>A provisional diary for September 2013 – August 2014 will follow the same pattern but has not been produced at this stage in order that the diary can be reviewed after the first year of the new scrutiny arrangements and once the future of the Standards Committee has been confirmed.</p> <p>The start time for planning view meetings is again omitted to give greater flexibility in arranging an appropriate start time dependent on the time of the year and number of sites to be visited. The dates and times for the Cabinet are shown for information only as it is for the Leader of the Council to determine the Cabinet meeting dates. However they follow the current pattern of time and frequency.</p> <p>If it is necessary to make any subsequent amendments to the draft diary, these will be reflected in the published diary.</p>
Recommendations	<p>I therefore recommend that</p> <ol style="list-style-type: none"> 1. The draft Council Diary of meetings for September 2012 – August 2013 be approved. 2. The revised dates for the current diary as set out in paragraph 2.1 be noted.

Financial implications	<p>No Financial Implications Contact Officer: Mark Sheldon E-mail mark.sheldon@cheltenham.gov.uk Tel 01242 264 123</p>
Legal implications	<p>No specific legal implications arising from the recommendations Contact Officer: Peter Lewis E-mail peter.lewis@tewkesbury.gov.uk</p>

HR implications (including learning and organisational development)	To note in particular the consultation feedback at para 3. the need to work more flexibly, office cover arrangements, and expressed concerns regarding work-life balance, which will need to be kept under review. Contact Officer: Amanda Attfield E-mail: amanda.attfield@cheltenham.gov.uk Tel 01242 264186
Key risks	None
Corporate and community plan Implications	The diary of council meetings supports the democratic process.
Environmental and climate change implications	None

1. Background

1.1 This year the rationale for the diary included;

- Avoid Easter, August and Whitsun half terms, Friday evenings.
- The new arrangements for Overview and Scrutiny (O&S) include a bi-monthly meeting of the new O&S committee which have been scheduled in the diary replacing the three previous O&S committees.
- Evening meetings have been scheduled at 6pm to facilitate members attendance after the working day. This includes the Asset Management Working Group and the Treasury Management Panel which previously started at 5 pm.
- At this stage the future of the standards regime is unknown, so provisional dates have been set for the Standards Committee based on the current frequency. These may need to be amended once the regime is finalised. The start time of the meeting has been amended to 6 pm and this has necessitated the move from a Friday afternoon to a Thursday evening.
- As far as possible meetings of a particular committee scheduled on the same day of the week.
- Generally, once a working group has been established it will be permitted to schedule meetings at a time to suit those members involved.

2. Amendments to the current Council diary

2.1 Members should note that as the new scrutiny arrangements come into affect following the Selection Council on 14 May 2012, the Council diary for May to July 2012 has been amended accordingly.

- EBI, Environment and Social and Community O&S in June and July have been removed.

- **the first meeting of the new O&S committee has been scheduled for 6 pm on Monday 28 May followed by a second meeting on Monday 16 July.**

- **the Budget Scrutiny working group has been rescheduled from 28 May to Monday 9 July 2012. This will allow any new members to attend finance training before joining the group.**

3. Consultation and feedback

- 3.1 The draft diary was circulated to all councillors and relevant officers in January as part of the consultation. Minor changes were made as a result of the feedback received.
- 3.2 Some members expressed a preference for afternoon meetings or a 5 pm start rather than a 6 pm start time.
- 3.3 Officers have also expressed some concerns regarding the extent of evening meetings and the impact on their work life balance. As well as the formal committee meetings, officers may be required to attend chair’s briefings and there has been an increase in member working groups requiring officer support. With the removal of evening attendance allowance, officers are encouraged to work flexibly by taking time off during the day or time-off in lieu. This can have an impact on their availability during the day and officer cover and taking time off, on or around the day of the meeting is not always possible.

4. Performance management –monitoring and review

- 4.1 Not applicable

Report author	Rosalind Reeves E-mail rosalind.reeves@cheltenham.gov.uk Tel 01242 774937
Appendices	1. Draft Council Diary September 2012 – August 2013

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DRAFT

September 2012 to August 2013

September 2012

Monday 3	<i>Start of School Term 1</i>	
Tuesday 4		
Wednesday 5		
Thursday 6	Asset Mgmt Working Group	6.00 pm
Friday 7	Licensing	2.30 p.m.
Monday 10	Special Council meeting (JCS preferred options document)	6.00 pm
Tuesday 11	Budget Working Group	6.00 pm
Wednesday 12	<i>Member Seminar (provisional)</i>	6.00 p.m.
Thursday 13	O&S Committee	6.00 pm
Friday 14		
Monday 17		
Tuesday 18	<i>Planning View</i>	
Wednesday 19	Audit	6.00 p.m.
Thursday 20	Planning	6.00 p.m.
Friday 21		
Monday 24		
Tuesday 25	Cabinet	6.00 pm
Wednesday 26	Public Arts Panel	5.30 pm
Thursday 27	Standards	6. 00 p.m.
Friday 28		

Note: September 16 is Battle of Britain Day. (Date of commemoration service to be confirmed).

October 2012

Monday 1	Treasury Management Panel (Training session)	6.00 pm
	<i>Deadline for Council questions</i>	<i>10.00 a.m.</i>
	<i>Deadlines for Council motions</i>	<i>12 noon</i>
Tuesday 2		
Wednesday 3		
Thursday 4		6.00 p.m.
Friday 5	Licensing	2.30 p.m.
Monday 8	Council	2.30 p.m.
Tuesday 9		
Wednesday 10	<i>Member Seminar (provisional)</i>	6.00 p.m.
Thursday 11		
Friday 12		
Monday 15		
Tuesday 16	Planning View Cabinet	6.00 p.m.
Wednesday 17		
Thursday 18	Planning	6.00 p.m.
Friday 19		
Monday 22	<i>Half Term</i>	
Tuesday 23		
Wednesday 24		
Thursday 25		
Friday 26		
Monday 29	<i>Start of School Term 2</i>	
Tuesday 30		
Wednesday 31		

November 2012

Thursday 1		
Friday 2	Licensing	2.30 p.m.
Monday 5		
Tuesday 6	Budget Working Group	6.00 p.m.
Wednesday 7		
Thursday 8		
Friday 9		
Monday 12		
Tuesday 13	Cabinet <i>Planning View</i>	6.00 p.m.
Wednesday 14		
Thursday 15	Planning	6.00 p.m.
Friday 16		
Monday 19	Treasury Management Panel	6.00 p.m.
Tuesday 20		
Wednesday 21		
Thursday 22		
Friday 23		
Monday 26	O&S Committee	
Tuesday 27		
Wednesday 28	Public Arts Panel	5.30 pm
Thursday 29	<i>Member Seminar (provisional)</i>	6.00 pm
Friday 30		
Remembrance Sunday 11 th November		

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December 2012

Monday 3		
Tuesday 4		
Wednesday 5		
Thursday 6	Asset Management Working Group	6.00 p.m.
Friday 7	Licensing	2.30 p.m.
Monday 10	<i>Deadline for Council questions</i>	<i>10.00 a.m.</i>
	<i>Deadline for Council motions</i>	<i>12 noon</i>
	<i>Member Seminar (provisional)</i>	6.00 p.m.
Tuesday 11	Cabinet	6.00 p.m.
Wednesday 12		
Thursday 13	Standards	6.00 p.m.
Friday 14		
Monday 17	Council	2.30 p.m.
Tuesday 18	Planning View	
	Cabinet (Interim Budget)	6.00 p.m.
Wednesday 19		
Thursday 20	Planning	6.00 p.m.
Friday 21	<i>End of School term</i>	
Monday 24	<i>School Christmas Holidays</i>	
Tuesday 25	Offices closed	
Wednesday 26	Offices closed	
Thursday 27		
Friday 28		
Monday 31	<i>School Christmas Holidays</i>	

January 2013

Tuesday 1	Offices closed	
Wednesday 2		
Thursday 3		
Friday 4	Licensing	2.30 p.m.
	<i>Start of School Term 3</i>	
Monday 7	Budget Working Group	6.00 pm
Tuesday 8		
Wednesday 9	Audit	6.00 p.m.
Thursday 10		
Friday 11		
Monday 14		
Tuesday 15	Cabinet <i>Planning View</i>	6.00 p.m.
Wednesday 16		
Thursday 17	Planning	6.00 p.m.
Friday 18		
Monday 21	O&S Committee	6.00 pm
Tuesday 22		
Wednesday 23		
Thursday 24	<i>Member Seminar(provisional)</i>	6.00 p.m.
Friday 25		
Monday 28	Treasury Management Panel	6.00 p.m.
Tuesday 29		
Wednesday 30	Public Arts Panel	5.30 pm
Thursday 31		

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February 2013

Friday 1	<i>Deadline for Council questions</i>	<i>10.00 a.m.</i>
	<i>Deadline for Council motions</i>	<i>12 noon</i>
	Licensing	2.30 p.m.
Monday 4		
Tuesday 5	Cabinet (Budget)	6.00 p.m.
Wednesday 6		
Thursday 7		
Friday 8	Council (Budget)	2.30 p.m.
Monday 11	<i>School Half Term</i>	
	<i>Provisional additional Council(if required)</i>	2.30 p.m.
Tuesday 12		
Wednesday 13		
Thursday 14		6.00 p.m.
Friday 15	<i>Deadline for Council questions</i>	<i>10.00 a.m.</i>
	<i>Deadline for Council motions</i>	<i>12 noon</i>
Monday 18	<i>Start of School Term 4</i>	
Tuesday 19	<i>Planning View</i>	
Wednesday 20		
Thursday 21	Planning	6.00 p.m.
Friday 22	Council Tax Setting	2.30 p.m.
Monday 25	O&S Committee	6.00 pm
Tuesday 26		
Wednesday 27	Member seminar (provisional)	6.00 pm
Thursday 28	Standards	6.00 p.m.

March 2013

Friday 1	Licensing	2.30 p.m.
Monday 4		
Tuesday 5		
Wednesday 6		
Thursday 7	Asset Mgmt working group	6.00 p.m.
Friday 8		
	Cheltenham Gold Cup week	
Monday 11	<i>Member Seminar (provisional)</i>	6.00 p.m.
Tuesday 12	Cabinet	6.00 p.m.
Wednesday 13		
Thursday 14		
Friday 15		
Monday 18	<i>Deadline for Council questions</i>	<i>10.00 a.m.</i>
	<i>Deadline for Council motions</i>	<i>12 noon</i>
Tuesday 19	<i>Planning View</i>	
Wednesday 20	Audit Committee	6.00 p.m.
Thursday 21	Planning	6:00 p.m.
Friday 22		
	School Easter Holidays	
Monday 25	Council	2.30 p.m.
Tuesday 26		
Wednesday 27	Public Arts Panel	5.30 pm
Thursday 28		
Friday 29	Good Friday	

April 2013

	<i>School Easter Holidays</i>	
Monday 1	Bank Holiday	
Tuesday 2		
Wednesday 3		
Thursday 4		
Friday 5	Licensing	2.30 p.m
	<i>Start of School Term 5</i>	
Monday 8	O&S Committee	6.00 pm
Tuesday 9	Budget Working Group	6.00 pm
Wednesday 10		
Thursday 11		
Friday 12		
Monday 15		
Tuesday 16	Cabinet <i>Planning View</i>	6.00 p.m.
Wednesday 17		
Thursday 18	Planning	6.00 p.m.
Friday 19		
Monday 22		
Tuesday 23		
Wednesday 24		
Thursday 25		
Friday 26		
Monday 29	<i>Member seminar (provisional)</i>	6.00 p.m.
Tuesday 30		

May 2013

Wednesday 1		
Thursday 2		
Friday 3	Licensing	2.30 p.m
Monday 6	Bank Holiday	
Tuesday 7		
Wednesday 8		
Thursday 9	Member Seminar(provisional)	6.00 pm
Friday 10		
Monday 13	Annual Council Meeting	5.00 pm
	Inauguration of the Mayor (Town Hall)	6.30 pm
Tuesday 14		
Wednesday 15		
Thursday 16		
Friday 17		
Monday 20		
Tuesday 21	<i>Planning View</i> Cabinet	6.00 p.m.
Wednesday 22		
Thursday 23	Planning	6.00 p.m.
Friday 24		
	School Half Term	
Monday 27	Spring Bank Holiday	
Tuesday 28		
Wednesday 29	Public Arts Panel	5.30 pm
Thursday 30		
Friday 31		

June 2013

Start of School Term 6

Monday 3	O&S Committee	6.00 p.m.
Tuesday 4		
Wednesday 5		
Thursday 6		
Friday 7	Licensing	2.30 p.m.
Monday 10	Treasury Management Panel	6.00 p.m.
Tuesday 11		
Wednesday 12	<i>Member seminar (provisional)</i>	6.00 p.m.
Thursday 13		
Friday 14		
Monday 17	<i>Deadline for Council questions</i>	<i>10.00 a.m.</i>
	<i>Deadline for Council motions</i>	<i>12 noon</i>
Tuesday 18	Cabinet	6.00 p.m.
	<i>Planning View</i>	
Wednesday 19	Audit Committee	6:00 p.m.
Thursday 20	Planning	6.00 p.m.
Friday 21		
Monday 24	Council	2.30 p.m.
Tuesday 25		
Wednesday 26		
Thursday 27	Asset Mgmt. Working Group	6.00 pm,
Friday 28		

July 2013

Monday 1		
Tuesday 2		
Wednesday 3	<i>Member Seminar (Provisional)</i>	6.00 p.m.
Thursday 4	Standards	6.00 pm
Friday 5	Licensing	2.30 p.m.
Monday 8		
Tuesday 9	Budget Working Group	6.00 pm
Wednesday 10		
Thursday 11		
Friday 12		
Monday 15		
Tuesday 16	<i>Planning View</i> Cabinet	6.00 p.m.
Wednesday 17		
Thursday 18	Planning	6.00 p.m.
Friday 19		
Monday 22	Council (if required)	2.30 pm
Tuesday 23	School summer holidays	
Wednesday 24		
Thursday 25		
Friday 26	Licensing	2.30 p.m
Monday 29	O&S Committee	6.00 pm
Tuesday 30		
Wednesday 31	Public Arts Panel	5.30 pm

August 2013

Thursday 1

Friday 2

Monday 5

School Summer holidays

Tuesday 6

Wednesday 7

Thursday 8

Friday 9

Monday 12

School Summer Holidays

Tuesday 13

Wednesday 14

Thursday 15

Friday 16

Monday 19

School Summer Holidays

Tuesday 20

Planning View

Wednesday 21

Thursday 22

Planning

6.00 p.m.

Friday 23

Monday 26

Bank Holiday

Tuesday 27

Wednesday 28

Thursday 29

Friday 30

Cheltenham Borough Council

Council – 26 March 2012

Recommendations of the Independent Remuneration Panel (IRP) regarding Members' Scheme of Allowances

Accountable member	Council
Accountable officer	Director of Commissioning, Jane Griffiths
Accountable scrutiny committee	Not applicable
Ward(s) affected	
Significant Decision	No
Executive summary	<p>The council's current scheme of Members' allowances, (08-09), was adopted in December 2007. The law requires that Members' schemes of allowances are reviewed annually unless they are linked to some form of automatic indexation in which case they must be reviewed at least once in every four years. Before an authority can review its scheme of allowances it must first have considered a report from an Independent Remuneration Panel (IRP). A full review was carried out by the IRP in 2010 and its recommendations were approved by Council in December that year.</p> <p>This year the IRP has been convened to consider the changes to the Standards regime, Members ICT support and new scrutiny arrangements effective from May 2012. At this stage they are not in a position to make recommendations regarding the new standards regime and will consider this later in the year.</p> <p>The IRP have made recommendations regarding the new scrutiny arrangements which are cost neutral.</p> <p>The Council is required to consider the recommendations and, if acceptable, to resolve to adopt them. If the Council rejects the recommendations then the current scheme agreed by Council in December 2010 will remain in place.</p>
Recommendations	<p>I therefore recommend that:</p> <p>Council considers the recommendations set out in the attached IRP report and summarised in part 5 below, and determines whether to adopt them.</p> <p>Council authorises the Director of Commissioning to implement any necessary changes to the scheme of allowances and authorises the Borough Solicitor and Monitoring Officer to make any necessary changes to Council's constitution.</p>

Financial implications	<p>The proposed revisions to allowances are cost neutral and will be contained within the existing budget.</p> <p>Contact officer: Mark Sheldon, Director of Resources, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
Legal implications	<p>The Local Authorities (Members' Allowances) England Regulations 2003 SI 2003/1021 set out a framework for the creation, implementation and amendment of schemes of allowances for Members and Co-optees of local authorities. The main provisions are as follows:</p> <p>Reg 10 imposes the requirement that local authorities make a scheme for payment of basic allowances. Where the authority intends to pay allowances in respect of other matters such as special responsibilities or co-optees then these should be included within the scheme.</p> <p>Schemes of allowances must be reviewed by an Independent Remuneration Panel (IRP) annually and no less than once every four years where they are index linked. Reg 19 stipulates that before an authority can amend or revoke its scheme it must have first considered a report from its IRP and have regard to its recommendations, although the authority is not bound to follow them.</p> <p>R.20(1) requires authorities to establish an IRP either itself or in collaboration with other authorities. The IRP must consist of at least three Members who are not Members of the authority in respect of which they are making recommendations nor disqualified from being or becoming a member of an authority.</p> <p>Under R.20(3) Authorities are empowered to pay the expenses incurred by the IRP in carrying out its functions and this includes such expenses or allowances as the authority shall determine.</p> <p>R.16 and 22 impose a number of requirements as to the publication of the newly adopted scheme and the recommendations received from the IRP considered at the time of formulating and adopting the scheme. The publicity requirements are intended to publicise the scheme adopted and highlight any differences between it and the one recommended by the IRP</p> <p>Contact officer: Donna Ruck, Solicitor, One Legal, donna.ruck@tewkesbury.gov.uk, Tel: 01684 272696</p>
HR implications (including learning and organisational development)	<p>In the current economic climate any variations to the current member allowance scheme will need to be handled sensitively. Effective communications with employees and the recognised trade unions will be needed to clarify and help ensure understanding of why the increase is needed, and how it has been arrived at.</p> <p>Contact officer: Julie McCarthy , HR Operations Manager julie.mccarthy@cheltenham.gov.uk, 01242 26 4355</p>

Key risks	The determination of allowances is a sensitive subject both from the perspective of Councillors themselves and the public who elect them. In view of this it is important that any scheme adopted is objectively reasonable and based upon some logical and fair mechanism.
Corporate and community plan Implications	None
Environmental and climate change implications	None

1. Background

- 1.1 The Local Authorities (Members' Allowances) England Regulations 2003 sets out the framework within which local authorities can establish and amend schemes providing for the payment of allowances to Elected and Co-opted Members of their councils. In particular the regulations provide that schemes which are linked to an index to determine annual increases in allowances must be reviewed at least once in every four years.
- 1.2 When reviewing its scheme a council may not adopt a new scheme or re-adopt an old scheme without first having considered the recommendations of an Independent Remuneration Panel established for that purpose.
- 1.3 The existing scheme of Members' allowances in place at Cheltenham Borough Council was adopted in March 2007 and provides for basic allowances for all elected Members, special responsibility allowances (SRAs) paid in respect of identified roles and responsibilities and travel and dependent carers payments. The scheme was last reviewed in December 2010 following the full review by the IRP panel and the revised scheme agreed by Council in December that year.
- 1.4 In the budget agreed by Council in February 2010, Members' and Mayoral allowances were frozen for a period of 5 years in the Medium Term Financial Strategy up to and including 2014/15 and SRAs for the Leader and Cabinet Members were reduced by 5% as a budget saving. Consequently there was no need for the panel to meet in 2011. This freeze is still in operation and the IRP were made fully aware of the latest budget situation within the council.
- 1.5 This year the panel have been convened to consider the new scrutiny arrangements effective from May 2012, Members ICT support and the new standards regime. The panel met on 27 February 2012 and concluded their recommendations in one meeting. At this stage they are not in a position to make recommendations regarding the new standards arrangements and will review this matter later in the year.
- 1.6 The next full review required by legislation will commence in September 2014 reporting to Council in December 2014.

2. Rationale for recommendations

These are set out in the IRP report.

3. Alternative options considered

- 3.1 The review undertaken by the IRP constitutes a thorough and reasoned analysis of the allowance

rates applicable to Councillors and those co-opted to serve the council. In reaching its conclusions it has taken advice and gathered a range of information and considered a range of options which are detailed in their report.

4. Consultation and feedback

4.1 Detailed in the IRP report in Appendix 2.

5. The recommendations

5.1 The recommendations and the rationale for them are set out in the IRP report but I summarise them here:

1. That the Special Responsibility Allowance (SRA) for the chair of Overview and Scrutiny under the new scrutiny arrangements should be increased from the current **£1,361 to £2,722**, effective from the date of Selection Council on 14 May 2012.
2. That a Special Responsibility Allowance (SRA) for the role of vice-chair of Overview and Scrutiny will be introduced under the new scrutiny arrangements of **£1,361**, effective from the date of Selection Council on 14 May 2012.
3. That the IRP be reconvened to consider the SRAs for the Chair of Standards Committee and Independent Members once the details of new Standards Regime is known.
4. That steps should be taken to implement the recommendation made in 2010 that a member should not be expected to pay for a laptop or VPN link for council use from their basic allowance and a budget should be set aside for this within ICT to ensure that all Members have the tools they need to carry out their role effectively.
5. That all other aspects of the Members Allowance Scheme remain unchanged.

6. Performance management –monitoring and review

6.1 The IRP are recommending that they may need to reconvene to review the details of the new Standards Regime once it is known. The IRP propose to review the SRAs for overview and scrutiny once they have been operating for at least 12 months to ensure the SRAs are set at an appropriate level and will require evidence of how the new roles in O&S are operating in practice.

Report author	Contact officer: Rosalind Reeves, Democratic Services Manager , Rosalind.reeves@cheltenham.gov.uk, 01242 774937
Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. IRP Report
Background information	<ol style="list-style-type: none"> 1. Part 6 CBC Constitution – Members’ Scheme of Allowances

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
	If Members appointed to the role of chair and vice-chair of O&S do not embrace the full scope of the role then the increase in SRAs may not be justified.			3	2	6		Role specs to be produced emphasising the scope of the role and skills needed and Group Leaders encouraged to take this into account when making their nominations. IRP to review after 12 months.		Democratic Services Manager	
	Poor public perception if allowances are increased during current economic climate and cuts			2	4	8		Emphasise in the report that outcomes for O&S roles are cost neutral as number of O&S committees is being reduced from 3 to 1.		Jane Griffiths	

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Cheltenham Borough Council

A report and recommendations of the Independent Remuneration Panel

March 2012

1. Summary

- 1.1 A meeting of the Independent Remuneration Panel (IRP) was convened on 27 February 2012. We were asked to consider three issues namely:
- new scrutiny arrangements effective from May 2012
 - new arrangements for Standards Committee effective from July 2012.
 - Members ICT support
- 1.2 The Democratic Services Manager wrote to all elected Members via e-mail on 7 February 2012 asking for any issues that Members may wish to be considered by the panel to be notified by 17 February. No responses were received however there has been input from Members in other forms which is set out under the relevant sections in this report.
- 1.3 The meeting was attended by all members of the panel and supported by the Democratic Services Manager, Rosalind Reeves and Donna Ruck, a solicitor from One Legal. We were presented with a discussion document which updated the panel on issues regarding the current scheme and asked us to focus on the following outcomes:
- 1. To agree recommendations on SRAs to support the new scrutiny arrangements**
 - 2. To note the imminent changes to the Standards regime and receive a further report once the arrangements are finalised**
 - 3. To establish principles for Members ICT support and receive a further report once the full costs are known.**

2. New scrutiny arrangements

- 2.1 The panel was briefed on the new scrutiny arrangements and our aim was to review the new roles and responsibilities under the revised arrangements and to make recommendations for any Special Responsibility Allowances which should apply. In order to do this we also looked at evidence relating to the current scrutiny arrangements and how they might change going forward.

The Evidence

- 2.2 Cheltenham Borough Council established its scrutiny function in November 2001, with three new committees being formed in October 2002 to mirror the new corporate

structure at that time. These committees were the Economy and Business Improvement (EBI), Environment and Social and Community Overview and Scrutiny Committees and they have remained in place since that time. Currently chairs of the O&S receive an SRA of £1,361 per annum.

2.3 In May 2011, the Group Leaders asked the Chief Executive to consider whether the current arrangements for scrutiny within the Council would be effective with the move to become a commissioning council. They agreed that a review should be carried out to identify what changes needed to be made, in time for their implementation following the borough elections in May 2012.

2.4 The final project brief was agreed in July 2011 with the following objective:

'To ensure an effective scrutiny process operates in Cheltenham Borough Council which supports commissioning and achieves positive outcomes for the town'

An emphasis was made in the brief that the new scrutiny arrangements should focus on outputs rather than inputs, that is achieving positive outcomes for the town. This was in line with the council's philosophy on commissioning.

2.5 In December 2011, Council agreed a set of principles for the new scrutiny arrangements. The new structure supports a move away from the current three committee structure to a structure based on one overarching committee and task and finish groups. It is not intended that all the work of the existing three committees would be passed over to the new committee but rather that the new committee would play more of a managing and co-ordinating role and set up task and finish groups to do the more detailed work.

2.6 It is also envisaged that there would be more public involvement in the process by co-opting people to serve on a task and finish group because of their expertise or knowledge in the issue being scrutinised. Currently the council does not pay any allowance for existing permanent co-optees on the Social and Community O&S committee but the council does pay travel expenses on production of any receipts.

2.7 Estimates of current time spent by existing O&S chairs

Chairs of the 3 current O&S committees were asked to estimate the time they spent on each meeting cycle. The estimates for the EBI and Social and Community were in the order of 9-10 hours per meeting cycle and involved attending chairs briefings, preparation and reading papers, attending meetings, reviewing minutes, dealing with e-mails related to the committee and reviewing Cabinet papers and the forward plan. The estimate for Environment was slightly higher at 13 to 16 hours per meeting cycle. The higher figure seemed to be due to the increased workload dealing with issues arising from the remit of the committee and the regular attendance at Cabinet meetings where these issues were being discussed.

2.8 Current SRAS for comparison

When considering the new roles for O&S, we felt it was particularly relevant to look at the existing SRAs in the council and the relative scores for the roles of Cabinet Member, chair and vice-chair of Planning Committee and current chair of an O&S committee. We could then make comparisons on the relative skills and experience needed to carry out the role, the risk and responsibilities associated with it and the

amount of time that was likely to be needed.

2.9 Other councils for comparison based on analysis of 2010/11 Members Allowances returns for the South West

The initial results from the analysis of 2010/11 Members Allowances returns for the South West provided us with some comparative data which are set out in the table below.

2.10 Officer and member feedback

At a scrutiny workshop on 20 February 2012, Members and officers discussed the new roles for scrutiny. They were asked to give their views on the following aspects of the role.

Skills - the attendees felt that the chair of overview and scrutiny would need a range of skills and expertise including management and organisation, communications, chairing skills, enthusiasm, ability to build relationships and challenge the status quo.

Knowledge and Experience - would require experience of chairing a formal committee and a good knowledge of overview and scrutiny and how the council operates.

Responsibilities – the attendees felt that the responsibilities of the chair would be high and they would be responsible for making the new arrangements work effectively and the quality of the scrutiny outcomes. They would need to raise Members' confidence in the ability of O&S to make a difference and encourage their active contribution.

They would need to have the time available to spend on dealing with the various issues. They felt this would exceed the time spent by current O&S chairs and a figure of up to 10 hours per week was mentioned. The chair would need the support of a vice-chair and would need to delegate some of the work to them and therefore the vice-chair role would be much more than just deputising for the chair when they were not able to attend the O&S committee meeting.

2.11 A draft role specification and a person specification for the new chairing role of O&S was presented to us together with a role specification for the vice-chair/lead member role. These role specs are contained in Appendix A. The specification for officer roles was also included to give the panel an understanding of the level of officer support. Under the new arrangements, the chair will have the support of the Democratic Services Manager and a Lead Officer and we understand the Chief Executive will be undertaking this role for the first few months.

2.12 The South West Councils provided some guidance in their practical guide in 2010 on the role of Overview and Scrutiny chair saying;

“One Panel for a Unitary Authority in the South West discovered that, within the same authority, two chairs had completely different ideas about the expectations and duties of their role. In one case the role was little more than presiding at meetings with an element of agenda management. The other chair gave robust evidence to support his role as a functional leader for overview and scrutiny in the authority. This role involved coordination of work programmes to ensure committees were working to their capacity as well as a leading role in championing scrutiny within the council and the community.”

*The issue for Panels to consider is **whether to value the role as described** in evidence by the post-holders or the role as defined/required by the council.*

Our conclusions

2.13 We concluded that the new role for the chair of O&S was greater than the current role of chair of an O&S committee for the following reasons:

1. Whereas the current role of chair of an O&S committee centred on preparation and follow up to the meeting itself, the new chair, in order to be fully effective, would be much more of an ongoing role to deal with a whole range of issues where scrutiny may have an interest. However at this stage there is no way of measuring this and we would need evidence of time spent when we come to review the role.

2. The role would have a significant impact on the success of the new arrangements and it was important to recognize this level of responsibility.

3. The role would have a lot of officer support particularly in the first few months.

4. The strong support of a vice-chair will be important and it is anticipated that the vice-chair would also spend time outside meetings progressing some of the issues on behalf of the chair and being involved in consultations with the chair in a similar way to Planning Committee.

5. Although the political lead member on the O&S committee may have some additional responsibilities to a normal committee member we did not consider this was sufficient to warrant any form of SRA.

5. The new role would require a significant level of experience and skills, not just in chairing meetings but in negotiating and communicating with others.

2.14 After considering all these factors we decided that the new role of chair of O&S needed a level of knowledge and skills comparable with a Cabinet Member or chair of Planning Committee and higher than the existing chair of an O&S Committee. The responsibility and risk was less than a Cabinet Member as O&S was not responsible for making decisions but it was on a par with the responsibility and risk associated with the Planning role. This factor was unchanged from current role of O&S chair. The final factor in the scoring mechanism for determining the SRA is the estimated number of hours per week for the role. At this stage we have opted for a conservative estimate of 4 hours per week. We would want to see evidence that in practice the full extent of the role is being carried out before we increase this and we have taken into account the average hours spent in the current role.

2.15 Taking all this into consideration our first recommendation is as follows:

Recommendation 1: That the SRA for the role of chair of Overview and Scrutiny under the new arrangements should be set to £2,722 and £1361 for the vice-chair and this should be reviewed after the new arrangements have been implemented for a minimum period of 12 months.

2.16 We were also advised of the current financial constraints operating within the Council and although we did not take this into account when making recommendations, we did note that the proposals above would be cost neutral in terms of the total SRAs for O&S.

2.17 We considered that the council should continue with the current practice of paying travel expenses to co-optees but not introduce any additional allowance.

- 2.18** We also briefly considered the chairing of a scrutiny task group. We understood that it was part of the new scrutiny arrangements that all non-executive Members should be prepared to put themselves forward for scrutiny task groups. The chairmanship of such a group is something that a member would be expected to pick up as part of their basic allowance.

3. New Standards Regime

- 3.1** We were also updated on the current allowances relating to the current Standards Committee and the impact of the potential changes to the standards regime.

Evidence

3.2 Standards Committee chair and Independent Members of the Standards Committee

The local filter arrangements, whereby local standards committees deal with complaints against their Members or parish councillors, came into force in May 2007. The SRAs set for the chair of the committee and for the independent Members were based on their attendance at 4 meetings of the Standard Committee and attendance at 8 subcommittees per annum.

- 3.3** We understand that the Standards Board for England will cease to exist from March 2012 and local authorities are awaiting clarification on the changes required to local arrangements from July 2012. Local authorities will be able to adopt a local code of conduct and opt to continue to have some form of Standards Committee to deal with local complaints against parish councillors or borough councillors.

Our conclusions

- 3.4** At this stage we cannot estimate the scope of the role of the chair of Standards Committee or its Members so the panel will need to meet again once details are known to make recommendations on the appropriate levels of allowance for the chair and independent Members.

Recommendation 2

That the IRP be reconvened to consider the SRAs for the chair of Standards Committee and Independent Members once the details of new Standards Regime is known.

4. ICT provision

- 4.1** In 2010 the panel were asked to consider the provision of ICT equipment to Members. The current position is that all Members are entitled to a council laptop for their use as an elected Member and this remains the property of the council and must be returned at the end of their term of office. Some Members opt to use their own computer and from their Internet access they can access their e-mails via a web access system. Members are expected to pay for their own broadband connection.
- 4.2** In our report to Council in 2010 we said the following:

ICT provision is essential for Members in carrying out their role effectively and forms a key part of communication with the public, Members and officers. New Councillors have always been offered a council laptop and these laptops are returned when they leave office. There is also a provision for Members to access the Council network from home using a Virtual Private Network, VPN. Many Members opt to use their own PC at home but can then only access web outlook due to security constraints imposed by central government.

We understand that there are currently no spare laptops if an additional councillor was to request one and that there is no budget for new Members laptops or replacing existing ones, either in ICT or in the budgets held by Democratic Services. There is also a charge associated with VPN of an initial outlay of £400 and thereafter £200 per annum and again there is no budget for this.

We were asked to consider whether we thought ICT provision should be covered within the basic Members' allowance. We feel that Members should be responsible for providing their broadband connectivity, paper, printing cartridges etc but the Council should provide Members with essential ICT equipment such as a laptop and if required the VPN link. A budget should be set aside for this.

We made the following recommendation

A member should not be expected to pay for a laptop or VPN link for council use from their basic allowance and a budget should be set aside for this within ICT to ensure that all Members have the tools they need to carry out their role effectively.

The recommendation was agreed by Council.

The Evidence

- 4.3** Since that recommendation was agreed, we understand that the situation has remained largely unchanged with regard to the financial support and a dedicated budget has not been set up. Any demand for additional laptops for Members has been accommodated by recycling ones that have been returned or financing a new purchase from existing budgets.
- 4.4** A review of ICT has been initiated and Members ICT support forms a part of this review. As a result of this, there have been specific meetings held to discuss future technology which could be provided to Members to support them in their role. The expectation is that new modes of connectivity may enable Members to make more use of their own ICT facilities at home and still achieve full functionality and the ability to access the council's own network with all the information that they require.
- 4.5** If it is the case that Members can use their own ICT facilities, it has been suggested that instead of the current provision of a council laptop, it may be more appropriate to offer Members a financial amount with which they could purchase their own ICT facilities. The amount would be sufficient to buy the basic equipment which would enable them to carry out their council work with the appropriate levels of security however Members could choose to top up the amount with their own money and buy a more advanced piece of equipment with added facilities for their own use.

- 4.6 The council has elections in May 2012 and there may be new Members who require ICT facilities. The decision on the way forward is unlikely to be made in these timescales and therefore finance will need to be made available to purchase new laptops for any new Members that require them.

Our conclusions

- 4.7 As the IRP, it is not part of our role to consider the type of ICT provision provided to Members but only the level of financial support payable under the Member Allowances Scheme.
- 4.8 Regarding the suggestion that Members should receive a separate ICT allowance, we feel this can only be considered once the outcomes of the ICT for Members review is concluded.
- 4.9 In the absence of any further evidence, we see no reason to deviate from our previous recommendation and repeat it here to emphasise the position we would like to see adopted for new Members following the elections in May 2012.

Recommendation 3

That a member should not be expected to pay for a laptop or VPN link for council use from their basic allowance and a budget should be set aside for this within ICT to ensure that all Members have the tools they need to carry out their role effectively.

- 4.10 A further report should be brought back to the panel once the ICT review has been completed and at that stage some additional research should be done to inform the panel of what happens with regard to ICT allowance at other councils.

5. Summary

- 5.1 As there were no other matters that the panel were asked to consider, we advise that all other parts of the Members Allowance Scheme remain unchanged and we ask Council to consider the recommendations set out in this report.

Panel Members:

Mr Paul Johnstone (chairman)	Director of Operations, RR Donnelley Global Document Solutions Panel Previous Member for Tewkesbury BC IRP
Mr Quentin Tallon (vice-chair)	Cheltenham TUC and Panel Member for Gloucestershire CC IRP
Mrs Patricia Dundas	Gloucestershire Hospitals
Mrs Joyce Williams	Retired Public Servant

Appendices	<ol style="list-style-type: none">1. SRAS for other councils2. Role specs for chair and vice-chair of O&S
Background papers	Report of the IRP to Council 13 December 2010 Current Members Allowance Scheme – Part 6 of the Council's Constitution

Appendix A

SRAS IN OTHER SOUTH WEST DISTRICT COUNCILS

All figs per annum	Basic Allowance	Cabinet Member	Chair of PC (vice-chair in brackets if applicable)	Chair of O&S(vice-chair brackets)
Cheltenham	5066	12,929	2268 (1134)	Currently 1,361
Glos County	8800	17,599	5808	5808
Forest of Dean	4100	5740	4100 (2050)	4100
Cotswold	4000	6000	4000 (1333)	4000 (1333)
Tewkesbury (4 th option)	7200	n/a	1984	1984
Glos City	5250	9180	3150 (1050)	3150 (1050)
Stroud	4616	9863	4704 (918)	4704 (918)
Average over 16 South West District Councils in 2010/11	4397	Not applicable	4657 12 of these 16 councils or 75% payed an average of £2028 for the vice chair	4161 6 of these 16 councils or 38% payed an average of £1830 for the vice chair role.

Elected Members
Role of Chair of Overview and Scrutiny
Role Description

PURPOSE: To provide strong leadership and direction for overview and scrutiny in the Council and ensure the scrutiny and review processes are carried out effectively in accordance with the Council's constitution and the terms of reference for the committee.

1. To chair meetings of the Overview and Scrutiny Committee and act as principal spokesperson for its work.
2. To take a lead on the implementation of the new scrutiny arrangements and ensure their success by championing the work of scrutiny, promoting its achievements and encouraging all members to actively participate in an A political way.
3. To manage and co-ordinate the scrutiny process, working with the Lead Officer for O&S and Democratic Services, focusing on structure, process and quality of outcomes.
4. To set up effective communication links with the Leader and Cabinet Members and ensure they are briefed at the appropriate time on significant issues relating to the work of O&S and challenged on the follow up of any scrutiny recommendations agreed by the Cabinet.
5. To set up effective communication links with partnerships and other bodies who work with the council so that they can be involved in the scrutiny process.
6. To promote the work of scrutiny to the public and ensure outcomes are widely communicated.
7. Act as a spokesperson to the media for the committee and take a proactive role in communicating with the media on the work of the committee where there is a strong public interest.
8. Take a lead in developing the scrutiny workplan consulting with the relevant Directors and partners and taking account of corporate priorities and available officer resources.
9. Meeting bi-monthly with the Lead Officer, Democratic Services officer and the lead members on the O&S committee to manage and co-ordinate the workplan and any key issues arising.
10. In consultation with the Vice Chair and lead member from other parties, deal with urgent business including the setting up of scrutiny task groups according to the procedure set out in the constitution.

11. Ensure that every task group has clear terms of reference and an appropriate timescale is agreed, taking into account the officer resources required to support it and ensure a process is in place to follow up and monitor any recommendations subsequently agreed.
12. Promote the development of members' skills and competencies in scrutiny and ensure the work is shared equitably across the non executive members and raise any concerns through the Group Leaders.
13. Ensure that officers and witnesses are introduced to the committee at meetings and that they are always treated with respect and consideration according to the witness protocol.
14. Work with officers on the production of final reports for work carried out by the O&S committee and present the final report and recommendations to the Cabinet or Council.

Role of Vice Chair of Overview and Scrutiny

Role Description

PURPOSE: To support the chair in providing strong leadership and direction for overview and scrutiny in the Council and work to promote and facilitate cross party agreement in carrying its aims and objectives.

1. Chair meetings of the O&S committee in the absence of the chair and ensure the scrutiny and review processes are carried out effectively in accordance with the Council's constitution and the terms of reference for the committee.
2. Meet bi-monthly with the Chair, Lead Officer, Democratic Services officer and the lead members on the O&S committee to agree the agenda for each meeting and review the work programme for the coming year.
3. Promote the development of members' skills and competencies in scrutiny within their group and ensure the work is shared equitably across the non executive members and raise any concerns through their Group Leader.
4. In consultation with the Chair and lead member from other parties, deal with urgent business including the setting up of scrutiny task groups according to the procedure set out in the constitution.
5. To pick up delegated work from the Chair to support them in their role.

Lead Member

The Lead member would be invited to attend the bi-monthly meetings and 3-4 and generally would be involved to a much lesser extent to the Vice Chair. Their presence is to encourage cross party working across scrutiny.

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**Cheltenham Borough Council
Council – 26 March 2012**

Constitution Working Group - Review of the Constitution

Accountable member	Cabinet Member Corporate Services – Councillor Colin Hay
Accountable officers	Director of Resources, Director of Commissioning and the Borough Solicitor
Accountable scrutiny committee	Economy and Business Improvement
Ward(s) affected	None specifically
Key Decision	No
Executive summary	<p>This report takes forward the decisions of the Council made in October and December 2011 in approving a revised Part 3 of the Constitution – Responsibility for Functions, revised Finance Rules and new arrangements for Overview and Scrutiny. The Constitution Working Group has now met on a number of occasions to consider the amendments which are necessary to the Council’s Constitution to reflect the decisions referred to above and other changes which have been made over the past two years. Revisions are also necessary to the Contract Rules to reflect the new arrangements which will be in place when the GO shared service is implemented on the 1st April 2012. The report recommends significant changes to the Overview and Scrutiny Rules, the Budget and Policy Framework Rules (set out in Appendices 1 and 3 respectively) consequent upon the new approach to the Responsibility for Functions and the Overview and Scrutiny changes.</p> <p>The Council is being asked to approve further revisions to Part 3 of the Constitution – Responsibility for Functions which has been further reviewed following approval in principle by the Council in October 2011 (Appendix 4).</p> <p>The Articles of the Constitution (Part 2) have been revised and updated and are attached at Appendix 5.</p> <p>Further textual amendments to the Constitution as a whole will be necessary once the Council has made its decisions based on this report, as well as to correct any typographic or other inconsistencies or inaccuracies and it is proposed that authority for these corrections, which will not materially alter the Constitution as approved by the Council, is delegated to the Borough Solicitor who will also, in consultation with the Constitution Working Group, reformat the document into a comprehensive and concise form. This work will include devising a Public Participation Scheme to be appended to the Constitution which will bring together into one document, the various ways in which the public can participate in Council business.</p> <p>The report recognises that there will be further amendments to be made later in the year when the implications for the new conduct regime arising from the Localism Act 2011 have been assessed and considered by the</p>

	<p>Council.</p> <p>The Working Group is suggesting some minor changes to the Council Rules of Procedure to slightly extend the timescale for the submission of Member and Public questions to Council and is seeking a view from the Council as to whether it wishes to change the procedure which is used at Council to deal with Motions on Notice. The variations which are put forward for consideration at Appendix 7 would allow Motions to be referred to Cabinet or to Committee as an alternative to debating the Motion at the Council meeting for which Notice is given in order that full information and professional advice may be obtained before a decision on the Motion is taken.</p> <p>Finally, the report seeks Council approval for a revised Employee Code of Conduct which has been comprehensively reviewed and is recommended by the Standards Committee to be adopted as set out at Appendix 8.</p> <p>With the exception of the Finance Rules and Contract Rules which will be implemented on the 1st April 2012, the remaining amendments will take effect from the new municipal year in May 2012.</p>
<p>Recommendations</p>	<p>The Council is asked to</p> <ol style="list-style-type: none"> 1. Approve the revised Overview & Scrutiny Rules – Appendix 1. 2. Approve the revised Indication of Terms of Reference for Overview & Scrutiny Sub-Committee – Appendix 2. 3. Approve the revised Budget and Policy Framework Rules – Appendix 3. 4. Approve the revised Part 2 Articles 1-16 – Appendix 5. 5. Approve the Part 3 Responsibilities for Functions set out in Appendix 4 and the Policy Table in Appendix 4 SUBJECT to the Leader approving the Executive Functions set out in Part 3E (Appendix 4) to take effect from the new municipal year in May 2012. 6. Approve the increase of the membership of the Audit Committee from 5 to 7 members as set out in 5.7. 7. Approve the Contract Rules set out in Appendix 6 for implementation on the 1st April 2012. 8. Approve the amendment to Rule 12 of the Council Procedure Rules – Public and Members Questions, as set out in paragraphs 7.2 and 7.3 of the report. 9. Consider whether or not to make any amendment to Rule 5 of the Council Procedure Rules – Motions on Notice as referred to in paragraph 7.4 of the report. 10. Delegate to the Borough Solicitor, in consultation with the Constitution Working Group , authority to <ol style="list-style-type: none"> i. reformat the Constitution and to make any textual or other

	<p>amendments which are necessary to ensure accuracy and consistency but which do not materially affect the Constitution as approved by the Council.</p> <p>ii. devise a Public Participation Scheme to draw together in one Appendix to the Constitution, the various ways in which the Public may participate in Council business.</p>
Financial implications	<p>The revisions to the budget and policy framework reflect to revised scrutiny arrangements and to clarify the procedure for decisions outside the budget and policy framework.</p> <p>The contract rules have been developed and are largely common to all GO partners. This will ensure that the opportunities for shared procurement are maximised, will standardise the Agresso build process and simplify the arrangements for officers in the shared service working across multiple sites.</p> <p>The proposed changes to audit committee membership will address some of the practical issues recently experienced with having a quorate meeting.</p> <p>Overall, the revisions to the budget and policy framework, financial rules (already agreed) and contract rules proposed allow for increased officer flexibility, within limits, at the same time as strengthening the corporate financial governance of the council.</p> <p>Contact officer: Mark Sheldon, mark.sheldon@cheltenham.gov.uk, 01242 264123</p>
Legal implications	<p>Contained in the report.</p> <p>Contact officer: Sara Freckleton , sara.freckleton@tewkesbury.gov.uk, 01684 272011</p>
HR implications (including learning and organisational development)	<p>There will need to be employee and member awareness of the key changes, in particular regarding the Code of Conduct, scheme of delegations, budget and policy framework, and contract rules so that all are clear about the respective roles and accountabilities. Awareness of the revised scrutiny arrangements is already under way.</p> <p>Contact officer: Amanda Attfield , amanda.attfield@cheltenham.gov.uk, 01242 264186</p>
Key risks	<p>See attached risk assessment – Appendix 0.</p>

1. Background

- 1.1** On the 10th October 2011, the Council approved in principle, a revised Part 3 of the Constitution Responsibility for Functions. This represents 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 provides greater clarity as to the functions exercised by Members and provides for more flexibility within the Officer delegations. The effectiveness of the revisions is reliant upon sufficient safeguards elsewhere in the Constitution, particularly in Part 2 Article 13 (Principles of Decision Making).
- 1.2** At the same meeting, the Council approved revised Financial Rules to reflect the Council's current Political and Management Structures and also to be generic between the GO partners, with local

variation where necessary. The Rules will take effect from 1st April 2012. The Contract Rules have now been revised on the same basis in conjunction with the GO partners and are now placed before the Council for approval in Appendix 6.

- 1.3** On the 12th December 2011, the Council approved revised Overview and Scrutiny arrangements in which the current 3 O&S committees will be disbanded and replaced by a single Overview and Scrutiny Committee and task and finish groups. In approving the new arrangements, the Council endorsed a number of key principles which were set out in the report. The Constitution Working Group was requested to review the constitutional changes required to support the new arrangements for approval by the Council in March 2012. This work has now been completed and the recommended changes to the Constitution are described in section 2 below. The Council also authorised Officers to develop the detailed procedures and processes to support the new arrangements ready for implementation following the Borough elections in May. Work is underway, pending the Council's approval to the changes set out below, and a Protocol is being developed to provide guidance to Members and Officers on the new arrangements. This will be used as the basis for the induction training for members in May.
- 1.4** The Constitution Working Group has now completed its review and is seeking the Council's approval to the recommended revisions which are set out in the Appendices to this report. This concludes the work on revisions to the Constitution which has been ongoing for the past 2 years and which has been approved by the Council previously at various times. Some of the changes already approved have been implemented, the changes to the Financial Rules and the Contract Rules will be implemented from 1st April 2012 and the remaining changes to the Constitution which are recommended in this report will take effect from the next municipal year in May 2012. In the intervening period between the March Council meeting and the start of the municipal year, the opportunity will be taken by the Borough Solicitor, in consultation with the Constitution Working Group to revise the format of the Constitution and also to correct any minor errors or inconsistencies which do not materially affect the Constitution as approved by the Council.

2. Overview and Scrutiny arrangements

- 2.1** In order to bring into effect the changes to the Overview and Scrutiny arrangements which were approved by the Council in December 2011 and in 1.3 above, the Overview & Scrutiny Rules (Appendix 1) have been amended and generally updated for that purpose.
- 2.2** Provision has been made within the Rules for the setting up of and reporting processes for Scrutiny Task Groups which will operate on the basis of Member / Officer Working Groups. There is also the option for the O&S Committee to set up one or more sub-committee(s) to undertake functions on its behalf. In order to give an indication as to the type of terms of reference which may appropriately be selected by the O&S committee, Appendix 2 is attached for information.
- 2.3** Council will note that Rule 8 - Councillor Calls for Action has been included to set out clear processes by which the statutory obligation to deal with a Councillor Call for Action will be facilitated.
- 2.4** The procedures for "call in" of decisions in respect of Executive functions set out in Rule 14 have been comprehensively reviewed and extended to aid clarity and to facilitate the involvement of a scrutiny task group or sub-committee in the "call in" processes. In order to ensure that "call in" matters are dealt with expeditiously so that implementation of decisions is not unreasonably delayed, a backstop time limit of 60 clear working days between the receipt of the "call in" and Council making its final decision on the matter has been specified.

3. Part 4G Budget and Policy Framework Procedure Rules

- 3.1** These Rules have been updated for clarity and for consistency with the proposed revisions to the Overview and Scrutiny Rules. The proposed revisions which are recommended to the Council are attached at Appendix 3.

4. Part 3 of the Constitution – Responsibility for Functions

- 4.1** The overall approach to the allocation of responsibility for the Authority's functions was approved by the Council and Cabinet in October 2011. Further revisions are now put forward, building on the approved principles to give more detail and to provide consistency of approach with other parts of the Constitution as referred to in this report. This also reflects the responsibility of officers for various functions taking account of new arrangements which will be in place from 1st April 2012 (e.g. GO). The revised Part 3 is attached at Appendix 4.
- 4.2** Table 2 of Part 3C recommends an amendment to the remit of the Appointments Committee to include responsibility for determining policies relating to employee remuneration and accordingly it is recommended that the name of the Committee be changed to Appointments and Remuneration Committee.
- 4.3** The functions for the new Overview and Scrutiny Committee are set out in Table 3 of Part 3C (Appendix 4).
- 4.4** The Policy Table which was referred to the Council in October 2011 as part of the revisions to Part 3 has also been updated. This Table 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 to be reviewed. The table includes those policies which comprise the Policy Framework, i.e. those which are produced by the Executive and approved by Council.

5. Part 2 - Articles of the Constitution

- 5.1** The Articles of the Constitution have been amended in order to be consistent with changes made elsewhere to the Constitution. In particular, Article 13 has been substantially amended consequent upon the revisions to Part 3, the Overview and Scrutiny Procedure Rules, and the Budget and Policy Framework Rules.
- 5.2** Articles 1 – 16 are attached at Appendix 5 for Council's approval. These have not been completely re-written, but have merely been updated and, wherever possible, made more concise.
- 5.3** Article 3 relates to Members of the Public and the Council. The Working Group proposes that a separate Appendix will be drawn up setting out comprehensively the various ways in which the public can participate in Council business (e.g. Petitions, Questions etc) and giving detailed information about the procedure and time limits involved. It is considered that this would be much more helpful than the present arrangements where the various ways in which the public can participate are found in different parts of the Constitution. Article 3 will then simply refer to the Public Participation Scheme and give a high level summary of the Public Participation Scheme. It is intended that the drafting of the Public Participation Scheme be delegated to the Borough Solicitor in consultation with the Constitution Working Group.
- 5.4** Article 9 which relates to the Standards Committee has not been amended pending consideration of the changes to be made under the Localism Act 2011 which are referred to in section 8 below.
- 5.6** Article 17 is the Interpretation section of the Constitution in which the words and phrases used throughout the document are defined. This will need to be revised following the Council's decision on this report. As the interpretation is a factual matter, it is suggested that the revision of Article 17 can be delegated to the Borough Solicitor.
- 5.7** The Constitution Working Group considered the membership of the Audit Committee and was of the view that it should be increased from 5 to 7 members.

6. Part 4I – Contract Rules

6.1 The Contract Procedure Rules have also been refreshed in the context of the GO partnership and, as was the case with the Financial Procedure Rules, the partner Councils have worked together to achieve a common form of Contract Rules and Council approval is now sought for the revisions which are attached at Appendix 6 for implementation on the 1st April 2012.

7. Part 4A - Council Procedure Rules

7.1 The Working Group is not recommending any significant changes to the Council Procedure Rules but is suggesting some minor adjustment to the rule on Member and Public Questions and would like the Council to consider whether an amendment should be made to the procedure for dealing with Motions on Notice which are submitted to the Council.

7.2 The current deadline for the submission of Member and Public questions under Council procedure Rule is 10.00 on the 5th Working Day before the day of the meeting. This allows the period of only one working day between the statutory deadline for publication of the agenda and the submission of questions. In order to ensure that both Members and the Public have an opportunity to consider the agenda for a Council meeting ahead of the deadline for the submission of questions, the Working Group considered that the deadline should be extended to midday on the 4th Working Day before the day of the meeting. This will mean that, giving as an example the last Council meeting (24th February), the agenda was published on the Thursday 16th February and the deadline for Public and Member questions was 10.00 a.m. on Friday 17th February whereas, under the revision proposed by the Constitution Working Group the deadline would have been midday on Monday the 20th February.

7.3 In respect of questions submitted by Members of the Public, Rule 12 currently allows a member of the public who has submitted a question but is not present at the meeting, to ask the Mayor to read out the question on their behalf. In the absence of any request the question is taken as read. The Working Group proposes a slight amendment to the Rule to the effect that where a question is submitted but the questioner is not present at the meeting, the question and response are taken as read.

7.4 Rule 5 of the Constitution (Motions on Notice) currently envisages that Motions duly submitted to the Council will be debated at that Council meeting, whether or not the Council has before it the necessary detailed information and any professional advice to inform the debate. The Working Group is seeking a view from Council as to whether an amendment should be made to Rule 5 either

1. to require that Motions are automatically referred to the Cabinet or
2. to decide without debate whether to deal with the Motions at the meeting or to refer it to the Cabinet or Committee for consideration, in each case a decision is taken.

Rule 5 as currently drafted together with an indication as to how 1 and 2 above may be effected is attached at Appendix 7.

8. Officer Code of Conduct

8.1 The Code of Conduct for Employees has been comprehensively reviewed and updated for the purpose of ensuring that the Authority's Employees operate to high ethical standards. The revised Code recommended by the Standards Committee is attached at Appendix 8 for Council approval.

9. Future changes

9.1 The Localism Act 2011 proposes a change to the current conduct regime, which is summarised in the Standards Committee Chairman's Annual report and will need to be put in place subject to regulations which have yet to be enacted. This will involve further changes to the Constitution and a report will be brought to the Council in due course.

10. Incidental matters

10.1 Once the Council has determined the amendments put forward in this report, it is proposed that the Constitution be reformatted and checked for accuracy and consistency prior to publication on the website ahead of the new municipal year in May 2012. There are a number of Appendices referred to within Part 3 (Appendix 1) which will be prepared and included in the final document. It is proposed that the web version be used by Members, rather than issuing a hard copy of the Constitution to each Member of the Council, a copy will be given to each Political Group, a copy will be maintained in the Members room. Therefore authority is being sought for the Borough Solicitor in consultation with the Working Group to reformat the Constitution and to make any textual amendments (including completion of footnotes) to the Constitution to correct any inaccuracies and typographical errors and to ensure consistency and clarity but which do not materially affect the Constitution as approved by Council.

11. Reasons for recommendations

11.1 To ensure that the Council’s Constitution is up to date in readiness for the new municipal year in May 2012.

12. Alternative options considered

12.1 None.

13. Consultation and feedback

13.1 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.

13.2 Consultation on the proposed revised Part 3 has taken place with Officers, the Constitution Working Group and Cabinet.

Report authors	<p>Contact officers:</p> <p>Sara Freckleton, sara.freckleton@tewkesbury.gov.uk, 01684 272011</p> <p>Rosalind Reeves, rosalind.reeves@cheltenham.gov.uk, 01242 774937</p>
Appendices	<ol style="list-style-type: none"> 0. Risk Assessment 1. Overview & Scrutiny Rules 2. Indication of Terms of Reference for Overview & Scrutiny Sub-Committee 3. Budget and Policy Framework Rules 4. Responsibility for Functions 5. Part 2 Articles 1-16 6. Contract Rules 7. Notice of Motion Procedure 8. Officer Code of Conduct
Background information	<p>Council Constitution</p> <p>Council – 10 October 2011 and 12 October 2011</p>

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
	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	31/5/2012	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	3	1	3	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.	26/03/2012	Section 151 Officer	
	Risk of Officers decisions being made outside of due process	Borough Solicitor		2	2	4	Reduce	Ensure robustness of the Decision Making principles in the Constitution	26/03/2012	Borough Solicitor	

								Ensure that Officers understand scope and obligations and accountability for their decisions	31/07/2012	Chief Executive	
	Overview & Scrutiny Review – if any new arrangements are not supported by a change in culture across members and officers they may not be successful in delivering the outcomes required	Director of Commissioning	27/9/20-11	3	3	9	Reduce	Get members and officers buy in during the review by seeking their views and ideas. Ensure training and development is available to support the implementation of the new arrangements. Promote successes.	31/05/2013	Director of Commissioning	

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PART 4D OVERVIEW AND SCRUTINY RULES

RULE 1. GENERAL

Application and amendment of rules

- 1.1 These Procedure Rules shall apply to the Overview and Scrutiny Committee ('the O&S Committee') and, unless the context otherwise requires, its sub-committee(s) and may only be amended or revoked by resolution of Council.

Interpretation

- 1.2 The definitions in Article 17 of the Constitution shall apply for the purpose of interpreting expressions used in these Rules and the chairman shall be guided in his/her construction and application of these Rules by those definitions and by the Borough Solicitor & Monitoring Officer or their representative.
- 1.3 The headings and sub-headings do not form part of these Rules.
- 1.4 The ruling of the chairman at a meeting of the O&S Committee or a sub-committee as to the construction or application of any of these Rules shall not be challenged at any meeting of the Authority.

Chairman discretion as to formality

- 1.5 In applying these Rules the chairman may, having taken the advice of the Borough Solicitor & Monitoring Officer or their representative, exercise their discretion in a fair and equitable manner to allow greater informality or to facilitate an investigation in respect of any meeting or item under discussion.

Service of notices and documents

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

Suspension of these rules

- 1.7 These Rules (subject to the exceptions in Rule 1.8 below) may only be suspended by Council and only to the extent permitted by law and only after the advice of the Borough Solicitor & Monitoring Officer has been obtained.
- 1.8 The following Rules are not capable of suspension:
- Rule 25.6 Right to require individual vote to be recorded
 - Rule 29 Prevention of Disorderly Conduct
- 1.9 A motion to suspend cannot be moved without notice unless at least one half of the whole number of members entitled to be present at the Council Meeting are present. The extent and duration of suspension must be proportionate to the result to be achieved, taking account of the purposes of the Constitution as set out in Article 1 and shall only be for so long as is necessary to transact the particular item of business necessitating the suspension.

RULE 2. ESTABLISHMENT OF AND APPOINTMENT TO THE O&S COMMITTEE, SUB-COMMITTEES AND SCRUTINY TASK GROUPS

Membership

- 2.1 All Councillors except the Leader and Cabinet may be members of O&S Committee. No member may be involved in scrutinising a decision with which he/she has been directly involved.

General

- 2.2 O&S Committee shall continue to discharge the functions set out in Part 3 of the Constitution until Council resolves otherwise.
- 2.3 Subject to Section 102(5) of the Local Government Act 1972 (Councillor not re-elected to cease to be a Member of a Committee) and Rule 2.6 every person appointed as a voting Member of the O&S Committee and every person appointed to exercise other functions in relation to the Committee shall continue as such until the next Annual and Selection Meeting of Council or until the appointment is terminated, whichever is the earlier.
- 2.4 Whenever:
- (a) Council is required to review the allocation of seats on the O&S Committee between Political Groups, or
 - (b) Council resolves to carry out such a review, or
 - (c) O&S Committee is required to review the allocation of seats on a sub-committee between Political Groups.

the Proper Officer shall report to Council or O&S Committee what allocation of seats would, in his/her opinion, best meet the requirements of the Local Government and Housing Act 1989 and regulations made thereunder.

- 2.5 Following a report under Rule 2.4, Council or O&S Committee, as the case may be, shall determine the allocation of seats to Political Groups.
- 2.6 Whenever an appointment of a voting member of O&S Committee falls to be made in accordance with the wishes of a Political Group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, the Proper Officer shall make or terminate the appointment accordingly.

Sub-Committees

- 2.7 O&S Committee may, for the purposes of carrying out or advising it on any of its functions, appoint one or more sub-committees, and may, but need not, appoint the chairman and vice-chairman of the sub-committee(s).

Scrutiny Task Groups

- 2.8 O&S Committee or the Proper Officer (in consultation with the Committee chairman and vice-chairman) may, for the purposes of advising on any of the Committee functions, appoint one or more Scrutiny Task Groups (STGs) comprising non-Cabinet members and officers. Subject to Rule 2.11, STGs will report to the Committee (or its sub-committee(s) if so directed by the Committee). The Committee may, but need not, appoint a chairman and vice-chairman of a STG.
- 2.9 STGs may co-opt external persons to assist in undertaking their tasks.
- 2.10 Unless O&S Committee so requires, STGs need not be politically proportionate.
- 2.11 The Budget STG may (in consultation with the O&S Committee chairman and vice-chairman) report direct to Cabinet and, if it does so, a copy of the report must also be sent to the next Ordinary O&S Committee meeting.

Attendance by other Members

- 2.12 Subject to the Access to Information Rules, a Member who is not a member of O&S Committee may attend and, with the approval of the Chairman, speak (but not vote) at a meeting of the Committee. This Rule 2.12 is without prejudice to Rule 22.4 (Questions on item under discussion).

Substitute Members

- 2.13 Council has the power of appointment of substitute members to O&S Committee and the Committee has the power of appointment of substitute members to sub-committees. The substitution process is set out in Rule 31.
- 2.14 Council may appoint up to the same number of substitutes in respect of each Political Group as that Group holds ordinary seats on O&S Committee.
- 2.15 For each sub-committee, O&S Committee may appoint up to the same number of substitutes in respect of each Political Group as that Group holds ordinary seats on that sub-committee.

Co-Opted Members

- 2.16 O&S Committee may appoint for such period not exceeding two years:
- (a) three non-voting co-optees into membership of the Committee; or
 - (b) with the Council's consent, such greater number of non-voting co-optees as the Council determines.
- 2.17 A co-optee does not have to be a Member of the Council.
- 2.18 If a co-optee is there to represent a particular interest or organisation, O&S Committee may agree to the appointment of one substitute per interest or organisation.
- 2.19 Co-opted members are subject to the Code of Members' Conduct.

RULE 3. QUORUM

- 3.1 The quorum for O&S Committee shall be one third of its members subject to a minimum of four where it has nine or more Members and three in any other case.

RULE 4. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

- 4.1 If Council has not made the appointment, the chairman and vice-chairman of O&S Committee shall be elected from the Councillors who are members of the Committee.
- 4.2 The chairman shall not be a Member of the Political Group which forms the Cabinet
- 4.3 The O&S Committee chairman or vice-chairman will remain in office until:
- (a) they resign,
 - (b) they are ineligible to act in that capacity by virtue of law
 - (c) if they were appointed by Council, Council terminates their appointment,
 - (d) if they were appointed by Committee, Committee or Council terminates their appointment

RULE 5. FREQUENCY OF MEETINGS

- 5.1 There shall be at least six Ordinary Meetings of O&S Committee in each year and the date, time and place of these meetings shall be determined by the Proper Officer in consultation with the chairman and vice-chairman.
- 5.2 The Proper Officer may call an Extraordinary Meeting of O&S Committee whenever he/she considers it appropriate and shall call an Extraordinary Meeting when requested to do so by:
- (a) the Committee chairman
 - (b) any four members of the Committee
 - (c) the Council by resolution
- 5.3 The Proper Officer shall also call a meeting of O&S Committee when required to do so for the purpose of Call-in under Rule 29.
- 5.4 An O&S sub-committee or STG shall meet at such frequency and times as determined by their respective chairman in consultation with the Proper Officer.

RULE 6. WORK PROGRAMME

- 6.1 O&S Committee shall be responsible for setting its work programme or forward plan, which may include the work programme for any sub-committee or STG, and in doing so it shall take into account the wishes of members of the Committee who are not members of the Political Group which forms the Cabinet. The O&S Committee work programme shall be agreed at each Committee meeting.

RULE 7. REQUESTS FOR AGENDA ITEMS

Member and Co-Optee Requests

- 7.1 Any member of the Authority or a co-optee of O&S Committee may request an item relevant to the functions of the Committee to be included on the agenda for the next available Meeting. Such a request must be given to the Proper Officer not later than 10.00 hours on the seventh working day before the day of the meeting. On receipt of such a request the Proper Officer will, having consulted with the Committee chairman and vice-chairman, ensure that the item is included on the agenda for the meeting.
- 7.2 The member or co-optee who asked for the item to be included on the agenda shall be notified of the date and time of the meeting at which it will be considered and given the opportunity to speak for no more than three minutes at the beginning of the consideration of the item. He/she may, with the chairman's consent speak again for no more than three minutes at the close of the discussion of the item.
- 7.3 The Committee will decide one or more of the following actions:
- (a) If the matter is a straightforward one, to resolve it at the meeting;
 - (b) To request an Officer report;
 - (c) To set up an STG to investigate and report back to the Committee or its sub-committee;
 - (d) To make recommendations to Cabinet or Council as appropriate;
 - (e) For stated reasons, to take no further action on the request.

Council and Cabinet Requests

- 7.4 O&S Committee shall also respond, as soon as its work programme permits, to requests from the Council or the Cabinet, to review particular areas of the Authority's activity. O&S Committee shall report its findings and any recommendations back to the Council and/or the Cabinet as appropriate in accordance with Rule 10.

RULE 8. COUNCILLOR CALL FOR ACTION

- 8.1 Any Member of Council shall be entitled to give notice to the Proper Officer in accordance with the Authority's Gateway Process (see Appendix # of the Constitution) that he or she wishes a local government matter to be included on the agenda for and discussed at the next available meeting of O&S Committee.
- 8.2 A local government matter is one relating to a local government function affecting the electoral ward of the member or any person who lives or works in that ward, unless it is an excluded matter. An excluded matter is a crime

and disorder matter, a planning or licensing matter, one relating to an individual where a right of appeal exists or any matter which, in the view of the O&S Committee Chairman (in consultation with the Proper Officer), is vexatious, discriminatory or not reasonable to be discussed at a meeting of O&S Committee. The Member requesting the call for action must be notified in writing if it is an excluded matter.

- 8.3 The Member who submits the call for action shall have the right to attend and speak at O&S Committee when it is considered.
- 8.4 Having considered a call for action, the Committee will decide one or more of the following actions:
- (a) If the matter is a straightforward one, to resolve it at the meeting;
 - (b) To request an Officer report;
 - (c) To request the Member submitting the call for action to provide further evidence or information;
 - (d) To set up an STG to investigate and report back to the Committee or its sub-committee;
 - (e) To make recommendations to Cabinet or Council as appropriate;
 - (f) For stated reasons, to take no further action on the call for action.

RULE 9. POLICY REVIEW AND DEVELOPMENT

- 9.1 The role of O&S Committee in relation to the development of the Budget and Policy Framework is set out in detail in the Budget and Policy Framework Rules (see Part 4G of the Constitution).
- 9.2 In relation to the development of the Authority's approach to other matters not forming part of the Budget and Policy Framework, O&S Committee may make proposals to Cabinet insofar as they relate to executive functions and Council or committees in so far as they relate to non-executive functions.
- 9.3 Within such resources allocated to it, O&S Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist it in this process. It may arrange site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform its deliberations. It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.
- 9.4 O&S Committee may set up an STG to investigate and report back to it or an O&S sub-committee in pursuance of policy review and development under Rule 9.

RULE 10. REPORTS FROM O&S COMMITTEE AND SUB-COMMITTEES

Reports and recommendations to Cabinet, Council or committee(s)

- 10.1 O&S Committee or a sub-committee may prepare a report, with recommendations, and refer it to Cabinet, Council or a committee as appropriate.

- 10.2 If O&S Committee or sub-committee cannot agree on one single final report, one minority report may be prepared and submitted for consideration by Cabinet, Council or committee with the majority report. The procedure for preparing a minority report is as follows:
- (a) one or more members at the Meeting propose a minority report setting out the key principles and recommendations of that report;
 - (b) the Committee or sub-committee may discuss and ask questions about the proposed report;
 - (c) the Committee or sub-committee notes the report (no vote is required) and the Chairman confirms that the minority report will be sent to Cabinet or Council alongside the main report;
 - (d) the Member(s) who proposed the report shall take responsibility for writing it up following the Meeting and in doing so shall take the advice of officers as to formatting and implications arising.
- 10.3 When O&S Committee or a sub-committee makes a report to Cabinet, Council or committee, it may require the Proper Officer to publish the report and any recommendations arising from it. In that case, the Committee or sub-committee must by notice in writing require Cabinet, Council or committee as appropriate, within two months of the date on which it receives the report or recommendations or (if later) the notice, to:
- (a) Consider the report and any recommendations;
 - (b) Respond to the O&S Committee or sub-committee indicating what (if any) action the Cabinet or Council proposes to take;
 - (c) Where the O&S Committee or sub-committee has published the report or recommendations, publish the response;
 - (d) Where the O&S Committee or sub-committee provided a copy of the report or recommendations to a Member, provide a copy of the response to that Member.
- 10.4 The publication of reports or recommendations and any responses to them is subject to the exclusion of any confidential or exempt information as defined by the Access to Information Rules (see Part 4E of the Constitution)
- 10.5 Notwithstanding the two month time limit referred to in Rule 10.3, Cabinet, Council or committee will normally consider reports and recommendations from O&S Committee or sub-committee at the next available meeting,
- 10.6 Reports and recommendations of O&S Committee or sub-committee will normally be presented at Cabinet, Council or committee by the relevant chairman or vice-chairman or a member nominated by the Committee or sub-committee. The Member concerned will be entitled to participate in discussion of the report and recommendations.
- 10.7 Having considered a report made to it under Rule 9, Cabinet, Council or committee may send a report or make recommendations back to O&S Committee or sub-committee, in which case the Committee or sub-committee shall consider such report or recommendations at its next available meeting.

Reports and recommendations to external bodies

- 10.8 Where O&S Committee or a sub-committee makes a report or recommendations on a local improvement target or equivalent pursuant to a joint arrangement with a partner authority, it may by written notice require the relevant partner authority to have regard to the report or recommendations in exercising its functions.
- 10.9 Where O&S Committee or a sub-committee makes a report or recommendations on a local crime and disorder matter within its terms of reference, it will copy the report to the County Council Community Safety O&S Committee (or equivalent), notifying them of their duty under s19 Police & Justice Act 2006 (i) to consider the report or recommendations, (ii) to respond to the Committee or sub-committee within twenty eight days indicating what, if any, action it proposes to take, and (iii) to have regard to the report or recommendations in exercising its functions.

RULE 11. RIGHTS OF O&S COMMITTEE MEMBERS TO DOCUMENTS

- 11.1 O&S Committee has access to the Forward Plan and the Cabinet's timetable for decisions (including key decisions) and intentions for consultation.
- 11.2 In addition to their rights as councillors, members of O&S Committee have the additional right to documents and to notice of meetings as set out in the Access to Information Rules (see Part 4E of the Constitution).
- 11.3 Nothing in this paragraph prevents more detailed liaison between the Cabinet and O&S Committee as appropriate depending on the particular matter under consideration.

RULE 12. MEMBERS AND OFFICERS GIVING ACCOUNT

- 12.1 O&S Committee, a sub-committee or a STG may, within its area of responsibility, scrutinise and review decisions made or actions taken in connection with the discharge of any executive or non-executive functions. To assist in undertaking this role, the relevant chairman may require the Leader, a Cabinet Member, a Committee Chairman, the Chief Executive, an Executive Director, a Director or, subject to a contractual duty to so do, a senior officer in a commissioned organisation to attend before the Committee, a sub-committee or an STG to explain in relation to matters within their remit:
- (a) any particular decision or series of decisions;
 - (b) the extent to which the actions taken implement Council policy;
 - (c) the performance of their areas of responsibility
- 12.2 Where any member or officer is required to attend under Rule 12.1, the relevant chairman will inform the Proper Officer. Subject to Rule 12.4 the Proper Officer shall inform the member or officer in writing giving at least five clear working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, the member or officer concerned must be

given at least 10 clear working days notice to allow for preparation of that documentation.

- 12.3 A member who is required to attend a meeting under Rule 12.1 may have a personal and prejudicial interest by reason of paragraph 11 of the Code of Member's Conduct. In such cases the member concerned may be present at the meeting only for the purpose of answering questions, giving evidence or otherwise providing information to the meeting. The member concerned must during the period of their attendance at the meeting declare the existence and nature of the personal and prejudicial interest.
- 12.4 Where O&S Committee is summoned to deal with a called-in decision, any member or officer required to attend that Committee shall be given as much notice as is reasonably practicable.
- 12.5 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, the Proper Officer in consultation with the relevant chairman and with the member or officer concerned shall arrange an alternative date for attendance.

RULE 13. INVITATION TO STAKEHOLDERS TO SPEAK/ANSWER QUESTIONS

- 13.1 O&S Committee, a sub-committee or an STG may invite, but cannot require, people other than those people referred to in Rule 12.1 to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may invite such people to attend.

RULE 14. CALL-IN

General Principles

- 14.1 Call-in is the exercise of the power of O&S Committee to review a decision in respect of an executive function that has been made but not yet implemented. Once called-in, the decision cannot be implemented other than in accordance with the call-in procedures set out in this Rule 14.
- 14.2 The following types of decision can be called-in: (i) Cabinet decision; (ii) Cabinet Member decision; (iii) Officer key decision; (iv) decision made under Joint Arrangements
EXCEPT that a decision to recommend to Council cannot be called-in.
- 14.3 A decision may be called in only once.
- 14.4 A request for call-in can only be made on the basis that the decision maker did not take the decision in accordance with one or more of the Principles of Decision Making as set out in Article 13 of the Constitution.

Procedure prior to call-in

- 14.5 When any decision is made by the Cabinet or a Cabinet Member or a key decision is made by an officer, or by a joint committee or officer under joint arrangements, notice of the decision shall be published including, where possible, by electronic means, and shall be available at the Municipal Offices normally within two working days of being made. Copies of all such decisions

will be sent to all members of the Council at the same time as being published.

- 14.6 The notice in Rule 14.5 will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless the decision has been called-in.

Procedure for calling-in

- 14.7 During the five clear working day period referred to in Rule 14.6, the Proper Officer shall call-in a decision for scrutiny by O&S Committee if so requested by its Chair or any four members of the Council, provided that full written particulars of the reason(s) for the call-in has been received by the Proper Officer by 4.30 p.m. on the fifth clear working day.
- 14.8 The Proper Officer shall immediately notify the decision maker that a call-in request has been received. The Proper Officer shall call a meeting of the O&S Committee to be held on such date as he/she may determine, where possible after consultation with the O&S Chairman and, in any case, the meeting shall take place within a period of ten clear working days of the receipt by the Proper Officer of a valid call-in request or such longer period as agreed by both the decision maker and the member(s) requesting the call-in.
- 14.9 If O&S Committee does not meet in the period set out in Rule 14.8 the decision can be implemented immediately at the end of that period.
- 14.10 In the event of the member(s) submitting the request for call-in confirming to the Proper Officer in writing that the request is withdrawn, the decision can be implemented immediately.

Procedure for scrutinising the decision

- 14.11 The member(s) submitting the request for call-in will be expected to attend O&S Committee to explain their reasons for the call-in and the alternative course of action or recommendations they wish to propose.
- 14.12 The decision maker (represented by the Leader or Lead Member if it is a Cabinet decision and the committee chairman or vice-chairman if it is a joint committee decision) may be required to and shall be entitled to attend O&S Committee and respond to the request for call-in.
- 14.13 Having considered the facts of the call-in and having received any representations from the member(s) who submitted the request and the decision maker, O&S Committee may either:
- (a) Support the decision without qualification or comment, in which case the decision can be implemented immediately; or
 - (b) Make adverse comments (with reference to the Principles for Decision Making in Article 13) regarding the process for reaching the decision but take no adverse view on the decision itself, in which case the decision can be implemented immediately and the O&S Committee comments will be set out in a report to be considered by the decision maker; or

- (c) Propose modifications to the decision or an alternative to the decision to achieve the same effect, in which case implementation of the decision shall be delayed until the decision maker has received and considered a report from O&S Committee and decided how to proceed; or
 - (d) In exceptional circumstances (to be determined by O&S Committee and recorded in the minutes) to refer the decision the decision to Council for review or scrutiny
- 14.14 O&S Committee may refer the call-in to a sub-committee or a STG for consideration prior to taking action under Rule 14.13 (b)-(d) and, if so, the following shall apply:
- (a) O&S Committee shall meet to take its final decision on the call-in under Rule 14.13 not later than 20 clear working days from the date of the O&S Committee meeting arranged by the Proper Officer under Rule 14.8
 - (b) The member(s) who submitted the call-in and the decision maker (represented by the Leader or Lead Member in respect of a Cabinet decision and the committee chairman or vice-chairman in respect of a joint committee) may be required and shall be entitled to attend before the sub-committee or STG
- 14.15 On receiving a request from the member(s) who submitted the call-in within the 20 clear working day period set out in Rule 14.14 (a), the Proper Officer may extend that period by up to an additional 10 clear working days (potentially allowing up to 30 clear working days for O&S Committee to meet to take its final decision)
- 14.16 If O&S Committee does not meet to consider the call-in within the period set out in Rule 14.14 (a) or such extension to that period as is made by the Proper Officer under Rule 14.15, the decision can be implemented immediately at the end of that period or extended period.

Review and scrutiny by Council

- 14.17 Where O&S Committee decides to refer the call-in to Council under Rule 14.13 (d), Council must consider the matter at its next available meeting (other than an Annual or Annual and Selection Meeting) or, if the next available meeting is not due to be held within 15 clear working days of the O&S Committee meeting, at an Extraordinary Meeting to be convened by the Proper Officer within that time.
- 14.18 If Council does not meet to consider the call-in within the period set out in Rule 14.17 the decision can be implemented immediately at the end of that period.
- 14.19 If Council does meet to consider the call-in within the period set out in Rule 14.17 but defers consideration of all or part of the call-in to a future Council meeting, Council shall meet to make its final decision on the call-in within 60 clear working days of the receipt of the call-in under Rule 14.7. If Council does not meet to consider the call-in within that 60 clear working day period, the decision can be implemented immediately at the end of that period.

- 14.20 Having considered the facts of the call-in and any recommendations from O&S Committee and having received any representations from the member(s) who submitted the request and the decision maker, Council may either:
- (a) Support the decision without qualification or comment, in which case the decision can be implemented immediately; or
 - (b) Make adverse comments (with reference to the Principles for Decision Making in Article 13) regarding the process for reaching the decision but take no adverse view on the decision itself, in which case the decision can be implemented immediately and Council comments will be set out in a report to be considered by the decision maker; or
 - (c) Propose modifications to the decision or an alternative to the decision to achieve the same effect, in which case implementation of the decision shall be delayed until the decision maker has received and considered a report from Council and decided how to proceed.
- 14.21 Where the call-in relates to a failure to comply with the Budget and Policy Framework Rules Council may, in addition to its powers under Rule 14.20:
- (a) amend the Budget or the Policy Framework to allow the decision to be implemented in compliance with the Budget and Policy Framework Rules,
 - (b) authorise the decision to be implemented as a departure from the Budget or the Policy Framework.

Action by the decision maker following call-in

- 14.22 On receiving a report from O&S Committee or Council, the decision maker shall consider the report and any recommendations and report to the next available O&S Committee the outcome of that consideration.
- 14.23 Where O&S Committee or Council proposes modifications to or an alternative to the decision that was called in, the decision maker shall either:
- (a) Confirm the called-in decision without modification; or
 - (b) Confirm the called-in decision with modification; or
 - (c) Rescind the called-in decision, take the alternative decision proposed, or propose a new decision.
- 14.24 Where the decision maker is acting under delegated powers, they may refer the report or proposals from O&S Committee or Council to the delegator to take the actions under 14.9 and 14.20 instead of the decision maker.

Call-in and Urgency

- 14.25 Subject to Rule 14.26, call-in does not apply to an urgent decision as defined in Article 13.
- 14.26 In order to rely on Rule 14.25 the decision maker must:
- (a) Obtain the prior consent of the O&S Committee chairman to the decision being treated as urgent. In the absence of the chairman, prior consent

may be given by, in order, the vice-chairman or the Group Leaders acting collectively; and

- (b) Request the Proper Officer to record in the decision, and notice by which it is made public, why in the opinion of the decision maker the decision is an urgent one and not subject to call-in.

RULE 15. ORDER OF BUSINESS

Ordinary Meetings of O&S Committee

15.1 Ordinary meetings will:

- (a) choose a person to preside if the chairman and vice Chairman are absent;
- (b) approve as a correct record any minutes of the last or previous meetings of the Committee or its sub-committee(s);
- (c) receive any declarations of interest from members;
- (d) note any substitutions and receive any whipping declarations made under Rule 3.1;
- (e) receive any announcements from the chairman and the Head of Paid Service or their representative;
- (f) receive questions from, and provide answers to, members of the public in accordance with these Procedure Rules;
- (g) receive questions from, and provide answers to, members in accordance with these Procedure Rules;
- (h) deal with any business outstanding from the last Committee meeting;
- (i) consider any councillor calls for action or petitions;
- (j) receive, consider and determine reports, recommendations and briefing papers from the Leader, Cabinet, Council, committees, sub-committees, STGs and working groups;
- (k) receive, consider and determine reports and briefing papers from officers, including reports from the Head of Paid Service, the Borough Solicitor & Monitoring Officer and the Chief Finance Officer;
- (l) consider any other business specified in the agenda for the meeting including scrutiny of executive decisions and investigations with a view to policy development;
- (m) consider and revise the work programme;
- (n) consider any item which, by reason of special circumstances to be specified in the minutes of the meeting, the chairman considers should be considered at the meeting as an urgent item.

- 15.2 The order of business in Rule 15.1, other than items (a) to (g), may be varied by:
- (a) the Proper Officer in preparing the agenda for the Meeting or by the direction of the chairman if he/she considers the variation to be desirable for the efficient despatch of the Committee's business, or convenient, including so as to avoid duplication or repetition of matters under consideration; or
 - (b) a resolution of the Committee moved and put Without Comment.

Extraordinary Meetings of O&S Committee

- 15.3 An extraordinary meeting will:
- (a) choose a person to preside if the chairman and vice-chairman are absent;
 - (b) if necessary, approve any minutes of the last or previous meetings;
 - (c) receive any declarations of interest from members;
 - (d) receive any whipping declarations made under Rule 3.1;
 - (d) receive questions from, and provide answers to, members of the public and elected members in accordance with these Procedure Rules, but only in so far as they relate directly to the business for which the meeting was convened;
 - (e) consider any business set out in the notice convening the meeting;
 - (f) subject to Rule 5.4, consider any business set out in the notice convening the meeting in the order set out in items (g) to (k) of Rule 5.1;
 - (g) consider any item which, by reason of special circumstances to be specified in the minutes of the meeting, the chairman considers should be considered at the Meeting as an urgent item.
- 15.4 The Chairman or the Proper Officer may include on the agenda of an extraordinary meeting such other business as he/she determines should be included for the efficient despatch of Council business.

RULE 16. DURATION OF MEETING

- 16.1 Unless the majority of members present vote for the meeting to continue, any meeting that has sat for four hours in total will immediately adjourn and the remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next Ordinary Meeting.

RULE 17. OFFICERS REPORTING DIRECTLY TO O&S COMMITTEE

- 17.1 Where an officer submits a report or recommendation directly to O&S Committee (other than jointly with the Leader, a Cabinet Member or committee chairman):

- (a) that report/recommendation shall be treated as if it was the recommendation of the Committee the adoption of which had been formally moved and no further motion is required for it to be received and approved by the Committee;
 - (b) if an amendment is moved to any recommendation of the officer, the Chairman may, if he/she considers it appropriate, invite the officer to reply to the amendment immediately before the question is put.
- 17.2 Where an officer submits a written report directly to O&S Committee jointly with the Leader, a Cabinet Member or committee chairman, the member concerned, or, if he/she is absent, someone on his/her behalf, shall move the motion to receive and approve its recommendations and, if it is subject to an amendment, shall have the right to reply to the amendment immediately before the question is put.
- 17.3 When the Head of Paid Service, the Chief Finance Officer or the Borough Solicitor & Monitoring Officer or any other officer is submitting a report or making a recommendation to O&S Committee in accordance with a statutory obligation, the officer, or anyone on his/her behalf, shall have the right to address the Meeting and to answer questions arising from his/her report or the debate.

RULE 18. ROLES OF CHAIRMAN AND VICE-CHAIRMAN

- 18.1 The chairman shall preside at all meetings at which he/she is present. If he/she is absent, or has resigned, the vice-chairman shall preside. If both of them are absent a Person Presiding shall be appointed under Rule 19 and no business (other than the appointment of a Person Presiding) shall be transacted at that meeting unless there is a Person Presiding.
- 18.2 The chairman shall at his/her discretion take all such steps as he/she considers necessary to ensure the proper and orderly conduct of meetings.
- 18.3 The ruling of the chairman on any matter in relation to Rule 23 (Rules of Debate) shall be final.
- 18.4 Where the vice-chairman or a Person Presiding is presiding over the meeting pursuant to Rule 18.1 they will assume all powers and duties of the chairman for control and regulation of the meeting including the right to a second or casting vote.

RULE 19. APPOINTMENT OF PERSON PRESIDING

- 19.1 For the purposes of appointing a Person Presiding under Rule 18.3, the Proper Officer or the Borough Solicitor and Monitoring Officer or other officer present (in that order) shall call upon a member present to move that a member be appointed and shall exercise the powers of the Person Presiding to regulate that discussion and to maintain order at the meeting, but shall not be entitled to vote.
- 19.2 The motion, and any amendments, shall be put to the meeting in accordance with the normal rules for electing the chairman or making appointments, as appropriate.

- 19.3 In the event of an equality of votes, the officer regulating the discussion may adjourn the meeting for up to ten minutes to enable informal discussions to take place. If, after the meeting has reconvened, there is still an equality of votes after a further vote has been taken the officer regulating the discussion shall, unless the meeting resolves to adjourn to another time, determine the matter by lot.

RULE 20. PREVIOUS DECISIONS AND MOTIONS

Motion to rescind a previous decision

- 20.1 Subject to Rule 20.3, a motion or amendment to rescind a decision made at a meeting of the O&S Committee within the previous six months cannot be moved unless the motion is submitted to the Proper Officer before the start of the Meeting and is signed by at least the number of members that constitute the quorum.

Re-introduction of business

- 20.2 Subject to Rule 20.3, no matter which has been decided by O&S Committee in the same way twice within a period of twelve months shall again be submitted for the Committee's consideration with a view to the decision being rescinded or varied until six months after the second of such decisions.

Exception

- 20.3 Rules 20.1 and 20.2 do not apply where the matter is placed before O&S Committee upon the recommendation of Cabinet or Council or where the Borough Solicitor & Monitoring Officer considers that for legal reasons or because of a material change of circumstances it is appropriate for the Committee to reconsider the matter.

RULE 21. MINUTES AND REPORTS

Signing the minutes

- 21.1 The chairman will sign the minutes of the proceedings at the next suitable meeting. He/she will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No requirement to sign minutes of previous meeting at extraordinary meeting

- 21.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting, the next following Ordinary Meeting will be treated as a suitable meeting for the purposes of paragraph 21.1 for signing of minutes.

Confidential and Exempt Information

- 21.3 All agendas and reports that are marked "Not for Publication" because they contain Confidential or Exempt information shall be treated as confidential unless and until they become public in the ordinary course of the Authority's

business. All such agendas, reports and other documents shall be clearly identified by being printed on pink paper (although enclosures and other documents may be on other colours) and by being clearly stamped or otherwise marked on all pages as being confidential.

21.4 The Borough Solicitor and Monitoring Officer shall investigate any alleged breach of Rule 21.3 and shall submit a report on the results of his/her investigation as appropriate to:

- the Standards Committee;
- an Ordinary or Extraordinary meeting of O&S Committee; or
- an Ordinary or Extraordinary meeting of the Council

within 21 days of his/her supplying a copy of the report to all members.

21.5 No discussion shall take place during any Council Meeting, Cabinet meeting or committee meeting (apart from Standards Committee) concerning any alleged breach of this Rule which is being investigated by:

- the Borough Solicitor and Monitoring Officer; or
- the Standards Committee;

until a report on the results of the investigation has been formally supplied to all members.

RULE 22. PUBLIC AND MEMBER QUESTIONS

General

22.1 Any person registered as a local government elector for the Borough of Cheltenham or a Borough Council elected member may at Ordinary Meetings of O&S Committee ask written questions of the chairman about any matter falling within the terms of reference of the Committee.

Order of questions

22.2 Questions will be divided in to public and member questions and asked in the order notice of them was received, except where the Proper Officer decides to group together similar questions.

Notice of questions

22.3 Subject to Rule 22.4, a question may only be asked if notice has been given by delivering it to the Proper Officer no later than 12.00 hours on the fourth working day before the day of the meeting. Each question must give the name and address of the questioner and confirm whether the questioner intends to attend the Meeting.

Questions on item under discussion

22.4 Any Council member may ask the chairman any question without notice in relation to an item under discussion at Committee subject to the chairman

(after consultation with the Proper Officer) being able to disallow a question if it falls within (b-e) of Rule 22.6 below.

Number of questions

- 22.5 No person may submit more than two questions (including sub-questions) at any one Meeting and no more than two questions (including sub-questions) may be asked on behalf of one organisation.

Scope of questions

- 22.6 The Proper Officer may reject a question if it:
- a) is submitted by someone other than a local government elector for the Borough or an elected member;
 - b) is about a matter which does not affect the Borough or for which the Committee does not have responsibility;
 - c) is defamatory, frivolous or offensive;
 - d) is substantially the same as a question which has been put at a meeting of the Committee in the previous six months; or
 - e) requires the disclosure of Confidential or Exempt information.
- 22.7 The Proper Officer will inform the Committee chairman of every question he/she rejects and the reasons for rejection.

Record of questions

- 22.8 The Proper Officer will ensure each question is open to public inspection and will immediately send a copy of the question to the chairman. Rejected questions will include reasons for rejection.
- 22.9 Copies of all questions and written answers to them will be circulated to all members at the start of the meeting and will be made available to the public attending the meeting.

Procedure at the O&S Committee Meeting

- 22.10 The chairman will invite the questioner to put the question. The question need not be read out if the questioner so agrees and will not be read out if the questioner is unable to be present at the meeting.
- 22.11 Answers will be given, Without Comment, normally by a direct oral answer and a written copy of the answer will also be given to the questioner if he/she is present or sent to him/her if he/she is unable to attend. A written answer alone will suffice where the questioner agrees an oral answer is not necessary or an oral answer cannot conveniently be given.

Supplementary question

- 22.12 A questioner who has put a question in person may also put one supplementary question without notice to chairman. A supplementary question must arise directly out of the original question or the reply. The

chairman may reject a supplementary question on any of the grounds in Rule 22.6 above.

- 22.13 Answers to supplemental questions will be given, Without Comment, normally by a direct oral answer. A written answer to be provided to the questioner following the meeting will suffice where the questioner agrees an oral answer is not necessary or an oral answer cannot conveniently be given.

Reference of question to the Cabinet or Council or another committee

- 22.14 Unless the chairman decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet, Council or an appropriate committee. Once moved, such a motion will be voted on Without Comment.

Time for questions

- 22.15 No more than 20 minutes shall be set aside at any Committee meeting for the posing and answering of questions under this Rule.
- 22.16 If any questions remain to be dealt with after the end of the 20 minute period, the chairman may at his/her discretion extend the period within which the questions may be put and answered if satisfied that the remaining questions can be dealt with expeditiously and they are of sufficient urgency.
- 22.17 Any question which cannot be dealt with during the time given for questions under Rules 22.15 and 22.16 will be dealt with by a written answer.

RULE 23. RULES OF DEBATE

Members to address the Chair

- 23.1 A member shall speak only when called to do so by the chairman. A member shall address the chairman only.

Members' Speeches

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

Content of speeches

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

Right to require motion in writing

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

Amendments to motions

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

- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (b) to leave out words;
- (c) to leave out words and insert or add others; or
- (d) to insert or add words.

as long as the effect of (b) to (d) is not to negate the motion.

23.6 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of, although notice of further amendments may be given.

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

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

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

Withdrawal or alteration of motion

23.10 A member may without notice withdraw or alter a motion which he/she has moved with the consent of the Meeting signified Without Comment.

Right of reply

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

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

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

Motions which may be moved during debate

23.14 When a motion is under debate, no other motion may be moved except a procedural motion under Rule 23.15.

Procedural Motions

- 23.15 The following procedural motions may be moved without notice:
- (a) to elect in the event of a vacancy a chairman or vice-chairman or to appoint a Person Presiding for the meeting at which the motion is moved;
 - (b) in relation to the accuracy of the minutes;
 - (c) to change the order of business on the agenda;
 - (d) to refer something to an appropriate body or individual;
 - (e) to appoint a sub-committee or working group arising from an item on the agenda for the meeting;
 - (f) to receive reports of or adopt recommendations of committees, sub-committees, working groups, Cabinet, Council or officers and any resolutions following from them;
 - (g) to make any decision arising out of or directly relevant to an item on the agenda for the meeting;
 - (h) to give leave to withdraw or alter a motion;
 - (i) to amend a motion;
 - (j) to reject a motion;
 - (k) to proceed to the next business;
 - (l) that the question be now put;
 - (m) to adjourn a debate;
 - (n) to adjourn a meeting;
 - (o) that the meeting continue beyond four hours in duration;
 - (p) to exclude the public and press in accordance with the Access to Information Rules;
 - (q) to not hear further a member named or to exclude him/her from the meeting under Rule 28.

Motion to proceed to the next business

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

- (a) in the case of an original motion, the mover of that motion: and
- (b) in the case of an amendment, both the mover of the amendment and the mover of the original motion

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

Motion that the question be now put

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

- (a) in the case of an original motion, the mover of that motion: and
- (b) in the case of an amendment, both the mover of the amendment and the mover of the original motion

a right of reply and then put the motion to the vote without comment.

Motion to adjourn the debate or meeting

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

23.19 If a motion to adjourn the debate or meeting is accepted the item under discussion or remaining business shall stand over as uncompleted business to the next Ordinary Meeting.

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

Point of order

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

Personal explanation

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

RULE 24. VOTING

Majority

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

Casting vote

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

Show of hands

- 24.3 Unless a ballot or recorded vote is demanded under Rules 24.4 or 24.5 below the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Ballots

- 24.4 The vote will take place by secret ballot if the number of members constituting the quorum at the Meeting demand it, provided that any Member who wishes to have the way his/her vote is cast recorded in the minutes of the meeting may cast his/her vote under Rule 24.6 below and not by ballot. The chairman will announce the numerical result of the ballot immediately the result is known.

Recorded vote

- 24.5 The vote will be recorded if the number of members constituting the quorum at the meeting demand it. The names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot.

Right to require individual vote to be recorded

- 24.6 Where any member requests it, immediately after the vote is taken, his/her vote will, unless it is a recorded vote under Rule 24.6, be recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.

Voting on appointments

- 24.7 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, the name of the person with the least number of votes will be taken off the list and a new vote taken. In the event of more than one person having the least number of votes, the chairman shall have a second and casting vote to determine who shall be taken off the list. The process will continue until there is a majority of votes for one person.

- 24.8 In the event of two or more persons receiving the same number of votes and also receiving the highest number of votes, a further vote will be taken between those persons only and the chairman shall have a second or casting vote
- 24.9 Where more than one person is required to be appointed by the Authority and the number of persons nominated exceeds the number of vacancies, the number of persons equal to the number of vacancies who receive the greatest number of votes shall be appointed.
- 24.10 In the event of persons receiving the same number of votes so that the number of persons receiving the greatest number of votes exceeds the number of vacancies, a further vote will be taken between those persons only.

RULE 25. EXCLUSION OF PUBLIC

- 25.1 Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4E of this Constitution or Rule 28 (Disorderly Conduct).

RULE 26. PROHIBITION OF RECORDING AT MEETINGS

- 26.1 Except with the consent of O&S Committee:
- (a) cameras (including video and television cameras); and
 - (b) tape recorders and other electronic sound recording or transmitting equipment
- shall not be allowed in the room in which the meeting is held during the course of the meeting.

RULE 27. MOBILE TELEPHONES

- 27.1 Except with the consent of the Committee, mobile telephones shall not be used in the room in which the meeting is held during the course of the meeting.
- 27.2 If a mobile telephone is brought into a room whilst the meeting is taking place, the person doing so whether a member, officer or member of the public must ensure that it is turned off at all times.

RULE 28. PREVENTION OF DISORDERLY CONDUCT

Members

- 28.1 If the chairman is of the opinion that a member has misconducted, or is misconducting, himself/herself by persistently disregarding the ruling of the chairman, or by behaving irregularly, improperly or offensively, or wilfully obstructing the business of the Council, he/she may notify the meeting of that opinion, and may take any of the following courses, either separately or in sequence:
- (a) he/she may direct the member to refrain from speaking during all, or part, of the remainder of the meeting;

- (b) he/she may direct the member to withdraw from all, or part, of the remainder of the meeting;
- (c) he/she may direct that the member be removed from the meeting;
- (d) he/she may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.

28.2 A direction made under Rule 28.1 above may also be made by the meeting on a motion proposed and put Without Comment.

The Public

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

General

28.4 In the event of general disturbance in any part of the room where any meeting is being held which is open to the public, the chairman shall order that part to be cleared and may adjourn the meeting for 15 minutes or such period as shall seem expedient to him/her.

28.5 The powers conferred by this Rule are in addition to any other powers which the chairman may lawfully exercise.

RULE 29. THE PARTY WHIP

29.1 When considering any matter in respect of which a member of O&S Committee is subject to a party whip, the Member must declare the existence of the whip and the nature of it before the commencement of the Committee's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

RULE 30. INVESTIGATIONS

30.1 Where O&S Committee, a sub-committee or a STG conducts investigations, and members, officers or other persons attend to give evidence, the meeting shall be conducted in accordance with the following principles:

- (a) that the investigation be conducted fairly and all of the Committee, sub-committee or STG be given the opportunity to ask questions of attendees and to contribute and speak;
- (b) that those giving evidence be treated with respect and courtesy; and
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

RULE 31. SUBSTITUTION PROCESS

- 31.1 A substitute member may participate in a meeting of the O&S Committee in that capacity only:
- (a) to take the place of an ordinary member for whom they are the designated substitute;
 - (b) where the ordinary member will be absent for the whole of the meeting; and
 - (c) subject to Rule 31.2, after notifying the Proper Officer of the intended substitution at least two hours before the start of the meeting.
- 31.2 Where, immediately following Annual and Selection Council, the Committee chooses to appoint its chairman and vice-chairman, a substitute member may participate in the meeting pursuant to Rule 31.1 after giving verbal notice of their substitution to the Proper Officer

OVERVIEW & SCRUTINY SUB-COMMITTEE
Functions
General
Undertake such functions or tasks as are allocated by O&S Committee
Receive recommendations from STGs and forward to Cabinet, Council, committee or the appropriate body (including commissioning boards)
Scrutiny
Where requested by O&S Committee, consider call-ins ¹ and decide appropriate action (including the establishment of STGs) and carry out any other actions covered by the Overview and Scrutiny Rules
Where requested by O&S Committee, consider a STG report/recommendations in respect of a councillor call for action or petition
Question Cabinet Members, committees, the Chief Executive, Executive Directors, Directors or representatives under joint arrangements regarding decisions taken, service delivery, initiatives or projects
Question, call for and gather evidence from any external person or organisation (with their consent) in order to carry out the scrutiny process
Make reports and recommendations to Cabinet, Council, a committee or an external body arising from the outcome of the scrutiny process
Policy review and development
Receive and comment on plans, strategies and budget proposals that comprise the Budget and Policy Framework ²
Contribute to the monitoring, review and ongoing improvement of services provided either directly by the Authority or on behalf of the Authority
Monitor the implementation of any O&S recommendations accepted by Cabinet, Council or other bodies
Crime and disorder
Consider any crime and disorder matters ³

¹ Rule # Overview & Scrutiny Rules (see Part 4#)

² In accordance with Rule # Budget & Policy Framework Rules (see Part 4#)

³ Under s# Police and Justice Act 2006 the Authority must specify a committee to deal with such matters

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PART 4G BUDGET AND POLICY FRAMEWORK RULES

RULE 1 GENERAL PRINCIPLES

- 1.1 Cabinet is responsible for formulating and proposing the Budget and plans, strategies and policies forming part of the Policy Framework and Council is responsible for the adoption of the Budget and the Policy Framework.
- 1.2 The 'Budget' and the 'Policy Framework' are defined in Article 4 of the Constitution.
- 1.3 Decisions made in respect of both Executive and non-Executive Functions shall be in accordance with the Budget and decisions made in respect of Executive Functions shall be in accordance with the Policy Framework, subject to such departure or exception as permitted by these Rules.

RULE 2 PROCESS FOR DEVELOPING THE BUDGET AND THE POLICY FRAMEWORK

- 2.1 The process by which the Budget and the Policy Framework shall be developed is:
 - 2.1.1 Cabinet will publicise a timetable for making proposals to Council for the adoption of the Budget or any plan, strategy or policy forming part of the Policy Framework, by including the proposal in the Forward Plan and giving appropriate public notice and this will include details of the arrangements for consultation after publication of those initial proposals. The O&S Committee chairman will also be notified. The consultation period shall as regards the Budget be not less than 4 weeks, and as regards the Policy Framework not less than 8 weeks.
 - 2.1.2 If O&S Committee wishes to respond to Cabinet during the relevant consultation period, it may do so. O&S Committee may investigate, research and report in detail with appropriate recommendations before the end of the consultation period.
 - 2.1.3 After the end of the consultation period, Cabinet will draw up proposals taking into account the responses to the consultation including any response from O&S Committee. Once Cabinet has approved firm proposals, the Proper Officer will refer them at the earliest opportunity to the Council for decision. The Cabinet report to Council will summarise the comments made by consultees (including O&S Committee) and the Cabinet response to those comments.
 - 2.1.4 In reaching a decision on the proposals in the Cabinet report, Council may:
 - 2.1.4.1 adopt the proposals,
 - 2.1.4.2 amend the proposals,
 - 2.1.4.3 refer the proposals back to Cabinet for further consideration, or
 - 2.1.4.4 in the case of proposals for the Policy Framework only, refer them to O&S Committee for consideration and onwards recommendation to Cabinet.
 - 2.1.5 If Council accepts the recommendation of Cabinet without amendment, Council may make a decision which has immediate effect. Otherwise,

Council may only make an in-principle decision, except in respect of the Budget if Cabinet has failed to submit a draft Budget for consultation by the 8th February.

- 2.1.6 The decision of Council will be publicised in accordance with the Access to Information Rules and a copy must be given to the Leader.
- 2.1.7 An in-principle decision will automatically become effective 5 working days from the date of the Council's decision, unless the Leader informs the Proper Officer in writing within those 5 working days that he objects to the decision becoming effective and provides written reasons for that objection.
- 2.1.8 Where the Leader raises an objection, the Proper Officer will call a Council meeting to be held within 7 working days of receipt of the Leader's notification of his objection when Council will be required to reconsider its decision and the Leader's written submission. The Council may either approve the Cabinet's recommendation or make a different decision.
- 2.1.9 The decision of Council shall then be made public in accordance with the Access to Information Rules and shall be implemented immediately.
- 2.1.10 In approving the Budget and the Policy Framework, Council may also specify the extent of virement within the Budget and degree of in-year changes to the Policy Framework which may, in addition to any requirement of the Financial Rules, be undertaken in accordance with Budget and Policy Framework Rules 5 and 6 (virement and in-year changes). Any other changes to the Budget and the Policy Framework are reserved to Council.

RULE 3 DECISIONS OUTSIDE OF THE BUDGET AND THE POLICY FRAMEWORK

- 3.1 Subject to the provisions of Rule 4 below (urgent decisions) Cabinet, Cabinet Members, Committees, Officers or Joint Arrangements may only take decisions which are in accordance with the Budget and the Policy Framework. If any of these bodies or persons wish to make a decision which is not in accordance with the Budget or the Policy Framework, that decision may only be taken by Council, subject to Rule 4 below.
- 3.2 If Cabinet, Cabinet Members, Committees, Officers or Joint Arrangements wish to make a decision which they consider may not be in accordance with the Budget or the Policy Framework, they must notify the Borough Solicitor & Monitoring Officer and the Chief Finance Officer who shall first advise as to whether the decision would not be in accordance with the Budget or the Policy Framework.
- 3.3 If the Borough Solicitor & Monitoring Officer and/or the Chief Finance Officer, either
 - 3.3.1 following notification under Rule 3.2 or
 - 3.3.2 being aware of a decision to be made, or
 - 3.3.2 being aware of a decision having been made but not implemented

advise that the decision in question would not be or is not in accordance with the Budget or the Policy Framework or any virement or tolerances approved by Council, the decision must be referred by the Proper Officer to Council for decision, unless

- (a) the decision maker reconsiders the matter and decides to make a decision in accordance with the Budget or Policy Framework, or
 - (b) it is an urgent decision, in which case the provisions in Rule 4 below shall apply.
- 3.4 In the case of a decision made but not implemented, where the Proper Officer refers the decision to Council under Rule 3.3 the decision may only be implemented in accordance with Rule 3.5.
- 3.5 Where Council considers a report from the Proper Officer under Rule 3.3 with regard to a decision which may not be in accordance with the Budget or the Policy Framework:-
- 3.5.1 If Council determines that the decision is in accordance with the Budget or the Policy Framework, the decision may be made and / or implemented;
- 3.5.2 If Council determines that the decision is not in accordance with the Budget or the Policy Framework, Council may
- (a) amend the Budget or the Policy Framework to allow the decision to be made and / or implemented,
 - (b) authorise the decision to be made and / or implemented as a departure from the Budget or the Policy Framework,
 - (c) refer the matter back to the decision maker for reconsideration.
- 3.6 Where a decision maker accepts the advice of the Borough Solicitor & Monitoring Officer and/or the Chief Finance Officer given under Rule 3.3 but the decision has already been implemented, the decision maker must submit a report to the next available meeting of Council explaining the decision and how it came to be made.

RULE 4 URGENT DECISIONS OUTSIDE OF THE BUDGET OR THE POLICY FRAMEWORK

- 4.1 Cabinet, Cabinet Members, Committees, Officers or Joint Arrangements may take a decision which is not in accordance with the Budget or the Policy Framework if it is an urgent decision. However, the decision may only be taken if:
- 4.1.1 it is not, in the view of the Proper Officer, practical to convene a quorate meeting of Council; and
- 4.1.2 the chairman of the O&S Committee agrees that the decision is urgent. In the absence of the chairman, prior consent may be given by, in order, the vice-chairman or Group Leaders acting collectively.
- 4.2 The reasons why it is not practical to convene a quorate meeting of Council, the reason for urgency and the O&S Committee chairman's consent to the urgent decision being taken must be noted on the record of the decision.
- 4.4 Following the decision, the decision maker must report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as urgent.

- 4.5 An urgent decision made under this Rule 4 shall not be subject to call-in.

RULE 5 VIREMENT

- 5.1 Any virement shall comply with the provisions of the Council's Financial Rules or such other tolerances as the Council shall approve when agreeing the Budget.
- 5.2 Steps taken by Cabinet, Cabinet Members, officers, or joint arrangements discharging executive functions shall not exceed the sums allocated to each budget head unless permitted by the Financial Rules or otherwise agreed by the Council.

RULE 6 IN-YEAR CHANGES TO THE POLICY FRAMEWORK

- 6.1 No changes to any plan, strategy or policy which forms part of the Policy Framework may be made by Cabinet, Cabinet Members, Committees, Officers or Joint Arrangements except those changes:
- 6.1.1 which will result in the closure or discontinuance of a service or part of service to meet a constraint in the Budget, other than where Council has specifically allocated in the Budget money for that service and has determined that this Rule 6 shall not apply to it;
- 6.1.2 necessary to ensure compliance with the law, ministerial direction or government guidance;
- 6.2.3 in respect of a plan, strategy or policy matter which would normally be adopted by Council as a part of the Policy Framework, but where the existing plan, strategy or policy document is silent on the matter under consideration.

RULE 7 CALL-IN

- 7.1 The chairman of O&S Committee or any 4 members of Council may request the Proper Officer to call in a decision in respect of an Executive Function made (but not yet implemented) by
- (a) Cabinet,
 - (b) a Cabinet Member,
 - (c) Joint Arrangements, or
 - (d) an Officer (where making a key decision)

on the basis that it does not comply with these Budget and Policy Framework Rules.

- 7.2 The call-in procedures as set out in Rule 14 Overview and Scrutiny Rules (Part 4G) shall apply to call-in under this Rule 7.

PART 3 RESPONSIBILITY FOR FUNCTIONS

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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 Officers¹.
- 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 law² 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)³. Delegation of non-Executive Functions is set out in Part 3B 'Council Functions', Part 3C 'Committee Functions' and Part 3D 'Officer Non-Executive Functions' below.
- 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 Decision⁴ shall only be taken by Cabinet, unless such a decision has been specifically delegated by the Leader to a Cabinet Member or an Officer or unless the Leader, Chief Executive (or, in his absence or where he is unable to

¹ Officers are, in this Part 3 of the Constitution, the Chief Executive, Executive Directors and Directors.

² Local Authority (Functions & Responsibilities) (England) Regulations 2000 as amended (see Appendix #)

³ Non-Executive Functions may also be delegated to another local authority or exercised jointly through a joint committee or officer of another local authority. There are currently no such delegations in place.

⁴ Relates only to Executive Functions and is defined in Article 13

act, an Executive Director) is making an urgent decision⁵ (as set out in Part 3E below).

- 3A.8 A Significant Decision⁶ 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, in his absence or where he is unable to act, an Executive Director) is making an urgent decision⁷ (as set out in Part 3D below).

⁵ As defined in Article 13

⁶ Relates to non-Executive Functions and is defined in Article 13

⁷ As 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 ⁸ and from time to time approve, adopt and amend those plans, strategies and policies
Determine and amend the Authority's Budget ⁹
Approve a departure from the approved Policy Framework and/or the approved Budget ¹⁰
Appoint and remove the Leader ¹¹
Change the executive arrangements of the Authority ¹²
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 ¹³
Make and amend Procedural Rules, Financial Rules and Contract Rules ¹⁴
Change the name of the Borough or a parish ¹⁵
Elect a Mayor (Council Chairman) and Deputy Mayor (Council Vice-Chairman) ¹⁶
Confer the title of Honorary Alderman ¹⁷ 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 ¹⁸
Appoint an Electoral Registration Officer ¹⁹ and Returning Officer for local government elections ²⁰
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 ²¹
Fill Council or Parish Council vacancies in the event of insufficient nominations
Change ordinary year of election of parish councillors ²²
Submit proposals to the Secretary of State for an Order for pilot schemes for local elections ²³
Authorise community governance reviews ²⁴
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 ²⁵
Make a scheme for the payment of allowances to Members and determine the amount of all allowances payable to Members of the Council
Approve the Pay Policy Statement ²⁶

⁸ Policy Framework is defined in Article 4

⁹ Budget is defined in Article 4

¹⁰ Subject to Rule 4 Budget & Policy Framework Rules (Part 4G)

¹¹ Stat ref #

¹² S# LGA 2000

¹³ S101 LGA 1972

¹⁴ ss 135, #, 151 LGA 1972 (For Procedural, Financial and Contract Rules see Part 4)

¹⁵ ss74 & 75 LGA 1972

¹⁶ ss3-5 LGA 1972

¹⁷ S249 LGA 1972

¹⁸ ss18 & 31 Rep of the People Act 1983

¹⁹ s8(2) Rep of the People Act 1983

²⁰ s35 Rep of the People Act 1983

²¹ ss 10, 11 & 91 LGA 1972

²² s53 LGPIH Act 2007

²³ s10 Rep of the People Act 2000

²⁴ Chapter 3, part 4 LGPIH Act 2007

²⁵ ss4&5 LG(MP)A89 and s151 LGA 1972

Establish and abolish Joint Committees (in respect of non-Executive functions) ²⁷
Authorise applications to the Secretary of State for approval of housing land transfers ²⁸
Appoint or nominate individuals to outside bodies in respect of non-Executive Functions and revoke or withdraw such appointment or nomination ²⁹
Appoint or nominate individuals to outside bodies in respect of Executive Functions and revoke or withdraw such appointment or nomination where there is no Group Leader consensus on the decision to be taken
Adopt or amend the Code of Members' Conduct ³⁰
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 ³¹
Determine whether local choice functions ³² 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

²⁶ s38 Localism Act 2011

²⁷ s101(5) LGA 1972

²⁸ Para # Fcts & Resps Regs 2000

²⁹ Local Authorities (Functions and Responsibilities) Regulations 2000

³⁰ See Part 5A. The statutory context of the Code may change under the Localism Act.

³¹ ss 4 and 5 Local Government (Misc Provisions) Act 1989

³² The allocation of local choice functions is shown at Appendix #.

PART 3C**COMMITTEE FUNCTIONS**

- 3C.1 Council has established³³ 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 Committee³⁴ and at least one Overview and Scrutiny Committee³⁵ 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

PLANNING COMMITTEE	
Function	Condition
<p>Planning, etc. applications Determine an application for:</p> <ul style="list-style-type: none"> (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 	<p>The power shall only be exercised where the application:</p> <ul style="list-style-type: none"> (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; (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; (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 Built Environment that it be determined by the Planning Committee;

³³ Pursuant to s101 LGA 1972, Licensing Act 2003, Gambling Act 2005

³⁴ Potentially due for repeal under Localism Act

³⁵ Required by s21 LGA 2000

	<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>Trees</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>Planning Policy</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>

LICENSING COMMITTEE	
Function	Condition
<p>Licensing Act 2003</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>Gambling Act 2005</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</p>

premises licence	made
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
Hackney Carriage and Private Hire	
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	
Miscellaneous Licensing Functions (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 or withdraw any licence, consent, permit or permission	If a relevant representation is made
LICENSING SUB-COMMITTEE	
Function	Condition
Licensing Act 2003	
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 licence/club premises certificate	If a relevant representation made

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
AUDIT COMMITTEE	
Function	
General	
Provide a broad based audit role across all areas of the Authority, while promoting and ensuring effective internal control and independent assurance mechanisms	
Internal Audit	
Consider the internal audit annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Authority's corporate governance arrangements	
Provide on-going monitoring of the operational audit plan and audit planning process	
Agree internal audit plans (ensuring that internal audit work is planned with due regard to risk, materiality and supports the attainment of the Authority's aims and priorities)	
Review internal audit performance	
Monitor and review the actions required arising out of audit recommendations	
External Audit	
Consider and review the external audit and inspection letter and all associated reports and other documents	
Consider and review external audit reports	
Monitor and review actions required arising out of external audit recommendations	
Contribute to the forward work plan of the Authority's external auditors (insofar as they relate to the Authority)	
Review all matters relating to external audit, including audit and inspection planning, action points and reports	
Ensure effective liaison between external and internal audit and any other inspection agency	
To be consulted on any proposals for the appointment of the council's external auditor	
Risk Management	
Ensure that an appropriate corporate risk management strategy is in place	
Ensure that risk management procedures are satisfactorily carried out	
Provide on-going monitoring and review of the risk management strategy	
Annual Statement of Accounts	
Review and approve the annual statement of accounts and statement of internal control, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that needs to be brought to the attention of the Authority	
Ensure appropriate arrangements operate for the development of the Statement on Internal Control	
Review the annual report to members from the external auditor to those charged with governance on issues arising from the audit of the statement of accounts	

Corporate Governance Framework
Ensure systematic appraisal of the Authority's control environment and framework of internal control to provide reasonable assurance of effective and efficient operations
In conjunction with the Standards Committee and Borough Solicitor & Monitoring Officer, ensure that the highest standards of probity and public accountability are demonstrated including anti-fraud and anti corruption arrangements
Ensure arrangements operate to evaluate and report on compliance with the local code of corporate governance and to periodically review the code
Review internal and external reports and assessments in respect of corporate governance
Ensure and maintain effective liaison with the Corporate Governance Group and Standards Committee.

APPOINTMENTS AND REMUNERATION COMMITTEE
Function
Be responsible for the appointment of the Chief Executive, Executive Directors and Directors. ³⁶
<i>NOTE; No offer of appointment shall be made until the proposed action (including the name and any other particulars the Committee considers relevant) has been notified to every member of the Cabinet and either:-</i>
<i>1. within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet to the proposed action; or</i>
<i>2.the Committee is satisfied that any objection made is not material or is not well founded; or</i>
<i>3.the Leader has, within the period specified in the notification, notified the Chief Executive that neither he/she nor any member of the Cabinet has any objections</i>
Determine the conditions on which the Chief Executive, Strategic Directors and Assistant Directors hold office, including deciding matters relating to the early retirement of those officers.
Consider the Pay Policy Statement and refer it to Council for approval
Determine policies relating to employee remuneration
Determine policies relating to local government pensions and discretionary compensation
Deal with any other remuneration matters referred by Council or Head of Paid Service
DISCIPLINARY COMMITTEE
Function
Manage and consider any disciplinary and/or capability and any grievance matters arising in relation to Statutory Officers (the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer), Executive Directors and Directors
Carry out the function of an Investigating & Disciplinary Committee as set out in the JNC Conditions of Service for Chief Executives and the JNC Conditions of Service for Chief Officers
Consider allegations concerning the conduct or capability of Statutory Officers, Executive Directors and Directors in order to establish whether or not they are sufficiently well-founded and serious in content to justify investigation
If appropriate, suspend a Statutory Officer, an Executive Director or Director under the terms of the JNC Conditions of Service for Chief Executives or the JNC Conditions of Service for Chief Officers

³⁶ Where the Committee is appointing a Statutory Officer (Head of Paid Service, Chief Finance Officer and Monitoring Officer), Council must approve the appointment before an offer of appointment is made.

In respect of Statutory Officers to (a)decide whether the issue requires no formal action; or (b)whether the issue should be referred to a “Designated Independent Person”; (c)be responsible for the appointment and terms of reference for any “Designated Independent Person” (which power can be delegated to an Officer); (d)receive and consider the report of the Designated Independent Person; (e)hold a capability or disciplinary hearing
Following receipt of any DIP report, determine a course of action (up to and including dismissal) within the Authority’s powers under law and within its procedures. ³⁷
Comply with the notification requirements of Rule 6 of Part 4F of the Constitution (Employment Rules) and to consider any objections from members of the Cabinet to establish whether they are material and/or well-founded.
In respect of Executive Directors and Directors to (a) appoint, if appropriate, an investigator to carry out an investigation on behalf of the Committee (which power can be delegated to an Officer); (b) receive and consider any report of an investigator; (c) hold a capability, disciplinary or grievance hearing; (d) following any capability and/or disciplinary hearing, determine a course of action (up to and including dismissal) within the Council’s powers under law and within its procedures, including the procedure set out in Rule 6 of Part 4F of the Constitution (Employment Rules)
APPEALS COMMITTEE
Function
Hear and determine appeals against decisions of the JNC Disciplinary Committee in respect of action taken against any Executive Director or Director (other than the Head of Paid Service, Chief Finance Officer or Monitoring Officer)
Hear and determine appeals against any action short of dismissal taken by the JNC Disciplinary Committee against the Chief Executive (Head of Paid Service), Chief Finance Officer or Monitoring Officer

Table 3

STANDARDS COMMITTEE	
Function	
To promote and maintain high standards of conduct by borough and parish councillors and co-opted members and to undertake the functions of a standards committee as set out in Part 2 of the Local Government Act 2000 or otherwise including the following:	
(a)	assisting councillors and co-opted members to observe the Members' Code of Conduct;
(b)	advising the council on the adoption or revision of its Members' Code of Conduct and other codes and protocols;
(c)	monitoring the operation of the Members' Code of Conduct;
(d)	advising, training or arranging to train councillors and co-opted members on matters relating to the Code of Conduct and other codes and protocols;
(e)	granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
(f)	dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer approved by the National Standards Board for England to the Monitoring Officer;
(g)	to formulate and recommend to the Council local protocols governing the council’s internal and external conduct, including the whistle-blowing policy;

³⁷ Where the Committee is recommending dismissal of a Statutory Officer (Head of Paid Service, Chief Finance Officer and Monitoring Officer), Council must approve the dismissal for it to take effect.

(h)	insofar as it relates to the committee's terms of reference, to have a general oversight of the Council's Constitution and its rules;
(i)	to give advice and guidance to councillors on Members' interests;
(j)	to grant dispensations to councillors and co-opted members, in accordance with the relevant regulations, from requirements relating to interests set out in the Council's Members' Code of Conduct;
(k)	to receive allegations that a councillor or co-opted member has not complied with the Members' Code of Conduct and to consider and determine such allegations
(l)	to consider and determine allegations of breaches of the Members' Code of Conduct referred to it by the Standards Board or not otherwise dealt with by the Standards Board and to determine such sanction as it considers appropriate following a finding of misconduct or to recommend the council to impose a sanction;
m	to consider, determine and apply such sanctions as are available to it in relation to any breach of code or protocol of the council which is not also a breach of the Code of Members' Conduct;
(n)	to receive and act on reports from: <ul style="list-style-type: none"> (i) case tribunals of the Adjudication Panel (ii) Ethical Standards Officers (iii) the Monitoring Officer
(o)	to have oversight of complaints handling and Ombudsman investigations;
(p)	to liaise with external agencies, in particular the Local Government Ombudsman and the District Auditor, in connection with any matter within the Committee's terms of reference;
(q)	to determine, where it is unclear, which officer posts are subject to political restrictions under Section 2 of the local Government and Housing Act 1989.
To appoint a Chairman and Vice-Chairman of the Committee when a casual vacancy occurs.	
To present an annual report to full Council	

STANDARDS (INITIAL ASSESSMENT) SUB-COMMITTEE**Function**

The Standards (Initial Assessment) Sub Committee shall be responsible for the exercise of the powers of the Standards Committee in relation to the initial assessment of written allegations made under section 57A of the Local Government Act 2000 and any other enabling powers provided that:

- | | |
|-----|---|
| (1) | The sub-committee shall comprise of three members to include an independent member, a borough councillor, and where a complaint to be assessed concerns a parish councillor, a parish councillor also; |
| (2) | No member of the Standards Committee may take part in the business of the sub-committee unless he/she has participated in such training as may be prescribed by the Standards Committee from time to time in connection with the assessment of complaints; |
| (3) | The composition of the sub committee on any particular occasion shall be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee. Subject to any statutory prohibition or restriction all members of the Standards Committee shall be entitled to sit on the sub-committee. |

STANDARDS (REVIEW) SUB-COMMITTEE**Function**

The Standards (Review) Sub Committee shall be responsible for the exercise of the powers of the Standards Committee in relation to the review of decisions by the Standards (Initial Assessment) Sub Committee initial assessment of written allegations under section 57A of the Local Government Act 2000 and any other

enabling powers provided that:	
(1)	The Sub Committee shall comprise of three members to include an independent member, a borough councillor, and where a complaint to be assessed concerns a parish councillor, a parish councillor also;
(2)	No member of the Standards Committee shall take part in the business of the Sub Committee unless he/she has participated in such training as may be prescribed by the Standards Committee from time to time in connection with the assessment of complaints;
(3)	The composition of the sub committee on any particular occasion shall be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee. Subject to any statutory prohibition or restriction all members of the Standards Committee shall be entitled to sit on the sub-committee.
STANDARDS (DETERMINATION OF COMPLAINTS) SUB-COMMITTEE	
Function	
The Standards (Determination of Complaints) Sub-Committee shall be responsible for the exercise of the powers of the Standards Committee in relation to the determination of complaints referred to it under the provisions of the Local Government Act 2000 provided that:	
(1)	The sub-committee shall comprise of three members to be drawn from the membership at any given time of the Standards Committee;
(2)	No member of the Standards Committee may take part in the business of the sub-committee unless he has participated in such training as may be prescribed by the Standards Committee from time to time in connection with the determination of complaints;
(3)	The quorum of the sub-committee shall be three members, to include at least one independent member appointed under s53 of the Local Government Act 2000, one parish representative where a complaint to be determined relates to a parish councillor, and one borough councillor;
(4)	The composition of the sub committee on any particular occasion shall be determined by the Monitoring Officer in consultation with the Chairman of the Standards Committee. Subject to any statutory prohibition or restriction all members of the Standards Committee shall be entitled to sit on the sub-committee.

OVERVIEW & SCRUTINY COMMITTEE
Functions
General
Agree the Overview & Scrutiny (O&S) workplan taking into account corporate priorities, the forward plan, issues of local concern and available resources
Establish standing or ad hoc sub-committees as required and set the size and high level terms of reference
Establish time-limited scrutiny task groups (STGs) to carry out in-depth reviews of a particular issue, set the size and high level terms of reference and agree reporting lines (to the Committee or its sub-committee) for recommendations
Establish the Budget STG, set the size and high level terms of reference and agree reporting lines (to the Committee, its sub-committee or Cabinet) for recommendations
Nominate members to Cabinet working groups when representatives of O&S are requested
Receive recommendations from STGs and forward to Cabinet, Council, committee or the appropriate body (including commissioning boards)
Promote good practice for O&S across the Authority
Promote the development of member skills and competencies in O&S
Scrutiny

Consider call-ins ³⁸ and decide appropriate action (including the establishment of STGs) and carry out any other actions covered by the Overview and Scrutiny Rules
Receive any councillor calls for action and petitions referred to O&S and decide appropriate action
Question Cabinet Members, committees, the Chief Executive, Executive Directors, Directors or representatives under joint arrangements regarding decisions taken, service delivery, initiatives or projects
Question, call for and gather evidence from any external person or organisation (with their consent)
Make reports and recommendations to Cabinet, Council, a committee or an external body arising from the outcome of the scrutiny process
Policy review and development
Receive and comment on plans, strategies, policies and budget proposals that comprise the Budget and the Policy Framework ³⁹
Contribute to the monitoring, review and ongoing improvement of services provided either directly by the Authority or on behalf of the Authority (using sub-committees or STGs as appropriate)
Monitor the implementation of any O&S recommendations accepted by Cabinet or other bodies
Build appropriate relationships with other parts of the Authority, external bodies and the public to facilitate effective scrutiny
Participate in joint scrutiny with other authorities and work with other authorities in Gloucestershire to strengthen the scrutiny role in respect of partnerships
Crime and disorder
Consider any crime and disorder matters ⁴⁰

PART 3D

OFFICER NON-EXECUTIVE FUNCTIONS

- 3D.1 All non-Executive Functions⁴¹, 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 Decision⁴² unless (a) specifically authorised to do so by Council, Committee, Sub-Committee or Joint Committee, or (b) the Chief Executive (or, in his absence or where he is unable to act, an Executive Director) is taking action under urgency powers as set out in this Part 3D.

³⁸ Rule 14 Overview & Scrutiny Rules (see Part 4D)

³⁹ In accordance with Rule 2 Budget & Policy Framework Rules (see Part 4G)

⁴⁰ Under s19 Police and Justice Act 2006 the Authority must specify a committee to deal with such matters

⁴¹ As set out in the Local Authority (Functions & Responsibilities) (England) Regulations 2000 as amended (see Appendix //)

⁴² As defined in Article 13

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

Table 4

Chief Executive	
Function	Condition
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 an urgent decision ⁴³ in respect of a non-Executive Function, including a Significant Decision ⁴⁴ , in a situation where there is not sufficient time for a report to be considered by Council or Appropriate Committee.	Unless it is a decision that in law can only be made by Council. 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
Take an urgent decision not in accordance with the Budget or the Policy Framework	In accordance with Rule 4 Budget & Policy Framework Rules ⁴⁵ The decision shall be reported to the next available 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	Except as specifically allocated to Council in Part 3B Table1

⁴³ As defined in Article 13⁴⁴ As defined in Article 13⁴⁵ See Part 4G

registration, referenda and related legislation	
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 ⁴⁶ 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	
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 ⁴⁷
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 and Part 3C Table 2. Subject to corporate HR policies
Approve HR procedures and policies which relate to employee terms and conditions of employment	Except as specifically allocated to Appointments and Remuneration Committee in Part 3C Table2
Undertake functions in respect of local government pensions	Except as specifically allocated to Appointments and Remuneration Committee in Part 3C Table2
Authorise any Officer for any legal purpose including Proper and Statutory Officer appointments ⁴⁸	Unless otherwise prescribed by law or allocated to Council in Part 3B
Executive Directors	
Function	Condition
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
Director Resources	
Function	Condition
Undertake the functions of the Authority's Chief Financial Officer to ensure proper	

⁴⁶ s4 LG(MP)Act 1989⁴⁷ Under s4 LG(MP) Act 1989⁴⁸ See Appendix // for Proper and Statutory Officer appointments

administration of the Authority's financial affairs ⁴⁹	
Approve ex gratia and maladministration compensation payments up to £5,000 ⁵⁰	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
Director Commissioning	
Function	Condition
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
Make minor changes to the Contract Rules to reflect changes in fact and procurement requirements and best practice	Borough Solicitor, Executive Board and Group Leaders to be informed of any change which the Director considers to be significant
Director Built Environment	
Function	Condition
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 ⁵¹	

⁴⁹ s151 LGA1972⁵⁰ S92 LGA 2000⁵¹ ss 247, 257, 258 TCPA 1990

Extinguish public right of way over land acquired for clearance ⁵²	
Undertake functions relating to high hedges and protection of important hedgerows ⁵³	
Director Wellbeing & Culture	
Function	Condition
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
Suspend or continue the suspension of a hackney carriage or private hire driver, vehicle or operator's licence	Where public safety is at risk
Revoke or withdraw 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, entry on to land and waiving of fees) as licensing authority under the Licensing Act 2003, Gambling Act 2005 and all other licensing legislation	Except as specifically allocated to Council, Licensing Committee or 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	
Chief Executive, Executive Directors & Directors	
Function	Condition
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
Borough Solicitor	
Function	Condition
Undertake the functions of the Monitoring Officer ⁵⁴ prescribed by law and in this Constitution	
Make minor changes to the Constitution to reflect changes in fact, law and best	Executive Board and Group Leaders to be informed of any change which

⁵² s294 Housing Act 1981

⁵³ Part 8 Anti-Social Beh Act 2003 & Hedgerows Regs 1997

⁵⁴ 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

practice	the Borough Solicitor considers to be significant
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PART 3E**EXECUTIVE FUNCTIONS****General**

- 3E.1 The Authority operates a Leader and Cabinet⁵⁵ 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 law⁵⁶ the Leader of the Council may discharge any Executive 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 Council⁵⁷
 - (e) another local authority⁵⁸
 - (f) jointly with another local authority through a joint committee or officer⁵⁹

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 Executive 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 an Executive 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 Function⁶⁰.
- 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 Proper Officer⁶¹ setting out the change to be made; such amendment to take effect immediately on confirmation of receipt by the Proper Officer. The Proper Officer will ensure that this Part 3 of the Constitution is updated forthwith.

⁵⁵ 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.

⁵⁶ LGA 2000 s14

⁵⁷ 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

⁵⁸ If permitted by the Leader - Cabinet, a Cabinet Committee, A Cabinet Member or an Officer may delegate Executive Functions to another local authority

⁵⁹ 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

⁶⁰ S48(4) LGA 2000

⁶¹ The Chief Executive or, where they are absent or unable to act, the Borough Solicitor & Monitoring Officer

- 3E.7 The Leader retains the right to a concurrent and overriding exercise of all Executive Functions⁶².
- 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 Proper Officer 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 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 Decision⁶³ unless (a) specifically authorised to do so by the Leader or (b) the Chief Executive (or, in their absence or where they are unable to act, an Executive Director) is taking an urgent decision⁶⁴ 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.

⁶² LGA 2000 s14

⁶³ As defined in Article 13

⁶⁴ As defined in Article 13

Table 5 General Scheme of Delegation of Executive Functions

FUNCTION	Leader	Lead Member ⁶⁵	Cabinet	Joint Arrangements	Other Local Authority	Officer ⁶⁶
Policy & Strategy						
Recommend to Council all plans strategies and policies which comprise the Policy Framework ⁶⁷ 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 ⁶⁸ that are contrary to or not wholly in accordance with the Policy Framework ⁶⁹	✓		✓	✓		CE
Refer to Cabinet those plans strategies and policies which do not comprise the Policy Framework and require Cabinet approval ⁷⁰	✓	✓				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 ⁷¹)		✓				
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	✓	✓				
Respond to all other consultations						CE / ED

⁶⁵ As defined in Appendix #

⁶⁶ CE – Chief Executive, ED – Executive Director, DC – Director Commissioning, DR – Director Resources, All – Chief Executive, Executive Directors, Directors

⁶⁷ As defined in Article 4

⁶⁸ As defined in article 13

⁶⁹ Subject to Rule 4 Budget & Policy Framework Rules (Part 4G)

⁷⁰ See Appendix #

⁷¹ Key Decision is defined in Article 13

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Implement the Authority's Risk Management Policy & Strategy	✓	✓	✓	✓		All
Finance						
Prepare and consult on the Authority's Budget ⁷² and recommend to Council for approval			✓			
Receive and consider quarterly budget monitoring reports			✓			
Take urgent decisions ⁷³ that are contrary to or not wholly in accordance with the Budget ⁷⁴	✓		✓	✓		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
Assets & Property						
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) ⁷⁵			✓			
Acquire land or property following CPO						DR

⁷² As defined in Article 4

⁷³ As defined in Article 13

⁷⁴ Subject to Rule 4 Budget & Policy Framework Rules (Part 4G)

⁷⁵ For example, pursuant to S226(1) Town and Country Planning Act 1990, Section 17 Housing Act 1985, Section 47 Planning (Listed Buildings and Conservation Areas) Act 1990, Section 93 Local Government and Housing Act 1989, Section 121 Local Government Act 1972.

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Acquire other land or property or acquire a lease or tenancy agreement where the value exceeds £250,000 ⁷⁶			✓			
Acquire other land or property or acquire a lease or tenancy agreement where the 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 value exceeding £250,000 including at an undervalue ⁷⁷			✓			
Dispose of or exchange land or property with a value exceeding £10,000 and not exceeding £250,000 including at an undervalue ⁷⁸		✓				
Dispose of or exchange land or property with a value not exceeding £10,000 including at an undervalue ⁷⁹						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 ⁸⁰		✓				
Authorise the disposal of or change the use of (appropriate) public open space ⁸¹			✓			
Give public notice of a proposal to dispose of or change the use of public open space						DR
Authorise the disposal of statutory allotments ⁸²			✓			

⁷⁶ The value of a lease or tenancy agreement shall be based on

⁷⁷ A disposal at less than best consideration requires Secretary of State specific approval or general consent

⁷⁸ A disposal at less than best consideration requires Secretary of State specific approval or general consent

⁷⁹ A disposal at less than best consideration requires Secretary of State specific approval or general consent

⁸⁰ Subject to Council authorisation (para // LG (Functions & Responsibilities Regulations) 2000)

⁸¹ S121 & 123 LGA1972

⁸² S32 Smallholdings & Allotments Act 1908

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
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 ⁸³		✓				
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			✓			
Grants						
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		✓				

⁸³ Planning permission may be required

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Service Delivery						
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 ⁸⁴	TBC/ CDC ⁸⁵	All
Undertake internal transformation and improvement of the Authority's services						CE
Commissioning & Contracts						
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 joint arrangements ⁸⁶			✓			
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 ⁸⁷	✓					
Represent (or arrange for a Cabinet Member or Officer to represent) the Authority as shareholder or member in a company in which the Authority holds an interest	✓					

⁸⁴ Subject to the terms of the delegation agreement to the Glos Joint Waste Committee
⁸⁵ Subject to the terms of the delegation agreements to Tewkesbury BC and Cotswold DC
⁸⁶ Defined in Article 11
⁸⁷ Stat ref ##

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
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
Approve waiver to Contract Rules where the value is in excess of £100,000 ⁸⁸			✓			
Approve waiver to Contract Rules where the value does not exceed £100,000 ⁸⁹						CE/ED
Approve waiver from Contract Rules where the value exceeds 100K and an urgent decision is required ⁹⁰						CE
Local Strategic Partnerships						
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
Constitution & Democratic Process						
Make Key Decision ⁹¹			✓			
Make urgent Key Decision ⁹²	✓		✓			CE
Respond to call-in of a decision ⁹³	✓	✓	✓	✓	✓	All
Respond to petition to Council		✓				
Appoint and remove Cabinet Members and decide their portfolios	✓					

⁸⁸ In accordance with Rule 6.2.1 Contract Rules

⁸⁹ In accordance with Rule 6.2.2 Contract Rules

⁹⁰ In accordance with Rule 6.2.1 Contract Rules

⁹¹ As defined in Article 13.

⁹² The Leader, Chief Executive (or, in his absence or where he is unable to act, an Executive Director) may take an urgent key decision in accordance with Rule 16 Access to Information Rules (Part 4E). Also see Table 6.

⁹³ Whoever took the decision will respond

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Establish Cabinet Committee or working group			✓			
Delegate Executive Function to a Cabinet Member or Officer pursuant to 3E.6	✓					
Delegate Executive Function to an Officer with prior consent of Leader pursuant to 3E.4		✓	✓			
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	✓					
Appoint or nominate individuals to outside bodies in respect of Executive Functions and revoke or withdraw such appointment or nomination provided all Group Leaders agree ⁹⁴	✓					
Legal Services						
Undertake the role and functions of the Authority's Borough Solicitor and chief legal officer and provide the Authority's legal service					TBC ⁹⁵	
Audit						
Undertake the functions of the Authority in respect of internal audit					CDC ⁹⁶	

⁹⁴ Where there is no Group Leader consensus on an appointment or nomination or revocation or withdrawal of such, the matter will be referred to Council for decision

⁹⁵ Tewkesbury BC pursuant to s101 LGA 1972/s19 LGA 2000. wef 30/11/09. See Appendix # for list of functions of One Legal.

⁹⁶ Cotswold DC pursuant to s101 LGA 1972/s19 LGA 2000. wef 1/4/12. See Appendix # for list of functions of Audit Cotswolds.

FUNCTION	Leader	Lead Member	Cabinet	Joint Arrangements	Other Local Authority	Officer
Finance, HR and Procurement Shared Services						
Undertake functions of the Authority in respect of finance, procurement, human resources and payroll					CDC ⁹⁷	
Waste						
<i>To be completed</i>				GJWC ⁹⁸		

⁹⁷ Cotswold DC pursuant to s101 LGA 1972/s19 LGA 2000. wef 1/4/12. See Appendix # for list of functions of GO Shared Services.

⁹⁸ 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 Member⁹⁹.

Table 6

Chief Executive	
Function	Condition
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 an urgent decision ¹⁰⁰ in respect of an Executive Function (excluding a key decision ¹⁰¹) in a situation where there is not sufficient 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	
Authorise any Officer to or for any legal purpose including Statutory Officer appointments ¹⁰²	Unless otherwise prescribed by law or allocated to Council in Part 3B
Make arrangements with other local authorities for the placing of staff at the disposal of those other authorities ¹⁰³	
Approve transformational change, cultural and organisational development policies	Except those relating to terms and conditions of employment ¹⁰⁴
Executive Directors	
Function	Condition
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.
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

⁹⁹ Cabinet or a Cabinet Member may only delegate to an Officer with the prior approval of the Leader

¹⁰⁰ As defined in Article 13.

¹⁰¹ The Chief Executive may take an urgent key decision in accordance with Table 5 and Rule 16 Access to Information Rules (Part 4E)

¹⁰² See Appendix # for Proper and Statutory Officer appointments

¹⁰³ s113 LGA 1972

¹⁰⁴ This is a non-Executive Function and is delegated in Part 3D

Undertake emergency planning and civil defence functions	
Director Resources	
Function	Condition
Corporate Finance Council Tax Benefit Creditors (client side) Debtors (client side) Insurance (client side) Fraud Front Line Services Council Tax Housing Benefit Internal Audit (client side) ICT HR, organisational development and payroll (client side) Gloucestershire Airport Cheltenham Development Taskforce 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
Director Commissioning	
Function	Condition
Elections & Electoral Registration Democratic Services & Scrutiny Member allowances 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
Director Built Environment	
Function	Condition
Building Control	Except those Functions which are

<p>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</p>	<p>specifically allocated to Cabinet or a Cabinet Member, Joint Committee or other local authority or other Officer under Part 3E</p>
<p>Director Wellbeing & Culture</p>	
<p>Function</p> <p>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</p>	<p>Condition</p> <p>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</p>

POLICY TABLE 22/3/12

Name	Description	Lead Cabinet Member	Lead officer	Division/Service Responsible for update	Approving body or individual	Date of last approval	Next review date
Acceptable use policy	This document defines what is acceptable use of the council's information and Communications facilities	Corporate Services	ICT infrastructure Manager	Resources	Director Resources	Dec 2011	Dec 2012
Anti fraud and anti corruption policy	Framework to prevent fraud and corruption with the council	Corporate Services	Director Resources	Resources	Cabinet	Jun-07	Currently under review
Arts development strategy	Currently under review	Sport and Culture	Director - Wellbeing & Culture	Wellbeing and Culture	Cabinet	April 2004	March 2013
Asset management plan	Asset management plan outline's how property assets link into longer term service and financial strategies and the approach to property management.	Built Environment	Property Manager	Resources	Cabinet	2010	2015
Corporate Business continuity plan	Provides a framework to assess and respond to incidents that could effect normal business	Finance and Community Development	Executive Director	Strategic	Executive Director	2010	2011
Car parking strategy (draft)	Currently being drafted	Built Environment	Integrated Transport Manager	Built Environment	Lead Member		Under review
Commissioning Protocol	This protocol describes the principles that govern the approach to commissioning and provides a description of the context in which commissioning is undertaken.	Corporate Services	Director Commissioning	Commissioning	Director Commissioning	February 2012	As and when required

POLICY TABLE 22/3/12

Name	Description	Lead Cabinet Member	Lead officer	Division/Service Responsible for update	Approving body or individual	Date of last approval	Next review date
Corporate health and safety policy	This policy is used to develop a positive health and safety culture	Corporate services	Chief Executive	GO Shared Service	Cabinet	Nov-10	Nov-12
Corporate risk management policy	This policy is used to manage negative and positive risks to deliver objectives and reduce costs	Leader	Director Resources	Resources	Director Resources	Mar-11	Mar-12
Corporate strategy (*PF)	Key corporate document that describes the councils objectives and outcomes for a five year period	Leader	Strategy and Engagement Manager	Commissioning	Council	Mar-11	Mar-12
Crime and disorder reduction strategy (*PF)	Strategic assessment to provide knowledge and understanding of community safety problems The strategy for tackling local crime and disorder problems will be set out by the Positive Lives Partnership)	Housing and Safety	Strategy and Engagement Manager	Commissioning	Council	2008	in March 2012.
Data protection policy	To provide guidance to ensure personal data is processed fairly and lawfully	Corporate Services	Corporate Governance, Risk and Compliance Officer	Resources	Director Resources	Nov 2011	Nov 2012
Records management and data quality policy	To provide guidance on the safe and legal storage and use of data	Corporate Services	Corporate Governance, Risk and Compliance Officer	Resources	Director Resources	Dec 2011	December 2012

POLICY TABLE 22/3/12

Name	Description	Lead Cabinet Member	Lead officer	Division/Service Responsible for update	Approving body or individual	Date of last approval	Next review date
Debt management policy	Provides a framework for a consistent and sensitive approach to the collection of debt	Finance and Community Development	Director Resources	Resources	Director Resources	Jul-10	Jul-12
Economic development strategy	This strategy provides a framework to support the business community, with economic development and business growth	Leader	Director Built Environment	Built environment	Cabinet	2007	2017
Access and use of email, internet and intranet Access	Guidance on the acceptable use of these forms of communication	Leader	ICT Infrastructure Manager	Resources	Director Resources	Dec 2011	Dec 2012
Corporate enforcement policy	The policy covers the enforcement activities across all of the council's Regulatory services	Built Environment	Director Built Environment	Built Environment	Covered above	Mar-07	As required
Equality and diversity policy (mar 2008)	Overarching strategy focusing on promoting equality issues to ensure the elimination of discrimination and disadvantaged	Corporate Services	Strategy and Engagement Manager	Commissioning	Cabinet	Mar-08	Under review
Access to information policy	Provides guidance on how to handle information requests covered by the FOI act and the EI legislation	Corporate Services	Customer Relations and Research Manager	Commissioning	Director Commissioning	Dec2011	Current

POLICY TABLE 22/3/12

Name	Description	Lead Cabinet Member	Lead officer	Division/Service Responsible for update	Approving body or individual	Date of last approval	Next review date
Homelessness strategy	Homelessness strategy sets out what is needed to tackle homelessness in Cheltenham over a five year period.	Housing and Safety	Director Built Environment	Built Environment	Cabinet	Jan-08	May 2012 To be incorporated into Housing Strategy
Housing renewal strategy	Policy consideration of works of repair, improvement or Adaptation	Housing and Safety	Director Built Environment	Built Environment	Cabinet	Aug-07	May 2012 To be incorporated into Housing Strategy
Housing Strategy	Overarching strategy to encompass all aspects of housing	Housing and Safety	Director Built Environment	Built Environment	Cabinet	July 2012	Currently being drafted
Information security policy	The purpose of the policy is to allow the council's information assets to be held, used, stored and when appropriate, disposed of in a secure manner	Corporate Services	ICT Infrastructure Manager	Resources	Director Resources	Dec 2011	Dec 2012
ICT strategy	This provides a framework for the identification and delivery of the best and most efficient way to deliver communication and it services	Corporate Services	ICT Infrastructure Manager	Resources	SLT	June 2010	Not due until June 2016 but currently under review because of Go
Information management strategy	The strategy and supporting policies provide a framework for the use and disposal of information in Line with good practice	Corporate Services	Corporate Governance, Risk and Compliance Officer	Resources	SLT	Oct2011	Oct 2013

POLICY TABLE 22/3/12

Name	Description	Lead Cabinet Member	Lead officer	Division/Service Responsible for update	Approving body or individual	Date of last approval	Next review date
Licensing policy statements (Licensing Act 2003 and Gambling Act 2005) (*PF)	Licensing policy in respect of the sale of alcohol, public entertainment and late night refreshment	Housing and Safety	Community Protection Manager	Operations	Council	Mar-09	Feb-12
Local development plan/framework (*PF)	The JCS is a co-ordinated strategic development plan for the area involving Tewkesbury Gloucester City and Cheltenham	Leader	Strategic Land Use Manager	Built Environment	Council	Jun-06	Under review
Medium term financial strategy	This is key policy document which provides an estimate of the budget requirement and council tax for future years	Finance and Community Development	Director Resources	Resources	Council	Mar-11	Mar-12
Procurement strategy	The overarching aim of the strategy is to ensure procurement activities are undertaken legally, efficiently and economically	Corporate Services	Procurement Manager	Resources	Cabinet	Cabinet 2010	2012
Public arts strategy	Under review	Sport and Culture	Director Wellbeing and Culture	Wellbeing and Culture	Cabinet	December 2004	2013
Urban design framework	It is a material consideration in determining planning applications, but beyond this, its technical appendices provide strategic guidance for the future sustainable	Built Environment	Urban Design Manager	Built Environment	Cabinet	Dec-10	Current

POLICY TABLE 22/3/12

Name	Description	Lead Cabinet Member	Lead officer	Division/Service Responsible for update	Approving body or individual	Date of last approval	Next review date
	design of the central area, for traffic management and for the treatment of public spaces and street						
Safeguarding children and vulnerable people policy	To ensure effective child protection measures are in place, we work with the Gloucestershire safeguarding children's board (gscb) and this policy is designed to function within their child protection and policies and procedures	Housing and Safety	Partnership Team Leader	Commissioning	Cabinet	Oct-09	Constant
Sustainable community strategy	Aspirational long-term Vision that sets out a course of action for all Partners to work towards over the next twenty Years	Leader	Strategy and Engagement Manager	Commissioning	Cabinet	Oct-07	Expired – plans for improving quality of life in Cheltenham will be set out by the Positive Lives Partnership in March 2012
Treasury management strategy (*PF)	Treasury Management Strategy Statement, stating the policies, objectives and approach to risk management of its treasury management activities	Finance and Community Development	Director Resources	Resources	Council	Mar-11	Mar-12

POLICY TABLE 22/3/12

Name	Description	Lead Cabinet Member	Lead officer	Division/Service Responsible for update	Approving body or individual	Date of last approval	Next review date
Whistle blowing policy	This policy sets out the way in which individuals may raise any concerns that they have and how those concerns will be dealt with	Corporate services	Chief Executive Officer	GO Shared Service	Chief Executive	2010	2013

*PF refers to those plans, strategies and policies that form the Policy Framework

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PART 2 ARTICLES OF THE CONSTITUTION

ARTICLE 1 THE CONSTITUTION

1.1 POWERS OF CHELTENHAM BOROUGH COUNCIL

Cheltenham Borough Council (referred to in the Constitution as the Authority) will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 THE CONSTITUTION

This Constitution, including all its appendices, is the Constitution of the Authority

1.3 PURPOSE OF THE CONSTITUTION

The Constitution:

- (a) enables the Authority to provide clear leadership to the community in partnership with members of the public, businesses and other organisations;
- (b) supports the active involvement of members of the public in the process of local authority decision-making;
- (c) helps Councillors represent their constituents more effectively;
- (d) enables decisions to be taken efficiently and effectively and whenever possible, in public;
- (e) creates a powerful and effective means of holding decision makers to public account;
- (f) ensures that no one will review or scrutinise a decision in which they were directly involved;
- (g) ensures that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- (h) ensures that there is open and accountable decision making based on the principles of open government and access to information;
- (j) provides a means of improving the delivery of services to the community; and
- (k) provides an up-to-date point of reference for access to all the operating rules of the Authority.

1.4 INTERPRETATION AND REVIEW OF THE CONSTITUTION

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

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ARTICLE 2 MEMBERS OF THE COUNCIL

2.1 COMPOSITION AND ELIGIBILITY

2.1.1 Composition

The Authority comprises 40 members representing 20 wards, with two Councillors representing each ward.

2.1.2 Eligibility

Subject to the qualifications and disqualifications set out in the Local Government Act 1972 only registered voters of the Borough of Cheltenham or those living or working or holding property in the Borough are eligible to hold the office of councillor.

Certain Employees of the Authority and others are prohibited from holding such office.

2.2 ELECTION AND TERM OF OFFICE

Each Councillor holds office for four years and, unless he/she is elected at a by-election, the term of office starts on the fourth day after the day of the Borough elections at which they are elected and finishes on the fourth day after the Borough elections four years later.

The Authority holds biennial elections with half the Authority (i.e. one Councillor for each ward) retiring but, subject to his/her continuing eligibility, he/she is able to seek re-election.

2.3 ROLES AND FUNCTIONS OF COUNCILLORS

2.3.1 Key roles

The key roles of Councillors are to:

- (a) undertake functions as Members of Cabinet, Committees and Working Groups if appointed to do so by the Leader;
- (b) contribute to policy formation;
- (c) engage with and represent their communities whose views they will bring into the Authority's decision-making processes;
- (d) facilitate an understanding of the role and functions of the Authority within the community;
- (e) represent the Authority on outside bodies, if so appointed;
- (f) contribute to the good governance of the area and actively encourage community participation and public involvement in decision making;
- (g) maintain the highest standards of conduct and ethics.

2.3.2 Rights and duties

- (a) Councillors will have those rights of access to documents, information, land and buildings of the Authority which are necessary for the proper discharge of their functions and in accordance with the law.

- (b) Councillors will not make public any Confidential or Exempt Information without the consent of the Authority or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
- (c) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules found at [Part 4E](#) of the Constitution.

2.4 CONDUCT

Councillors shall at all times observe the Code of Members' Conduct, the Protocol on Member/Employee Relations, the Protocol on Gifts and Hospitality, the Planning Code of Conduct and the Licensing Code of Conduct, all as set out in [Part 5](#) of this Constitution, and such other codes or protocols as the Authority may from time to time adopt.

2.5 ALLOWANCES

Councillors are entitled to receive allowances in accordance with the Members' Allowance Scheme set out in [Part 6](#) of this Constitution.

2.6 NOTICE OF MEETINGS

When the Proper Officer is giving notice to the public of the time and place of any Meeting in accordance with the Access to Information Rules, he/she shall as soon as practicable send a summons to the Meeting to every Member entitled to receive it and to the relevant substitute Members appointed by the Council. The summons will give the date, time and place of the Meeting and specify the business to be transacted and will be accompanied by such reports as are available.

Papers for meetings will be sent to Members at the address or the last address of which the Member has given notice in writing to the Proper Officer.

The Access to Information Rules deal with other Members' entitlement to receive papers for Meetings.

2.7 INFORMATION TO MEMBERS

It shall normally be sufficient for the purposes of keeping Members informed as to the business of the Authority, or on related matters, if the information is circulated to Members in the normal course of post or delivery or by e-mail.

2.8 ACCESS TO WORKS AND PREMISES

Unless specifically authorised to do so by the Council, the Cabinet or a Committee, a Member may not issue any order respecting any works which are being carried out by or on behalf of the Authority or claim by virtue of his/her membership of the Authority any right to inspect or enter upon lands or premises or works which the Authority, or an employee duly authorised for the purpose, has the power or duty to inspect or enter.

ARTICLE 3 MEMBERS OF THE PUBLIC AND THE COUNCIL

3.1 RIGHTS OF MEMBERS OF THE PUBLIC

Members of the public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules in [Part 4E](#) of this Constitution:

3.1.1 Referendum

Members of the public on the electoral roll for the Borough have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution.

No more than one referendum can, however, be held in any five year period and Cheltenham last held a referendum on the 28th June 2001.

3.1.2 Information

Members of the public have the right:

- (a) to attend meetings of the Council and its committees except where confidential or exempt information is likely to be discussed and that part of the meeting is therefore held in private;
- (b) to attend meetings of the Cabinet *except as in (a) above*;
- (c) to find out from the Forward Plan what Key Decisions will be taken by the Cabinet and when;
- (d) to see agendas, reports and background papers and the minutes and other records of decisions made by the Council, the Cabinet and all other Committees and Sub-committees except where the law permits or requires the withholding of such information;
- (e) to inspect the Authority's accounts and make their views known to the external auditor;
- (f) to disclosure of information under the Freedom of Information Act 2000, subject to certain exemptions and exceptions.

3.1.2 Public Participation

This will contain a high level summary of the Public Participation Scheme which will be contained with full detail, as an Appendix to the Constitution and will include:

- Petition Schemes –*
- General*
 - Formal Scheme*
 - Questions*

3.1.3 Complaints

to the Authority operates an internal complaints procedure. Complaints may be made to :

- (a) the Local Ombudsman, normally after first using the Authority's own complaints scheme;
- (b) the Council's Standards Committee about an alleged breach of the Members' Code of Conduct.
- (c) the Information Commissioner about the Council's handling of a Freedom of Information Act Request.
- (d) the Information Commissioner about the Council's handling of a Personal Data Protection Request.
- (e) Council has responsibility for Personal Data.

3.2 RESPONSIBILITIES OF MEMBER OF THE PUBLIC

Members of the public must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the Authority, Councillors or Employees.

Members of the public must not create a disturbance when attending any Meeting.

ARTICLE 4 THE COUNCIL

4.1 COMPOSITION

The Council comprises 40 Members meeting as a body (or as many of those Councillors who are in office at the time concerned).

4.2 FUNCTIONS OF COUNCIL

The functions that can only be exercised by the Council are set out in Part 3(b) Table 1 of the Constitution.

4.3 COUNCIL MEETINGS

There are four types of meeting of the Full Council:

- (a) the Annual Meeting;
- (b) the Annual and Selection Meeting;
- (c) Ordinary Meetings, and
- (d) Extraordinary Meetings;

and they will be conducted in accordance with the Procedure Rules in [Part 4A](#) of this Constitution.

4.4 STATE OF CHELTENHAM DEBATE

The Leader may, and shall if the Council so resolves, call a State of Cheltenham debate on such date and in such form as shall be agreed with the Mayor.

The form of the debate shall be such as to enable the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the State of Cheltenham debate.

The debate will be chaired by the Mayor.

The results of the debate will be:

- (a) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (b) where appropriate, considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

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ARTICLE 5 THE MAYOR

5.1 ELECTION OF MAYOR AND APPOINTMENT OF DEPUTY MAYOR

The Council will elect the Mayor and appoint the Deputy Mayor at the Annual Council, Annual Selection Meeting and at other times if either office falls vacant. The appointment is for one municipal year.

5.2 ROLE AND FUNCTION OF THE MAYOR

The Mayor, and in his/her absence the Deputy Mayor, shall have the following responsibilities:

- (a) to undertake the role of Chairman of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- (b) to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors can, subject to procedural requirements, discuss matters of importance to the Authority;
- (d) to chair the "state of Cheltenham debate";
- (e) to promote public involvement in the Authority's activities;
- (f) to represent the Authority on such civic and ceremonial functions and on such other occasions as the Council and he/she determines are appropriate.

5.3 SELECTION OF MAYOR

In order to assist the Council in selecting a Mayor, the Chief Executive will maintain a list of all Members, to be known as the "Order of Precedence", showing:

- (a) their total service to the Authority if they have not previously served the Borough as its Mayor; and
- (b) their period of service on the Authority since they last served the Borough as its Mayor

and will, for Members' information, submit that list to the Council at its first meeting in the calendar year.

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ARTICLE 6 OVERVIEW AND SCRUTINY COMMITTEE

6.1 GENERAL ROLE

The Council will appoint the Overview and Scrutiny Committee whose general role is to deliver measurable outcomes which benefit the effectiveness of the Authority and the community.

Within its terms of reference, Overview and Scrutiny committee will:

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Authority's functions;
- (b) make reports and/or recommendations to Council and/or the Cabinet and/or any Committee in connection with the discharge of any functions;
- (c) consider any matter affecting the Borough or its inhabitants including Councillor Calls for Action;
- (d) exercise the right to call-in for reconsideration, Executive decisions, which have been made but not yet implemented.

Cabinet Members may not be Members of the Overview and Scrutiny Committee.

6.2 SPECIFIC FUNCTIONS

The Terms of Reference of the Overview and Scrutiny Committee are contained in Part 3C Table 2.

6.3 PROCEEDINGS OF OVERVIEW AND SCRUTINY COMMITTEES

The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Rules set out in [Part 4D](#) of this Constitution.

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ARTICLE 7 THE CABINET

7.1 ROLE

The Cabinet will carry out all of the Authority's functions as set out in Part 3E of the Constitution.

7.2 FORM AND COMPOSITION

Cabinet will consist of the Leader together with at least three, but not more than seven, Councillors appointed to Cabinet by the Leader of the Council.

7.3 LEADER

The Leader will be the Councillor elected to that position by the Council. The Leader will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a Councillor or the end of their term of office if earlier; or
- (d) the next Selection Meeting; or
- (e) he/she is removed from office by resolution of the Full Council provided that notice of any motion which would have the effect of removing him/her from office is delivered in writing to the Proper Officer 10 clear working days before the relevant Council meeting signed by at least 10 Members.

7.4 OTHER EXECUTIVE MEMBERS (*CABINET MEMBERS*)

Only Councillors may be appointed to the Cabinet. There may be no Co-optees or Substitutes for Cabinet Members. Neither the Mayor nor Deputy Mayor may be appointed to Cabinet or as Leader. Cabinet Members (including the Leader) may not be members of an Overview and Scrutiny Committee.

Cabinet Members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors; or
- (d) the Selection Meeting following their appointment; or

- (e) they are removed from office by the Leader who must give written notice of any removal to the Chief Executive, (such removal to have immediate effect), and may then appoint a replacement ;

7.5 PROCEEDINGS OF THE CABINET

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in [Part 4B](#) of this Constitution.

7.6 RESPONSIBILITY FOR FUNCTIONS

The Leader will maintain in [Part 3](#) of this Constitution details setting out which Cabinet Members, Officers or Joint Arrangements are responsible for the exercise of particular Executive functions.

ARTICLE 8 REGULATORY AND OTHER COMMITTEES

8.1 REGULATORY AND OTHER COMMITTEES

The Council will appoint the committees listed below to discharge the functions set out in [Part 3](#) of this Constitution ('Responsibility for Functions' – [Part 3E](#) 'Scheme of Delegation to Other Committees').

The Planning Committee

The Licensing Committee

The Audit Committee

The Appointments and Remuneration Committee

The Disciplinary Committee

The Appeals Committee

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ARTICLE 9 THE STANDARDS COMMITTEE

9.1 STANDARDS COMMITTEE

The Council will establish a Standards Committee with the role and functions set out in [Part 3D](#) of this Constitution.

9.2 COMPOSITION

9.2.1 Membership

The Standards Committee will be appointed by the Council and be composed of:

- three Councillors drawn from more than one political party (but not the Leader);
- five persons who are not a Member or an officer of the Council or any other body having a standards committee (who will be referred to as the "Independent Members");
- three members of parish councils in the Council's area who is not also a Cheltenham Borough Councillor (who will be referred to as the "Parish Members").

(N.B. Substitutes may not be appointed.)

9.2.2 Terms of office of Independent and Parish Members

Independent Members and the Parish Member shall be appointed in accordance with the prescribed procedure to serve on the Committee for a period of four years and, subject to their continuing eligibility, they may re-apply for membership thereafter.

9.2.3 Parish Members

A Parish Member must be present when matters relating to parish councils or their members are being considered;

9.3 THE STANDARDS (INITIAL ASSESSMENT) SUB-COMMITTEE

When meeting as the Standards (Initial Assessment) Sub-Committee to assess allegations that a Member or Co-opted Member (or former Member or Co-opted Member) of Cheltenham Borough Council or of one of the Parish/Town Councils within the Cheltenham Borough Council area has failed, or may have failed, to comply with the Authority's Code of Conduct, three Members of the Standards Committee will be selected to assess these allegations. The Terms of Reference for the Standards (Initial Assessment) Sub-Committee are set out in Part 3 of this Constitution.

9.4 THE STANDARDS (REVIEW) SUB-COMMITTEE

When meeting as the Standards (Review) Sub-Committee to review decisions made by the Standards (Initial Assessment) Sub-Committee three Members of the Standards Committee will be selected to serve on this Sub-Committee. The Terms of Reference for the Standards (Review) Sub-Committee are set out in Part 3 of this Constitution.

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ARTICLE 10 AREA COMMITTEES

The Authority does not currently have Area Committees.

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ARTICLE 11 JOINT ARRANGEMENTS

11.1 ARRANGEMENTS TO PROMOTE WELL-BEING

Council or Cabinet may, in order to promote the economic, social or environmental well-being of its area:

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

11.2 JOINT ARRANGEMENTS

- (a) Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not Executive Functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
- (b) Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Executive Functions. Such arrangements may involve the appointment of Joint Committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet Members to a joint committee and those Members need not reflect the political composition of the Authority.
- (d) The Cabinet may appoint from outside the Cabinet Members to a Joint Committee where the Joint Committee has functions for only part of the area of the Authority, and that area is smaller than two-fifths of the Authority by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor representing a ward which is wholly or partly contained within the area concerned.

Political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to Joint Committees will be found in the Responsibilities for Functions set out in [Part 3F](#) of this Constitution.

11.3 ACCESS TO INFORMATION

- (a) The Access to Information Rules in [Part 4E](#) of this Constitution apply to a Joint Committee.

11.4 DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

- (a) The Council may delegate non-Executive Functions to another local authority or, in certain circumstances, to the executive of another local authority.
- (b) The Cabinet may delegate Executive Functions to another local authority or to the Executive of another local authority in certain circumstances.

ARTICLE 12 OFFICERS

12.1 ORGANISATIONAL STRUCTURE

(a) General

The Authority may engage such Officers as it considers necessary to carry out its functions.

(b) Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 Officer)

The Council has designated the following statutory posts as shown:

Designation	Person appointed
Head of Paid Service	Chief Executive
Monitoring Officer	Borough Solicitor
Chief Finance Officer	Director of Resources

In CBC, the statutory roles are held by different Officers of the Council.

Such posts include the functions set out below.

(c) Structure

The Head of Paid Service will prepare and publicise a description of the overall structure of the Authority showing the management structure and services provided.. The current Management Structure of the Council is appended to this Article.

(d) Delegation

The functions delegated to Officers are set out in [Part 3H](#) of this Constitution (Officer Delegation Scheme).

12.2 FUNCTIONS OF THE HEAD OF PAID SERVICE

12.2.1 Discharge of functions by the Authority

The Head of Paid Service will report to the Council on the overall manner in which the discharge of the Authority's functions is co-ordinated and organised, including the organisation and grades of chief officers.

12.2.2 Advising whether Executive Decisions are within the Budget and the Policy Framework

In relation to policy related matters, the Head of Paid Service will advise whether executive decisions are in accordance with the Budget and the Policy Framework.

12.2.3 Call-in

The Head of Paid Service will determine if a call-in request falls within Article 13.2.

12.2.4 Restrictions on functions

The Head of Paid Service may not be the Monitoring Officer.

12.3 FUNCTIONS OF THE MONITORING OFFICER

12.3.1 Updating the Constitution

The Monitoring Officer will, as appropriate, advise Full Council on amendments to the Constitution normally through the Constitution Working Group which has the role of making recommendations to the Council on it. He/she may also make such amendments to the Constitution as are necessary to take account of any decisions of Full Council, a Committee, the Cabinet or the Leader and changes of law or fact, and shall notify Councillors, the Head of Paid Service and such other Officers as he/she considers appropriate of any such changes.

12.3.2 Ensuring lawfulness and fairness of decision making

After consulting with the Head of Paid Service and the Section 151 Officer, the Monitoring Officer will report to the Council (or to the Cabinet in relation to an Executive Function) if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

12.3.3 Supporting the Standards Committee

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through the provision of support to the Standards Committee.

12.3.4 Conducting investigations

The Monitoring Officer will conduct investigations into matters referred by an Assessment Sub-Committee or an Appeals Sub-Committee of the Standards Committee, or arrange for such investigations to be made, and make reports or recommendations in respect of them to the Standards Committee.

12.3.5 Restrictions on posts

The Monitoring Officer cannot be the Head of Paid Service or the Section 151 Officer.

12.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER (SECTION 151 OFFICER)

12.4.1 Ensuring lawfulness and financial prudence of decision making.

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council, or to the Cabinet in relation to an Executive Function, and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

12.4.2 Administration of financial affairs

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council and will ensure that an adequate and effective internal audit system is maintained.

12.4.3 Contributing to corporate management

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

12.4.4 Providing advice

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Employees in their respective roles.

12.4.5 Give financial information

The Section 151 Officer will provide financial information to the media, members of the public and the community.

12.4.6 Advising whether Executive Decisions are within the Budget and the Policy Framework

In relation to financial matters, the Chief Finance Officer will advise whether executive decisions are in accordance with the Budget and Policy Framework.

12.5 RESTRICTION ON POSTS

The Chief Finance Officer cannot be the Monitoring Officer.

12.6 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND THE CHIEF FINANCE OFFICER

The Council will provide the Monitoring Officer and the Chief Finance Officer with such officers, accommodation and other resources as are in their respective opinions sufficient to allow their duties to be performed.

12.7 CONDUCT

Employees will comply with the Code of Conduct for Employees and the Protocol on Member/Employee relations set out in [Part 5](#) of this Constitution.

12.8 EMPLOYMENT

The recruitment, selection and dismissal of officers will comply with the Employment Rules set out in [Part 4F](#) of this Constitution.

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13.1 RESPONSIBILITY FOR DECISION MAKING

The Functions allocated to Council, Committees, Cabinet, Cabinet Members, Officers, Joint Arrangements and other local authorities are set out in Part 3 of this Constitution.

13.2 PRINCIPLES OF DECISION MAKING

All decisions of the Authority made by the bodies or persons in Rule 13.1 shall be made in accordance with the following principles:

- (a) the decision must be lawful and in accordance with all applicable statutory and regulatory requirements and this Constitution;
- (b) the decision shall be proportionate to the desired outcome;
- (c) the decision shall comply with the Budget and Policy Framework Rules;
- (d) the decision should be taken following due consultation and on the taking of professional advice from Officers;
- (e) there shall be respect for human rights;
- (f) there shall be a presumption in favour of openness;
- (g) there shall be clarity of aims and desired outcomes;
- (h) due consideration shall be given to all objections; and
- (i) the options considered and the reasons for the decision shall be clearly set out.

13.3 SPECIFIC TYPES OF DECISION

(a) Decisions reserved to Council

Decisions relating to the functions listed in Table 1 of Part 3 of the Constitution shall be taken by Council unless lawfully delegated to a Committee or an Officer.

(b) Key Decisions (*Executive Functions only*)

A Key Decision means any decision in exercise of an Executive Function which is likely:-

- (i) to result in the Authority incurring **expenditure** which is, or the making of **savings** which are, **significant** having regard to the Authority's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising **two or more wards** in the Authority's area

The Authority has agreed the following local definition of Key Decision -

A Key Decision is a decision made in exercise of an executive function which:-

- requires a budget expenditure or budget saving of £100,000 or more;
- relates to the acquisition or disposal of land or an interest in land with a value in excess of £250,000; or
- is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough

Additionally (in accordance with Section 38 of the Local Government Act 2000) in determining the meaning of "**significant**" for these purposes regard shall be had to any guidance issued by the Secretary of State.

(c) Significant Decisions (*non-Executive Functions only*)

A Significant Decision means any decision in exercise of a non-Executive Function which:-

- requires a budget expenditure or budget saving of £100,000 or more; or
- is likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough

(d) Urgent Decisions

An urgent decision means a decision made in circumstances where:-

- (a) a decision is required by statute or otherwise within a specified timescale; or
- (b) any delay likely to be caused by not making the decision would seriously prejudice the Authority's or the public's interests; or
- (c) any delay likely to be caused by not making the decision would be likely to expose the Authority, its members or its constituents to a significant level of risk, loss, damage or disadvantage.

13.4 DECISION MAKING BY COUNCIL

Subject to Article 13.8, Council meetings will follow the Council Procedure Rules set out in Part 4A of this Constitution when considering any matter.

13.5 DECISION MAKING BY CABINET

Subject to Article 13.8, Cabinet will follow the Cabinet Procedure Rules set out in Part 4B of this Constitution when considering any matter.

13.6 DECISION MAKING BY OVERVIEW AND SCRUTINY COMMITTEE

Overview and Scrutiny Committee will follow the Overview and Scrutiny Rules set out in Part 4D of this Constitution when considering any matter.

13.7 DECISION MAKING BY OTHER COMMITTEES AND SUB-COMMITTEES ESTABLISHED BY THE COUNCIL

Subject to Article 13.8, all Committees and Sub-Committees established by Council will follow those parts of the Procedure Rules set out in Part 4C of this Constitution as apply to them when considering any matter.

13.8 DECISION MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

Council, Cabinet, a Cabinet Member, a Committee or an Officer acting as a tribunal or in a quasi judicial manner or as a Regulatory Committee or determining and/or considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair hearing contained in Article 6 of the European Convention on Human Rights.

13.9 DECISION MAKING BY OFFICERS

When making decisions within the powers delegated to them under Part 3 of the Constitution, Officers will ensure that the financial implications or expenditure resulting from the exercise of that delegation does not exceed the limit of their authorised level of expenditure.

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ARTICLE 14 FINANCE, CONTRACTS AND LEGAL MATTERS

FINANCIAL MANAGEMENT

- 14.1 The management of the Authority's financial affairs will be conducted in accordance with the Budget and Policy Framework Rules and the Financial Rules set out in Part 4G and Part 4H of this Constitution.

CONTRACTS

- 14.2 Every contract made by the Authority will comply with the Contract Rules set out in Part 4I of this Constitution.
- 14.3 All contracts above £10,000 shall be executed as a deed and the common seal (see below) shall be affixed unless the Borough Solicitor or Head of Legal Services considers it more expedient to sign the contract. All contracts not exceeding £10,000 shall be signed by any of the Borough Solicitor, Head of Legal Services, Chief Executive, Executive Directors or Directors, unless the Borough Solicitor or Head of Legal Services requires that the contract be sealed.

LEGAL PROCEEDINGS

- 14.4 The Borough Solicitor and the Head of Legal Services is each authorised subject to 14.4 below to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority (Council, Cabinet, Committee, Joint Arrangements or Officer) or in any case where the Borough Solicitor or Head of Legal Services considers that such action is necessary to protect the Council's interests and he/she is satisfied as to the available evidence.
- 14.5 This authority may only be exercised within the financial limit which is authorised by the decision or is within the authorised expenditure limit of the Borough Solicitor.

AUTHENTICATION OF DOCUMENTS

- 14.6 Subject to Rule 14.3 above and Rule 14.8 below, where any document is necessary to any legal procedure or proceedings on behalf of the Authority, it will be signed by the Borough Solicitor, Head of Legal Services or Chief Executive or any other person authorised by them, unless any enactment otherwise authorises or requires or the Authority has given requisite authority to some other person.
- 14.7 A decision of a person or body in respect of a Function allocated to them under Part 3 of the Constitution will be sufficient approval for signing any document necessary to give effect to that decision.

COMMON SEAL OF THE AUTHORITY

- 14.8 The common seal of the Authority will be affixed to those documents which in the opinion of the Borough Solicitor or the Head of Legal Services should be sealed.
- 14.9 A decision of a person or body in respect of a Function allocated to them under Part 3 of the Constitution will be sufficient approval for sealing any document necessary to give effect to that decision.

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- 14.10 The common seal will be kept in a safe place in the custody of the Borough Solicitor.
- 14.11 The affixing of the common seal must be attested by any of: the Borough Solicitor, the Head of Legal Services, the Chief Executive, an Executive Director, the Mayor, the Deputy Mayor.

ARTICLE 15 REVIEW AND REVISION OF THE CONSTITUTION

15.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

The Constitution Working Group will meet at least once a year to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Monitoring Officer and Director Commissioning will assist the Working Group in carrying out this task. Any recommendations for change shall be dealt with in accordance with 15.3 below.

15.2 PROTOCOL FOR MONITORING AND REVIEW OF CONSTITUTION BY MONITORING OFFICER

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1.

In undertaking this task the Monitoring Officer may arrange for themselves or any other officer to, amongst other actions:

- (a) observe meetings of different parts of the Member and Employee structure;
- (b) undertake an audit of a sample of decisions;
- (c) record and analyse issues raised with him/her by Members, Employees, the public and other relevant stakeholders; and
- (d) compare practices in this Authority with those in other comparable authorities or national examples of best practice.

15.3 CHANGES TO THE CONSTITUTION

Changes to Parts 1 to 5 of the Constitution will, insofar as they are a matter for the Full Council to decide, only be approved by the Full Council after consideration of a report from the Constitution Working Group or the Monitoring Officer has been given the opportunity of making such a report and has declined to do so, in which case that fact shall be recorded in the minutes of the Meeting at which the decision to amend the Constitution was taken.

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ARTICLE 16 CONSTRUCTION, PUBLICATION AND SUSPENSION OF THE CONSTITUTION

16.1 CONSTRUCTION

The ruling of the Mayor as to the construction or application of the Constitution, or as to any proceedings of the Council, shall not be challenged at any Meeting of the Council. The Mayor must be guided in his/her interpretation by the purposes of the Constitution set out in Article 1 and by the Monitoring Officer.

16.2 PUBLICATION

- (a) The Chief Executive will give a printed copy of this Constitution to each Councillor upon delivery to him/her of his/her declaration of acceptance of office on the Councillor being elected to the Council.
- (b) The Chief Executive will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

16.3 SUSPENSION OF THE CONSTITUTION

16.3.1 Limit to suspension

The Articles of this Constitution may not be suspended other than [Article 12](#) (Employees) to the extent that may be necessary for the purposes of making temporary arrangements in relation to the duties and functions of Employees.

16.3.2 Rules capable of suspension

The rules contained in [Part 4](#) (save for the exceptions listed below) may be suspended by the Council but only to the extent permitted by law and after the advice of the Borough Solicitor has been obtained. The exceptions are:

- (a) Procedure [Part 4A rule 9](#) Notices of Motions
- (b) Procedure [Part 4C rule 15](#) Members' entitlement to have their votes recorded
- (c) Procedure [Part 4C rule 19](#) Prevention of Disorderly Conduct
- (d) [Part 4F](#) Employment Rules
- (e) [Part 4H](#) Financial Rules

16.3.3 Procedure to suspend

A motion to suspend can only be made by the Council and cannot be moved without notice unless at least one half of the whole number of Members entitled to be present are present. The extent and duration of suspension must be proportionate to the result to be achieved, taking account of the purposes of the Constitution as set out in Article 1 and shall only be for so long as is necessary to transact the particular item of business necessitating the suspension.

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Part 4I

Contract Rules

- Section 1 – General Compliance and Scope
 - 1. Compliance
 - 2. Scope
- Section 2 – Common Requirements
 - 3. Calculation of Contract Values
 - 4. Authorised Officers and their responsibilities
 - 5. Contract Values
 - 6. Exemptions and Waivers
 - 7. Records of Tenders and Contracts
- Section 3 – Tendering Process
 - 8. Pre-Qualification
 - 9. Electronic Tendering
 - 10. Invitation to Tender
 - 11. Submission and Opening of Tenders
 - 12. Arithmetical Errors and Post Tender Clarification
 - 13. Awarding Contracts
 - 14. Debriefing
- Section 4 – Contract Formalities
 - 15. Contract Terms and Conditions
 - 16. Bonds and Parent Company Guarantees
 - 17. Embedded Leases and Embedded Derivatives
 - 18. Execution of Contracts
- Section 5 – Specific Types of Tendering
 - 19. Approved Lists/Call Off Contracts
 - 20. Nominated and Named Sub-Contractors
 - 21. Framework Agreements
 - 22. Collaborations and Joint Procurement
 - 23. Procurement by Consultants
- Definitions
- Appendix 1 – Identification of Embedded Leases
- Appendix 2 – Identification of Embedded Derivatives

CONTRACT RULES

SECTION 1: GENERAL COMPLIANCE AND SCOPE

1. COMPLIANCE

1.1 Every contract entered into by the Authority shall be entered into pursuant to or in connection with the Authority's functions and shall comply with:

1.1.1 All relevant statutory provisions;

1.1.2 The relevant European procurement rules when applicable (i.e. the EC Treaty, the general principles of EC law and the EC public procurement directives implemented by the UK Regulations);

1.1.3 The Authority's Constitution including these Contract Rules, the Authority's Financial Rules and Scheme of Delegation;

1.1.4 The Authority's strategic objectives, Procurement Strategy and policies.

1.2. The policy of the Authority, and the objective of these rules, is to ensure that all works, goods and services:

1.2.1 Are obtained with probity and propriety to ensure the proper expenditure of public funds;

1.2.2 Are appropriate for the purpose for which they are obtained;

1.2.3 Ensure Best Value for Money.

2. SCOPE

2.1 These Contract Rules apply to any arrangement made by, or on behalf of, the Authority for the carrying out of works or for the supply of goods, materials or services.

2.2. These Contract Rules do not apply to:

2.2.1 contracts of employment which make an individual a direct employee of the authority;

2.2.2 the acquisition, disposal, or transfer of land (see Procurement Code and Cheltenham BC Disposal Strategy)

- 2.2.3 contracts relating to the placement of deposits or raising of loans under the treasury management strategy;
- 2.2.4 purchases made at public auction.

SECTION 2: COMMON REQUIREMENTS

3. CALCULATION OF CONTRACT VALUES

- 3.1 Unless otherwise stated, where a value or an estimated value is noted in these Contract Rules it means the aggregate value payable in pounds sterling exclusive of VAT over the entire contract period.
- 3.2 The value of an on-going requirement must be aggregated over a minimum period of 48 months using either the aggregate projected value over the coming 48 months OR by using the last 12 months' expenditure and multiplying this by 4.
- 3.3 Contracts must not be artificially under or over estimated or divided into two or more separate contracts where the effect is to avoid the application of the Contract Rules.

4. AUTHORISED OFFICERS AND THEIR RESPONSIBILITIES

- 4.1 Authorised Officers are persons who have delegated authority to deal with the contract in question and who have received corporate training on these Contract Rules and the Procurement Code.
- 4.2 The Authorised Officer must proceed with the purchase in a manner commensurate with its complexity and value, by:
 - 4.2.1 appraising the need for the expenditure and its priority;
 - 4.2.2 defining the objectives of the purchase;
 - 4.2.3 assessing the risks associated with the purchase and how to manage them;
 - 4.2.4 considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium;
 - 4.2.5 consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring;
 - 4.2.6 for Quotes and Tenders below £10,000, to attach the relevant standard terms and conditions to the purchase order or otherwise draw the attention of the supplier to these standard terms and conditions ; and
 - 4.2.7 for Quotes and Tenders above £10,000, to instruct the Legal Advisor to draft the formal written contract terms and conditions that are to apply to the proposed contract; and
 - 4.2.8 setting out these matters in writing.
 - 4.2.9 ensuring that a purchase order is raised for the contract.

- 4.3 When any employee either of the Authority or of a service provider may be affected by any transfer arrangements, Authorised Officers must ensure that the Transfer of Undertaking Protection of Employment Regulations 2006 (TUPE) issues are considered and obtain legal advice before proceeding with inviting Tenders or Quotations.

5. CONTRACT VALUES

- 5.1 Where the total value for a purchase is within the values in the first column below, the award procedure in the second column must be followed:

Estimated Total Contract Value	Contract Letting Requirements & Forms of Contract
Up to £10,000	The Authorised Officer can purchase from the source that offers the best value for money to the Authority. Contracts shall be by purchase order, with standard terms and conditions. This could be demonstrated by the obtaining of 2 written quotations, where this is possible.
From £10,001 to £50,000	Shall be advertised on the website of the Authority (and/or other public advertisement as determined by the Authorised Officer) At least 3 written Quotations shall be invited and a formal written contract approved by the Legal Advisor must be utilised .
From £50,001 to EU Threshold	Shall be advertised on the website of the Authority (and/or other public advertisement as determined by the Authorised Officer). A minimum of 3 competitive Tenders shall be invited using one of the tendering options in the procurement code. A formal written contract prepared/approved by the Legal Advisor must be utilised.
EU Threshold and Above	Shall be advertised in the Official Journal of the European Journal (OJEU) and on the website of the Authority (and/or other public advertisement as determined by the Authorised Officer). The appropriate EU procurement directive shall be complied with for all goods, services and works A formal written contract prepared/approved by the Legal Advisor must be utilised.

- 5.2 Public advertisements referred to in the above Contract Procedure Rule shall reflect the potential degree of interest from Candidates located within other member states of the EU in order to comply with the EU Treaty principles such as transparency, equal treatment and non discrimination. The Authorised Officer shall seek the advice of the Procurement Advisor or the Legal Advisor before determining the most appropriate public advertisement for the procurement.

6. EXEMPTIONS AND WAIVERS

- 6.1 Subject to the written approvals referred to in Contract Procedure Rule 6.2 below, waivers of any of these Contract Rules shall only be given in the following exceptional circumstances:-
- 6.1.1 Where the goods, materials, works or services are of a unique or specialised nature or are identical or similar to or compatible with an existing provision so as to render only one or two sources of supply appropriate, including:
- an upgrade or
 - where the contract concerns, wholly or mainly, repairs to or the supply of parts for existing proprietary machinery, plant or equipment and the repairs to or the supply of parts cannot be carried out practicably by alternative contractors;
- or
- 6.1.2 The goods or materials to be purchased are proprietary articles or are sold only at fixed prices; or
- 6.1.3 The price of services, goods or materials to be purchased is controlled by trade organisations, or if for other reasons there would be no genuine competition; or
- 6.1.4 Where in the opinion of the Authorised Officer in consultation with the s151 Officer and the Legal Advisor considers that the services to be provided or the work to be executed or the goods or materials to be purchased are urgent (subject to the action being reported to the next Cabinet meeting); or
- 6.1.5 Specialist consultants, solicitor, barrister, agents, artist or professional advisors are required and:
- There is no satisfactory alternative; or
 - Evidence indicates that there is likely to be no genuine competition; or
 - It is, in the opinion of the Authorised Officer, in the Authority's best interest to engage a particular consultant, solicitor, barrister, agent, artist or advisor;
- or
- 6.1.6 The goods or materials to be purchased are within a bulk purchasing agreement made between the Authority and a consortium or other organisation approved by the Authority; or
- 6.1.7 The works to be executed or the goods or materials to be purchased can only be carried out or supplied by a statutory body.
- 6.2 These Contract Rules may be waived, subject to compliance with any relevant EU/UK legislation. Any such waiver must be agreed by:
- 6.2.1 The Cabinet for contracts above £100,000 or the Chief Executive in consultation with the Leader of the Council if the matter requires an urgent decision and a meeting of the Cabinet cannot be called; or

6.2.3 The Officer(s) authorised under Part 3 table 5 of the Constitution, in consultation with the Section 151 Officer and the Legal Advisor if the contract is £100,000 or less.

6.3 The s151 Officer shall keep a copy of the wavier or a record of the decision and the reasons for it and the wavier itself shall be kept with the contract.

7. RECORDS OF TENDERS AND CONTRACTS

7.1 The Director Commissioning shall maintain a list of all Tenders received.

7.2 A Contracts Register of all contracts awarded above £10,000 shall be maintained by the Procurement Advisor

7.3 Each Authorised Officer shall maintain their own register of all other contracts under £10,000 entered into by his/her department.

SECTION 3: TENDERING PROCESS

8. PRE-QUALIFICATION

8.1 Authorised Officers are responsible for ensuring that all Candidates for a contract are suitably assessed. The assessment process shall establish that the potential Candidates have sound:

- economic and financial standing; and
- technical ability and capacity

to fulfil the requirements of the Authority.

8.2 Financial checks must be undertaken for all contracts where the value of the contract is above £10,000(see Procurement Code)

8.3 Any procurement subject to the EU Regulations shall comply with the appropriate EU Regulations.

9. ELECTRONIC TENDERING

9.1 The Authorised Officer following consultation with the Legal Advisor may authorise:

- 9.1.1 the transmission of Quotes and Tenders by electronic means;
- 9.1.2 the carrying out of an electronic auction where satisfied that it is in the interests of the Authority to do so;
- 9.1.3 the carrying out of the whole tendering process and the award of the contract by electronic means where satisfied that it is in the interests of the Authority to do so.

10. INVITATION TO TENDER

- 10.1 The Invitation To Tender shall state that no Tender will be considered unless it is received by the date and time stipulated in the Invitation To Tender. Subject to Contract Procedure Rule 11.3 below, no Tender delivered in contravention of this Contract Procedure Rule shall be considered.
- 10.2 All Invitations To Tender shall include the following:
- A description of the goods or services to be supplied or works to be undertaken.
 - The procurement timetable including the Tender return date and time, which shall allow a reasonable period for the applicants to prepare their Tenders.
 - A specification and instructions on whether any variants are permissible.
 - the Authority's terms and conditions of contract;
 - The evaluation criteria including any weighting as considered appropriate.
 - Pricing mechanism and instructions for completion.
 - Whether the Authority is of the view that TUPE may apply.
 - Form and content of method statements to be provided.
 - Declaration of Non-Collusion;
 - Notification that all Tenders are submitted at the tenderer's own expense;
 - A requirement for tenderers to disclose details of all convictions under Regulation 23(1) of the Public Contracts Regulations 2006 or a declaration that there are no such convictions;
 - Rules for submitting of Tenders and whether Tenders may be submitted electronically.

11. **SUBMISSION AND OPENING OF TENDERS**

- 11.1 Tenders shall be submitted in accordance with requirements set out in the Invitation to Tender. All Tenders received shall be addressed to the Authorised Officer in a plain sealed envelope endorsed with the word "Tender – Do Not Open" followed by the subject matter to which it relates (but no other name or mark indicating the sender). Tenders shall be kept in a safe place by the Director Commissioning and remain unopened until the time and date specified for their opening.
- 11.2 Quotations and Tenders above £10,000 shall be opened by at least one officer nominated by the Authorised Officer and one other officer nominated by the Director Commissioning. An immediate record shall be made of the Tenders received including names, amount of tender and the date and time of opening.
- 11.3 No Tenders received after the specified date and time for receipt of Tenders shall be accepted or considered by the Authority unless the Authorised Officer, after consulting the s151 Officer and the Legal Advisor, is satisfied that there is sufficient evidence for the Tender having been despatched in sufficient time for it to have arrived before the closing date and time

12. **ARITHMETICAL ERRORS AND POST TENDER CLARIFICATION**

- 12.1 Contractors can only alter their Tenders or Quotations after the date specified for their receipt

but before the formal acceptance of the Tender or Quotation, where examination by officers of the Tender or Quotation reveals arithmetical errors or discrepancies which affect the Tender or Quotation figure. The contractor shall be given details in writing of such errors or discrepancies and afforded an opportunity of confirming, amending or withdrawing their offer in writing.

12.2 All post-tender clarifications shall:

12.2.1 only be undertaken following consultation with the Procurement Advisor and the Legal Advisor ;and

12.2.2 not disclose commercially sensitive information supplied by other bidders for the contract.

13. **AWARDING CONTRACTS**

13.1 The Authority shall only award a contract where this is the Best Value for Money for the Authority,

13.2 Where the Best Value for Money does not represent the lowest price (where payment is to be made by the Authority) or the highest price (if payment is to be received) the relevant considerations for awarding the contract must be specified such as in accordance with previously approved most economically advantageous tender.

14. **DEBRIEFING**

14.1 The Authorised Officer shall provide a debriefing to unsuccessful Tenderers on written request or as required by the law.

SECTION 4: CONTRACT FORMALITIES

15. **CONTRACT TERMS AND CONDITIONS**

15.1 Contracts shall be entered into on the Authority's terms and conditions, as prepared by the Legal Advisor, which shall be included in the Invitation to Tender documentation.

16. **BONDS AND PARENT COMPANY GUARANTEES**

16.1 Bonds or Parent Company Guarantee will be required on all works contracts above £1,000,000 or for a contract of a lesser value if considered appropriate by the Authorised Officer or Section 151 Officer following consultation with the Legal Advisor

16.2 Bonds or Parent Company Guarantee may be required for any contract if considered appropriate by the Authorised Officer or Section 151 Officer following consultation with the Legal Advisor

17. **EMBEDDED LEASES & EMBEDDED DERIVATIVES**

17.1 Prior to completion of a contract the Authorised Officer must complete the following questionnaires:

- Identification of Embedded Leases questionnaire at appendix 1;
- Identification of Embedded Derivatives questionnaire at appendix 2

17.2 The Authorised Officer must complete the questionnaires referred to in the Contract Procedure Rule 17.1 referred to above in accordance with the instructions set out in the questionnaires.

17.3 Upon completion of the questionnaire(s), if the Authorised Officer concludes that the contract contains an embedded lease or an embedded derivative then a copy of the contract must be referred to the s151 Officer for a full financial assessment.

17.4 All completed questionnaires must be filed with the Tender documents and retained for audit purposes.

18. EXECUTION OF CONTRACTS

18.1 All contracts above £10,000 shall be executed as a deed and the common seal shall be affixed unless the Borough Solicitor or Head of Legal Services considers it more expedient to sign the contract. All contracts not exceeding £10,000 shall be signed by any of the Borough Solicitor, Head of Legal Services, Chief Executive, Executive Directors or Directors, unless the Borough Solicitor or Head of Legal Services requires that the contract be sealed.

SECTION 5: SPECIFIC TYPES OF TENDERING

19. APPROVED LISTS (CALL OFF CONTRACTS)

19.1 The Authority may maintain lists of Suppliers that meet its pre-qualification requirements. Quotations and Tenders for contracts that are not subject to the EU Regulations may be invited from Suppliers included on approved list or call off contract. Where the Authority intends to use an approved list or a call off contract for services, supplies or works contracts, the selection of which contractors should be included on such list should itself be advertised. The advertisement shall be placed on the Authority website and / or other public advertisement as determined by the Authorised Officer in consultation with Procurement Advisor or Legal Advisor.

19.2 The approved list or call- off contract shall be amended or reviewed as required and shall be reviewed at intervals not exceeding three years or in accordance with the relevant call off contract. At least four weeks before each review each person or body whose name appears in the Approved List shall be asked whether they wish their name to remain and advertisements inviting applicants shall be published as set out in the Contract Procedure Rule 19.1 above.

20. NOMINATED AND NAMED SUB-CONTRACTORS

20.1 Tenders for sub-contracts to be performed or goods and materials to be supplied by nominated suppliers shall be dealt with in accordance with the provisions of these Contract Procedure Rules

21. FRAMEWORK AGREEMENTS

21.1 Framework Agreements are used where the Authority wishes to contract for the supply of supplies, services or works without conducting a new procurement exercise. However, the Framework Agreement may include within its terms a requirement for a mini competitive exercise between all those Suppliers who are parties to the Framework Agreements and can

provide the goods/services being tendered. Any Framework Agreement shall be tendered in accordance with these Contract Rules. Where the Authority has entered into a Framework Agreement through procurement or is able to call off from existing Framework Agreements then the Authority may benefit from using those contracts without entering into a separate procurement subject to the approval of the Procurement Advisor.

22. COLLABORATIONS AND JOINT PROCUREMENT

22.1 The Authorised Officer may participate in any collaborative or joint procurement arrangements with other Local Authorities or public bodies including membership or use of a Purchasing Consortia subject to the prior approval of the Director Commissioning.

23. PROCUREMENT BY CONSULTANTS

23.1 Any consultants used by the Authority shall be appointed in accordance with these Contract Rules. Where the Authority uses consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the consultant carries out any procurement in accordance with these Contract Rules. No Consultant shall make any decision on whether to award a contract or who a contract should be awarded to. The Authorised Officer shall ensure that the consultant's performance is monitored.

DEFINITIONS

Authorised Officer	An officer who has delegated authority to deal with the contract in question and who has received corporate training on these Contract Rules.
Best Value for Money	The optimum combination of whole life costs and benefits to meet the Authority's requirement.
Bond	An insurance policy: if the contractor does not do what it has promised under a contract with the Authority, the Authority can claim from the insurer the sum, of money specified in the bond (often 10% of the contract value). A bond is intended to protect the Authority against a level of cost arising from the contractor's failure.
Candidate	Any person who asks or is invited to submit a Quotation or Tender.
Consultant	Someone appointed (but not under a contract of employment) for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role.
Contractor	any person, company or supplier who has: <ul style="list-style-type: none"> (a) been approached to provide a Quotation or Tender (b) provided a Quotation or Tender, or been awarded a contract in accordance with these contract rules.
EU Regulations	The UK regulations implementing the EC public procurement directives.
Framework Agreement	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to

	price and, where appropriate, the quantity envisaged.
Invitation to Tender	Invitation to tender documents in the form required by these Contract Rules.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Authority, the Authority can require the company to do so instead.
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Supplier	A person or body of persons providing, or seeking to provide, supplies, services or works to the Authority.
Tender	A Candidate's proposal submitted in response to an Invitation to Tender.

Appendix 1

Identification of Embedded Leases

Introduction: This questionnaire is intended to address whether embedded leases exist in contracts for the purchase of goods or services and other contracts.

The questions are aimed at determining if the contracts give the Local Authority the right to use an asset in exchange for payment

This questionnaire must be completed for all contracts with a value greater than £50,000 and a term of more than 1 year.

Contract Information:

Contract Details	Comments
Supplier	
Effective date	
Expiration date	
Reference	
Description of contract	
Contract reviewed by	

Questions:

No.	Question	Yes or No
1	<p>Does the contract involve the Local Authority using a specific asset or group of assets?</p> <p>Examples of this would be, the use of a car, a photocopier, a piece of medical equipment, a building, a waste truck.</p>	
2	<p>Does the Local Authority control the use of the asset?</p> <p>If the asset is situated in a Local Authority building, and can only be used by the Local Authority staff, or by others as directed by the Local Authority, then clearly the Local Authority controls the asset. Similarly if the Local Authority controls how an asset such as a waste truck is used, or controls the majority of the output from an asset then it has control.</p>	
3	<p>Does the Local Authority pay for the use of the asset?</p> <p>Payment, could be in the form of cash, but maybe in other forms, such as agreeing to purchase a consumable from a supplier, providing services free of charge, or any other way of passing economic benefits to the supplier.</p>	

If the answer to any of the above questions is YES, the contract must be referred to the Section 151 Officer, so that a full financial assessment can be conducted.

This questionnaire must be filed with the contract/tender documents, and will be subject to periodic audit by both external and internal auditors.

Appendix 2

Identification of Embedded Derivatives

Introduction: This questionnaire is intended to address whether embedded derivatives exist in contracts for the purchase of goods or services, but also includes lease and other contracts. The questions relate to features that may be found in various purchase contracts.

The questions relate to how the price paid by the Local Authority may vary throughout the life of the contract.

This questionnaire must be completed for all contracts with a value greater than £50,000, or all contracts greater than 3 years in length

Contract Information:

Contract Details	Comments
Supplier	
Effective date	
Expiration date	
Reference	
Description of contract	
Contract reviewed by	

Questions:

No.	Question	Yes or No
1	<p>Does the contract contain a clause that 'CAPS' the price the Local Authority has to pay for goods or services?</p> <p>A 'CAP' is any mechanism in the contract which stops the price raising above a certain level.</p>	
2	<p>Does the contract contain a clause that sets a 'FLOOR' to the price that the Local Authority has to pay for goods or services?</p> <p>A 'FLOOR' is any mechanism in the contract which stops the price falling below a certain level.</p>	
3	<p>Does the contract contain a provision whereby the Local Authority can obtain title to the goods or services in the future at a fixed price?</p> <p>An example would be the purchase of software services, where the software could be purchased at a later date for a fixed price.</p>	
4	<p>Do the prices the Local Authority have to pay, increase by more than 2 times RPI?</p> <p>A lot of contracts have 'RPI' (retail price index) annual increases</p>	
5	<p>Do the prices the Local Authority have to pay, increase by some other form of Indices or commodity price?</p> <p>Examples would be, price of electricity, exchange rate, earnings, price of oil, rate of interest, etc</p>	

If the answer to any of the above questions is YES, the contract must be referred to the s151 Officer so that a full financial assessment can be conducted.

This questionnaire must be filed with the contract/tender documents, and will be subject to periodic audit by both external and internal auditors

CONTRACT RULES

REVISED MARCH 2012

The majority of the Contract Rules remain unchanged. A lot of the detail has been removed and has been included in the Procurement Code.

Revised CR	Existing CR
<p>Exceptions to tender has been removed because the waiver provisions set out in paragraph 6.2 are sufficient.</p>	<p>The following section has been removed from the new version.</p> <p>7.2 'If a Strategic Director believes that by following one of the procurement options detailed in 3.7 above, the procurement process will not provide the most appropriate method of service delivery, the most competitive prices, allow for continuous improvements in service delivery, or stifle procurement innovation, then he/she may suggest alternative procurement strategies for approval by the Cabinet. Prior to proceeding with the procurement, the Strategic Director shall produce a written procurement strategy that shall be approved by the Chief Executive and the Cabinet.</p> <p>The requirement for Tenders shall not apply where the services comprise:-</p> <p>advice of Counsel; representation by Counsel; services of an expert witness;</p> <p>the engagement of temporary, locum or fixed term contract staff (contact HR for details of the Council current policy.)</p>

<p>The new waiver report value and requirements are:</p> <p>6.2</p> <p>These Contract Procedure Rules may be waived, subject to compliance with any relevant EU/UK legislation. Any such waiver must be agreed by:</p> <p>The Cabinet for contracts above £100,000 or the Chief Executive in consultation with the Leader of the Council if the matter requires an urgent decision and a meeting of the Cabinet cannot be called; or</p> <p>The Officer(s) authorised under Part 3 table 5 of the Constitution, in consultation with the Section 151 Officer and the Legal Advisor if the contract is £100,000 or less.</p>	<p>The current value for waiver reports are:</p> <p>9.1</p> <p>Any such waiver must be agreed by:</p> <p>i) The Cabinet for contracts over £50,000.00; or the Chief Executive in consultation with the Leader of the Council if the matter is urgent and a meeting of the Cabinet cannot be called; or</p> <p>ii) A Strategic Director, in consultation with the Chief Finance Officer and the Borough Solicitor and Monitoring Officer, if the contract value is £50,000.00 or less.</p> <p>iii) The Chief Executive activating the Council's 'Major Incident Plan' or a business recovery plan (as outlined in the business continuity management strategy).</p>
<p>11</p> <p>Consideration needs to be given to whether the receipt and opening of tenders is transferred from Procurement so that the responsibility remains with CBC. E.g. Democratic Services</p>	<p>11</p> <p>Currently tenders are received by the Procurement Manager</p>
<p>18</p> <p>All contracts above £10,000 shall be executed as a deed under seal by the Borough Solicitor unless the Borough Solicitor considers it more expedient to sign the contract. All other contracts may be signed by the Chief Executive, Executive Directors, Directors, Borough Solicitor and Monitoring Officer and Head of Legal Services unless the Borough Solicitor requires any such contract to be sealed</p>	<p>17.5</p> <p>All contracts under £10,000.00 shall either be signed by an Authorised Officer as defined in Appendix H or may be signed by the Borough Solicitor and Monitoring Officer or the Head of Legal Services. Alternatively, they may be sealed if required by the Borough Solicitor and Monitoring Officer or by the responsible Strategic Director.</p> <p>17.6 All written contracts over the value of £10,000.00 shall be signed by the Borough Solicitor and Monitoring Officer or the Head of Legal Services or may be sealed if required by the Borough Solicitor and Monitoring Officer or by the responsible Strategic Director.</p>

<p>17 and Appendix 1 and 2</p> <p>A new section on embedded leases and embedded derivatives is as follows Prior to completion of a contract the Authorised Officer must complete the following questionnaires:</p> <ul style="list-style-type: none"> • Identification of Embedded Leases questionnaire at appendix 1; • Identification of Embedded Derivatives questionnaire at appendix 2 <p>The Authorised Officer must complete the questionnaires referred to in the Contract Procedure Rule 17.1 referred to above in accordance with the instructions set out in the questionnaires.</p> <p>Upon completion of the questionnaire(s), if the Authorised Officer concludes that the contract contains an embedded lease or an embedded derivative then a copy of the contract must be referred to the s151 Officer for a full financial assessment.</p> <p>All completed questionnaires must be filed with the Tender documents and retained for audit purposes.</p>	
<p>More detail on embedded leases and embedded derivatives in the appendices</p>	<p>The appendices to the current rules are now in the code of practice</p>

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POSSIBLE ADDITIONS TO RULE 5 – MOTIONS ON NOTICE

Option 1

Automatic reference to the Executive / Cabinet or a Committee

If the subject matter of a motion is within the remit of the Cabinet or a Committee, upon being moved and formally seconded, it shall stand referred without discussion to the Executive / Cabinet or relevant Committee including Overview and Scrutiny Committees as the Council may determine, for consideration and report to the Council as soon as practical. At that time the motion shall be considered with any such report which shall include any appropriate risk assessments.

The Council may permit a motion to be dealt with at the meeting at which it is brought forward, provided that the subject matter is urgent or that it is appropriate to deal with the matter, subject to proper information regarding the matters referred to above.

If the motion has been moved only formally the mover shall be entitled to speak in introducing it when it is considered by the Council either at the same meeting (if agreed as above) or at the next meeting when the report of the Cabinet or a Committee is also submitted.

Option 2

Dealing with Motions at Meetings

The Chairman (Mayor) will ask the meeting to decide whether:-

- (1) The Motion should be discussed at the meeting (although the Motion may **only** be discussed at the meeting if the Chairman (Mayor) considers it convenient and conducive to the despatch of business and the Council considers that it has before it all the information and advice necessary to make a proper decision); or
- (2) To refer the matter without debate to Cabinet or a Committee for consideration and report back to Council as soon as practical.

If (1) is decided the relevant Councillor will be invited to propose the Motion and speak on it for no more than ? minutes and the seconder will speak for no more than ? minutes.

If (2) is decided the Councillor proposing the Motion will be permitted to briefly introduce the Motion.

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RULE 5. MOTIONS ON NOTICE

- 5.1 Except for motions which can be moved without notice under [Rule 13.24](#), written notice of every motion, signed by the Member or Members giving it and stating the names of proposer and seconder, must be delivered to the Proper Officer not later than midday on the **fifth** Working Day before the date of the meeting. A motion on notice will be open to public inspection.
- 5.2 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that he/she proposes to move it at a later meeting or withdraws it.
- 5.3 Motions must be about matters for which the Council has a responsibility or which affect Cheltenham.
- 5.4 A motion under this Rule shall only be moved by the Member by whom notice has been given or someone authorised in writing by such a Member.
- 5.5 A motion which purports to take, or which has the effect of taking an executive decision which cannot be taken by the Council shall, if passed, be of no effect and shall be referred to the Cabinet for consideration.

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Code of Conduct

For all Employees at Cheltenham Borough Council

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Why you must read our Code of Conduct

Cheltenham Borough Council expects every employee to behave in a highly professional manner. That's why you need to read and understand the Code of Conduct as it outlines the standards we expect from you while you are at work.

A question and answer section is included at the end of the document.

Once you have read the Code of Conduct you need to confirm that you have done so. Please complete the details below.

If there are parts of the Code that you do not understand, ask your line manager to explain it to you. They may refer you to other policies and procedures or refer your query to their divisional director or a human resources advisor.

I have read and understood the Cheltenham Borough Council's Code of Conduct.

Name

.....

Signature

.....

Date

Division

.....

Once you have read the Code please complete and sign the above declaration, please pass it to your line manager to be forwarded to the Human Resources Team.

Data Protection

The information you provide will be used to store on file and may be shared with other service areas for statistical purposes.

Thank you.

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Code of Conduct for all Employees Cheltenham Borough Council

1 What is the Code of Conduct?

This Code of Conduct is designed to provide guidance about what is expected from you in your daily work and in your dealings with elected members, colleagues and the public.

All Council employees must be familiar with the Code of Conduct.

This document forms part of your contract of employment and you are required to comply with its contents. Failure to do so may result in disciplinary action, which could include dismissal.

Cheltenham Borough Council's code of conduct:

- sets out minimum standards of behaviour for employees;
- provides guidelines to help maintain and improve standards;
- aims to protect the reputation of both employees/workers and the council.

This code of conduct is not exhaustive and does not replace the general requirements of the law, common sense and good conduct. The code is intended to be used alongside other council policies, to guide you in your role.

2 Who does it apply to?

The Code applies to all employees and anyone acting as an employee of Cheltenham Borough Council. (to clarify - the use of the word 'employee' within this code includes permanent and temporary employees, casual workers and agency staff) Inevitably, some of the issues covered will affect some employees more than others.

Although the Code does not directly apply to contractors, consultants or volunteers, the Council's continued association with these individuals and/or their organisations requires them to observe and comply with the Code. However, in some instances, compliance may be a condition of the contract between a third party and the Council, in which case their compliance with the Code would be binding.

If you are unsure about any aspect of the Code, please raise it with your manager or supervisor at the earliest opportunity.

3 What can I expect from the Council?

The Council exists to provide services to the public. All these services are delivered by people - the Council's employees. For the Council to run efficiently, it's vital that you understand your work and your responsibilities whilst at work. You also need to understand how your activities outside work may affect your ability to do your work during working hours.

So that you are clear about your responsibilities, the Council has various rules, procedures and policies that affect all employees. Some of these originate from European Law, others from UK Law implemented by Central Government, and others that are specific to the Council. There may also be very particular rules, requirements or codes that apply to your job or work area.

4 What is my responsibility?

The principles that underline this code are:-

Title: Code of Conduct - Employees

5

Issued by: HR Operations Team

First Issue: October 1994

last updated: January 2011

- **Selflessness** – officers should only serve the public interest and should never improperly confer and advantage or disadvantage on each other or any person.
- **Honesty and Integrity** – officers should not place themselves in official situations where their honesty or integrity may be questioned. They should not behave improperly and should on all occasions avoid the appearance of such behaviour.
- **Objectivity** – officers should make decisions on merit including making appointments, awarding contracts or recommending individuals for rewards or benefits.
- **Accountability** – officers should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.
- **Openness** – officers should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.
- **Respect for others** – officers should treat each other and the public with respect by promoting equality by not discriminating unlawfully against any person and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability.
- **Duty to uphold the law** – officers should uphold the law and all occasions act in accordance with the trust that the public is entitled to place on them.
- **Stewardship** – officers should do whatever they are able to do to ensure that their Authority uses its resources prudently and in accordance with the law.
- **Leadership** – officers should promote and support these principles by leadership and by example and should act in a way that secures or preserves public confidence.

You need to:

- read this policy;
- ensure you understand it;
- ask if there are any points that are unclear;
- use this code of conduct, alongside other council policies, to guide you in your role.

Please note: A breach of this code of conduct may lead to disciplinary action which could result in dismissal. Please refer to the disciplinary procedure for more information.

5 What are the main points?

5.1 Introduction

The public are entitled to expect the highest standards of behaviour from local government employees.

You represent the council and are trusted to act in a way which promotes the council's interests and protects its reputation.

You are accountable for your actions and should ask your manager for advice if you are not sure of the appropriate action to take.

5.2 Personal Interests and Conflicts of Interest.

An employee must not in his or her official or personal capacity allow his or her personal interest to conflict with the Council's business and /or use his or her position improperly to confer an advantage or disadvantage on themselves or any person.

Conflicts of interest may occur if a decision of the council could affect you, or close friends and relatives, either positively or negatively.

An employee must not be involved in any matter where they have a personal interest (or where their partner, spouse or close relations has a personal interest) which is so significant that it may influence their judgement or give the appearance that their judgement is likely to be influenced.

Interests could include:-

- involvement with businesses which have existing or proposed contracts with the council;
- membership of organisations or groups which may oppose council policies;
- roles undertaken outside of work (e.g. acting as a school governor, a member of an NHS trust board)

If a conflict occurs between an employee's private interest and public duty the conflict must be resolved in favour of an employee's public duty.

You should ask yourself the question "Would a member of the public think that my family or I would benefit from the connection between my personal interest and my employment with Cheltenham Borough Council?"

If the answer is yes then you must declare the interest using the [online form](#) - Employees Register of Interests and Disclosures or in writing to the [Monitoring Officer](#).

Any financial or non-financial interests of employees (or their partner, spouse, or close relations) which could cause conflict with the authority's interests and which in particular could conflict with their own duties and responsibilities e.g. ownership of property or shares in matters affected by any project in which they may be involved must be disclosed using the [online form](#) - Employees Register of Interests and Disclosures.

Under section 117 of the Local Government Act 1972 you must also disclose any interest in an existing or proposed contract in writing as soon as is reasonably practicable.

5.3 Political neutrality, Professional and Trade Union Activity

You should ensure that your right to engage in political or professional activities does not result in an actual or perceived conflict of interest with your official duties with the Council.

You should ensure that you are able, and be seen to be able, to remain unbiased in the performance of those duties.

You must not allow your own personal or political opinions to interfere with your work. Council employees serve the Council as a whole and in carrying out your work you must be politically neutral, ensuring that individual rights of all elected Members are respected.

Mutual respect between employees and councillors is essential to good local government.

Close personal familiarity between employees and elected Members can damage the relationship and cause embarrassment to other employees. Such familiarity should be avoided.

The Council has agreed a Protocol for Member/Officer Relations that councillors and officers must comply with. The protocol provides guidance on the ways of working between employees and members.

Councillors have their own Code of Conduct that they are also required to comply with.

In your capacity as a Council employee, you should not attend meetings of political groups unless specifically authorised by the Chief Executive or your Divisional Director. Such neutrality does not mean that you cannot be a member of a political party.

You must respect the individual rights of all councillors and assist them, regardless of their political group, to carry out their responsibilities. Any advice given should be impartial, objective and helpful.

When engaged on council business you must not wear or display items (badges, banners etc.) which indicate your support or opposition to any political party.

Under the Local Government & Housing Act 1989 certain employees are in politically restricted posts which restricts their political activities outside of work. These restrictions form part of their contract of employment and post holders receive full details on appointment.

If you are a member of a profession, you are expected to uphold the standards of performance and conduct set by the relevant professional association and this Code of Conduct. However, it is noted that there can be exceptions to this where there is legislative authority to do so.

If you believe a conflict exists between your official role and the standards of your profession, you must raise your concerns with your line manager.

If you are a workplace representative of a trade union or professional association, you should ensure that when you make public comment, it is clear that comment is made on behalf of the union or association you represent and not the Council. Provisions relating to Facility Time to undertake official union roles are outlined in the Council's Facility Time Agreements.

If you are a member of any organisation not open to the public and in respect of which secrecy about rules or membership or conduct exists you must disclose this on the Employees Register of Interests and Disclosures.

5.4 Working with the Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policy statements of the authority.

5.5 Working with Contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager.

Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses operated or controlled by, for example, friends, partners or relatives in the tendering process.

No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with a contractor who is engaged or who is proposed to be engaged by the Authority, should declare that relationship to the appropriate manager as soon as practicable.

5.6 Working Safely

Any activity that presents a significant risk to the health, safety or well-being of an employee or other person must have been subject to a written risk assessment. This is a tool which managers must use to determine the safest and best way of carrying out the work, including appropriate training, personal protective equipment etc.

Appropriate safety controls should all be summarised on the risk assessment or safe system of work procedure and provided to the relevant employees.

Employees must follow the resulting safe system of work to ensure their safety and that of others is not put at risk. If these are not in place, speak to your manager in the first instance or your Health and Safety adviser.

5.7 Outside Commitments

Employees' off-duty hours are their personal concern but activities outside of work should not conflict with their duty to the council.

Employees on grade G or above must obtain written consent from their divisional director before engaging in any other business or accepting additional employment.

Any additional employment should not conflict with the council's interests or have the potential to bring the council into disrepute.

You may not set up a business, or accept a job with a business, which is in direct competition with the council.

If you work for another organisation you may not act as a messenger between that organisation and the council. Formal channels of communication must be maintained.

Any secondary employment must not be carried out during your contracted council working hours, nor whilst on standby for official call out purposes unless such employment can be undertaken from your home.

It is your responsibility to monitor the number of hours you work and to ensure that you are rested and refreshed and able to carry out your role. On average you should not work more than 48 hours in total each week unless you have opted out of the working time regulations.

5.8 Confidentiality

You must take all reasonable steps to ensure that the loss, destruction, inaccuracy or improper disclosure of information does not occur as a result of your actions.

You must not disclose personal or financial information about any other member of staff or service user without the express consent of that individual or authorisation from your corporate director.

Confidential information, belonging to the council, should not be disclosed to any person not authorised to receive it.

Employees who are privy to confidential information and tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

You must not use any information obtained in the course of your employment to cause damage to the council or for personal gain or benefit. Nor should you pass information on to others who may use it in such a way.

5.9 Time, facilities and publications

You must spend all of your contracted hours working for the council.

You may not make personal use of the council's property or facilities (stationery, photocopiers, car parks etc.) unless authorised to do so by your manager. Computers and software may only be used in line with the Email, Internet and Computer Use policy.

You may only use the council telephones to make or receive private calls in exceptional circumstances, and with the permission of your manager.

Any public funds entrusted to you must be used in a responsible and lawful manner.

If you want to publish any material which you have written in connection with your duties or in which you describe yourself as holding a position within the council you must first gain the consent of your divisional director.

If, in the course of your work, you create a copyright work (for example a procedures manual or a software programme); patentable invention; design capable of registration; this would become the property of the council and, if appropriate, you would be required to cooperate in the registration formalities.

5.10 Equality

The council is firmly committed to the principles of equality and diversity and has a positive duty to promote these within the community it serves.

You must treat colleagues, clients and customers with respect, do not discriminate unlawfully against any person and treat members and co-opted members of the authority professionally.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

If you have any involvement in making appointments you should ensure that your decisions are based only on the ability of the candidate to undertake the duties of the post.

If any applicant is a close personal friend or relative you should not be involved in the recruitment appointment process.

You should not be involved in any decisions relating to discipline, pay or promotion of close personal friends or relatives.

5.11 Dealing with the Council's money.

All employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Council.

Should you have responsibility for budgets and/or purchasing, you must ensure that you understand and comply with the Council's Standing Orders and financial regulations etc.

When committing Council money, you must ensure that there is an approved budget for such expenditure and that the expenditure is within the limits that you are personally authorised to incur.

Employees involved in the tendering process and dealing with contractors must be clear on the separation of client and contractor roles within the Council. Senior employees who have both a client and contractual responsibility must be aware of the need for accountability and openness.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

You must declare any financial interest, whether direct or indirect, that you or your partner may have in any contract or proposed contract with the Council.

You should also consider declaring non-financial interests, for example, where you do voluntary work for an organisation in receipt of a grant from the Council. If you are in any doubt then you should make a declaration.

5.12 Gifts, Hospitality and Sponsorship

You must not accept any fee or reward for work done other than your pay and allowances as set out in your contract of employment except as set out in paragraphs 36 and 37 below.

It is an offence under the Prevention of Corruption Acts to accept gifts, loans, fees or rewards as an inducement to act in a certain way in your official capacity.

You may accept small items (e.g. inexpensive pens, diaries, flowers, chocolates) but they must be registered.

You may only accept an offer of a more significant gift (as a guide worth more than £25) or hospitality (e.g. visits, meals, sporting events etc.) if there is a genuine need to do so in order to represent the council in the community.

Gifts, benefits and hospitality offered to you or members of your family as a consequence of your employment must be declared using the [online form](#) or in writing to your manager whether accepted or not.

You should never accept significant gifts or hospitality from service users, actual or potential contractors or outside suppliers.

If an external organisation wishes, or is sought, to sponsor a council activity the rules concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors. Your divisional director must be involved in any decision.

Where the council wishes to sponsor an event or service no employee or member of their family must benefit unless full disclosure of interest has been made to the relevant corporate director. All sponsorship must be recorded.

5.13 Corruption

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in their official capacity.

If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

Employees who are in receipt of or affect the receipt of Housing Benefit and/or other related benefits (i.e. Income Support, Unemployment Benefit, Incapacity Benefit, etc.) must be aware that the obtaining of such benefits by deception would be considered as theft against the Authority as the employer and would therefore constitute Gross Misconduct under the Council's Disciplinary Code of Practice.

In relation to above, employees must provide the Human Resources team with details of their home address or in cases where more than one address is frequented the address that they normally class as their home. This does not include c/o addresses unless there are special circumstances which management have been made aware of and are satisfied with. Similarly, changes of name should also be notified to the employing department.

5.14 Standard of Appearance, Uniform and PPE

There is a general expectation that standard of appearance will be appropriate to the standards set by managers of individual service areas.

Your dress style must reflect appropriate workplace health, safety and security considerations applicable to your job and work environment.

Uniforms are provided for some employees and these should be worn unless otherwise agreed with the divisional director

Suitable personal protective equipment will be issued and must be worn where a risk assessment indicates it is appropriate.

5.15 The Press and the Media

Employees must not deal direct with the press or the media unless required to do so in the course of their work or they have been expressly authorised by an appropriate manager.

Approaches from all national press, radio or TV stations or specialist press for information or comment on issues affecting the work of the Council must be referred to the Communications Team who will discuss the nature of the story and then contact the appropriate officer or member asking them to respond.

Any article, publication, or interview given on aspects of Council policy or activity must be properly authorised

5.16 Criminal Charges, Convictions and Misconduct

Employees should conduct themselves in a professional manner at work. Serious misconduct and/or criminal offences committed during or outside of working hours which bring you or the council into disrepute may be the subject of disciplinary action which could lead to dismissal.

The Council requires all applicants for jobs to disclose all contraventions of, or failures to comply with, any provisions of law, whether committed in the UK or elsewhere, unless the Rehabilitation of Offenders Act applies and the rehabilitation period has expired. In some circumstances, Criminal Records Bureau checks are conducted on all successful applicants for certain positions in the Council.

Once you are an employee, you must notify the Council in writing if you are charged with any offence or if you are convicted of any offence. If you are charged with an offence, the notice must be given immediately after you are charged (i.e. next working day). If you are convicted of any offence, the notification must be given immediately after you are convicted (i.e. next working day). It should be noted that the term "conviction" includes a finding of guilt, regardless of whether or not a conviction is recorded. Failure to notify the Council in either case will constitute grounds for disciplinary action.

6. Are there any exemptions?

No – however some parts of the code of conduct will have more of an effect on senior, managerial and professional employees than others.

Many employees are responsible under their own professional codes of conduct. In cases where professional codes of conduct appear to conflict with the council's own code advice should be obtained from your divisional director.

7. What happens if the content of the Code changes?

The Council will take every reasonable step to ensure that the Code of Conduct is kept up to date. The most up to date version will always be the one that is available on the Intranet site. Changes to the Code will be consulted on with Trade Unions and widely communicated.

8. Reporting Breaches of the Code and Whistleblowing

If you are concerned about any practice you see in the Council which you think conflicts with the Code of Conduct, you should obtain advice from your manager, your divisional director, Trade Union representative, HR Operations Manager or any other appropriate person as identified in the Council's policies referred to in the Code of Conduct.

The Public Interests Disclosures Act 1998 and the Council's Disclosure (Whistleblowing) Policy can provide safeguards for employees and public officials who disclose unlawful and improper conduct including breaches of this Code.

Any suspicion of money laundering must be reported in the first instance to the Section 151 Officer.

9. Line manager responsibilities

You should provide additional advice and guidance on any points within the code of conduct.

You should signpost employees to relevant policies, documents and guidelines.

10. Where can you find details of the policies and standards that apply to you?

There are a number of related documents and policies which you should be aware of:

- Cheltenham Borough Council's Constitution
- **Communication/Media relations protocol**
- Whistle blowing policy
- Internet, Email and Computer use policy
- Data protection policy
- Dignity at work policy
- Equal opportunities policy
- Disciplinary procedure
- Grievance procedure
- Financial Regulations
- Standing Orders

If you are affected by any of the information contained in this document or you are in any doubt about how they apply to you, you should always refer to the detailed rules or the policies and procedures in full in any of the following ways:

- You can ask for a paper copy from your line manager or supervisor
- You can contact a member of the HR Team and either ask for it to be emailed to you or for a paper copy
- Through your New Starter induction process
- You can find the information on the Council's Intranet site, in the HR section.

Frequently asked questions

Q1 What should I do if I know that someone is breaching this code of conduct?

Often it is those closest to an organisation who realise that there is something wrong. Sometimes people are reluctant to act upon their concerns because they think that they are being disloyal, or because they are afraid that they might be victimised if they speak up.

The council has in place a whistle blowing policy to enable employees to raise concerns in an appropriate manner and to ensure that they do not suffer any detriment as a result of doing so.

Q2 Can my partner's business tender for a contract?

The code of conduct does not preclude anyone from having the opportunity to tender for business. However the process must be, and be seen to be, fair open and transparent. To this end you would need to make your manager aware of your interest, take no part in the tendering process and ensure that you do not pass on any information which would give that business any advantage in the process.

Q3 Can my relative apply for a job in the council?

Yes. They can apply and would be considered on the basis of their suitability for the role. They should declare their relationship to you on the appropriate section of the application form.

If you are involved in recruiting for the role you should not be involved in any stage of the appointment and should disclose the relationship as soon as you are aware they are applying for the role so that someone else can be assigned to the appointments process.

Q4 Can I take an evening job?

Employees on Grade G (spinal point 30) and above must obtain the consent of their divisional director prior to taking on any additional work. Employees below this grade need not seek permission.

In all circumstances employees must remember:

- They should not do work which is in direct competition with the council;
- The work they are doing should not bring the council into disrepute;
- They may not act as a "go-between" between the council and the other business;
- They must not undertake other work when they are on duty for the council, including during standby or call out duties unless the work can be undertaken from home;
- That they are responsible for ensuring they get enough rest and do not exceed working time regulations.

Q5 One of my clients bought me a box of chocolates – should I accept them?

Generally gifts which are of low value (under £25) can be accepted. You should be guided by the procedures within your own team and by common sense.

Regardless of whether the gift is accepted or not it must be registered using the [online form](#) or alternatively in writing to your manager.

Q6 Can I accept discounts because I work for the Council?

Discounts which have been formally agreed and accepted by the council on behalf of their employees can be found on the social section - [employee discounts](#) pages of the intranet.

Any other discount offered should be treated in the same way as gifts and hospitality and generally should not be accepted.

Q7 Can I campaign for a political party outside of work?

If you hold a politically restricted post you may not

- be a candidate for membership of the European Parliament, the House of Commons, or a County or District Council;
- hold office in a political party;
- canvass at elections;
- speak or write in public on party political matters.

You may be a member of a political party but not actively campaign.

If your post is not politically restricted you may campaign on behalf of a political party however when engaged on council business you must remain politically neutral and not allow your personal or political views to interfere with your duties.

Q8 What types of interests should be declared?

An interest is anything which could cause a reasonable member of the public, knowing all facts, to think the officer might be influenced when making a decision in the course of their work.

Interests could include:

- Land or property ownership
- Relationships with people involved
- Acting as a school governor
- Involvement with an organisation or pressure group which may oppose a council policy

Individuals are free to take part in activities organised and authorised by the Trade Unions without declaring an interest.

Q9 Can I use the photocopier at work to make personal copies?

You should get authorisation from your manager before using any work facilities for personal use.

Q10 The code of conduct doesn't cover my specific situation, what should I do?

In the first instance seek advice from your manager. They may refer you to other policies and procedures or refer your query to their divisional director or human resources advisor.

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