



STROUD DISTRICT COUNCIL

Council Offices • Ebley Mill • Ebley Wharf • Stroud • GL5 4UB

Tel: (01453) 754 351/754 321

www.stroud.gov.uk

Email: democratic.services@stroud.gov.uk

To all Members of Stroud District Council

14 October 2020

You are hereby summoned to attend a remote meeting of **STROUD DISTRICT COUNCIL** on **THURSDAY 22 OCTOBER 2020 at 7.00 pm.**

Kathy O'Leary
Chief Executive

This is a remote meeting in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

Venue

This meeting will be conducted using Zoom and a separate invitation with the link to access the meeting will be sent to Members, relevant officers and members of the public who have submitted a question.

Public Access

Members of the public, who have not submitted a question, are invited to access the meeting streamed live via Stroud District Council's [YouTube channel](#).

Recording of Proceedings

A recording of the meeting will be published onto the Council's website (www.stroud.gov.uk). The whole of the meeting will be recorded except where there are confidential or exempt items, which may need to be considered in the absence of press and public.

A G E N D A

- 1 **APOLOGIES**
To receive apologies for absence.
- 2 **DECLARATIONS OF INTEREST**
To receive declarations of interest.
- 3 **MINUTES**
To approve the Minutes of the Council's meeting held on 16 July 2020 and 7 September 2020.
- 4 **ANNOUNCEMENTS**
To receive announcements from the Chair of Council.

5 PUBLIC QUESTION TIME

The Chairs of Committees will answer questions from members of the public submitted in accordance with the Council's procedures.

DEADLINE FOR RECEIPT OF QUESTIONS

Noon on Monday, 19 October 2020

Questions must be submitted to the Chief Executive, Democratic Services, Ebley Mill, Ebley Wharf, Stroud and can be sent by email to democratic.services@stroud.gov.uk

6 COMMITTEE MEMBERSHIP

Police and Crime Panel - Councillor Ross is to be replaced by Councillor Brine.
Strategy and Resources Committee – Councillor Steve Robinson is to be replaced by Councillor Rachel Curley
Development Control Committee – Councillor John Marjoram is to be replaced by Councillor Norman Kay
Audit and Standards Committee – Councillor Rachel Curley is to be replaced by Councillor Colin Fryer

7 RECOMMENDATIONS FROM OTHER COMMITTEES

AUDIT AND STANDARDS COMMITTEE – 25 AUGUST 2020 AND 6 OCTOBER 2020

The relevant Committee reports are available on the Committee's website page for this Council meeting.

The Chair of Audit and Standards Committee will present these items.

7a PROPOSED AMENDMENTS TO THE CODE OF CONDUCT FOR MEMBERS AND THE ARRANGEMENTS UNDER WHICH ALLEGATIONS CAN BE INVESTIGATED ([Agenda Item 3 – 25 August 2020](#) and [Agenda Item 9 – 6 October 2020](#))

To consider the recommendations from Audit and Standards Committee, to formally adopt the amended Code of Conduct and Arrangements for investigating alleged breaches of the Code with immediate effect.

7b COUNTER FRAUD AND CORRUPTION POLICY STATEMENT AND STRATEGY 2020-2023 ([Agenda Item 5 – 6 October 2020](#))

To consider the recommendations from Audit and Standards Committee, to approve the Counter Fraud and Corruption Policy Statement and Strategy (including Anti Bribery Policy and Anti Money Laundering Policy) 2020-2023.

COMMUNITY SERVICES AND LICENSING COMMITTEE – 1 OCTOBER 2020

The relevant Committee reports are available on the Committee's website page for this Council meeting.

The Chair of Community Services and Licensing Committee will present this item.

7c ADOPTION OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY ([Agenda Item 6 - 1 October 2020](#))

To consider the recommendations from Community Services and Licensing Committee, to formally adopt the Final Statement of Licensing Policy.

8 APPOINTMENT TO THE INDEPENDENT REMUNERATION PANEL

To approve the recommended appointment to the Independent Remuneration Panel to review the Members' Scheme of Allowances.

9 CONSTITUTION AMENDMENTS

To make changes to the Constitution.

10 MEMBERS' QUESTIONS

See Agenda Item 5 for deadline for submission.

11 MOTIONS

- 11a** Motion regarding Making the Stroud District Council more diverse and representative of the residents of our District is proposed by Councillor Whiteside and seconded by Councillor James.

Full council notes that:

1. No system of election is perfectly fair, but it is our wish to make those elected to the District Council as representative of the residents' wishes and demographics as is reasonably possible. The Council considers that a more representative and diverse Council can make better decisions and increase the level of ownership of those decisions by our residents.
2. The electoral system used for local elections in England and Wales, First Past the Post (FPTP), is not a fair system, because it means that votes do not have equal weight and many votes are wasted. This can lead to voter apathy and a feeling of disconnection from local democracy. In Stroud District in 2016 we had a number of 3 member wards in which only 41-43% of votes were cast for candidates of a party resulting in all 3 councillors for that party being elected. In effect 57-59% of the electorate's votes didn't count.
3. An alternative to FPTP is a system of proportional representation (PR), where votes cast for parties translate more proportionately into seats won. There are many variants of PR; the Single Transferable Vote system (STV) variant of PR is already in use for local elections in Scotland and Northern Ireland. With this system, voters rank candidates and those who receive the most backing (including second and subsequent preference votes) are elected to serve. The introduction of PR for local elections in Scotland has led to an increase in voter turnout.
4. Council also recognises that in age, gender and in other protected characteristics the members do not adequately reflect the demographic of our residents. Although not guaranteed, a more proportional system like STV may provide a means for improving this that we as a Council could try.
5. Changes in the voting system do not preclude the Council and political parties also using other positive actions to increase diversity of representation that do not require permission from central Government.
6. An additional barrier to a more diverse member make-up is the time commitment required to be an elected councillor. Job sharing is already an established practice in many spheres of professional life. The opportunity to

job-share the councillor role might enable younger people, people working inflexible hours and people with caring commitments (often women) to take on this role. It could also increase the range of skills delivered by councillors. Job sharing councillors would only have one vote in a committee between them and share one councillor allowance.

7. Stroud District Council has already passed a motion in favour of votes at 16 years old.
8. This motion does not preclude a more proportional system of election being requested for Town and Parish Councils, but it seems fair to leave them to make the case for what is appropriate to them.

This council therefore requests the Chief Executive to write to Her Majesty's Government to request changes to legislation that would permit Stroud District Council to take steps to increase its diversity and representativeness by:

- (a) Allowing the Council to trial a more proportional voting system in District Council elections;
- (b) Allowing job sharing of the elected councillor role;
- (c) Allowing those aged 16 and over to vote in local elections.



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COUNCIL MEETING

16 July 2020

7.00 pm – 9.30 pm

Remote Meeting

Minutes

Membership

Gary Powell (Chair)

Steve Robinson (Vice-Chair)

Martin Baxendale

Dorcas Binns

Catherine Braun

Chris Brine

Miranda Clifton

Nigel Cooper

Doina Cornell

Gordon Craig

Rachel Curley

Stephen Davies

Paul Denney

Jim Dewey

Jonathan Edmunds

Chas Fellows

Colin Fryer

P = Present A = Absent

P	Lindsey Green
P	Trevor Hall
P	Nick Hurst
P	George James
P	Julie Job
P	Haydn Jones
P	John Jones
P	Norman Kay
P	Darren Loftus
P	Stephen Lydon
P	John Marjoram
P	Karen McKeown
P	Jenny Miles
P	Dave Mossman
P	Gill Oxley
A	Keith Pearson
P	Simon Pickering

P	Nigel Prenter	P
P	Skeena Rathor	P
P	Sue Reed	A
P	Mark Reeves	P
P	Mattie Ross	P
P	Tom Skinner	P
P	Nigel Studdert-Kennedy	P
P	Haydn Sutton	P
P	Brian Tipper	P
P	Chas Townley	P
P	Jessica Tomblin	P
A	Ken Tucker	P
A	Martin Whiteside	P
A	Tim Williams	P
P	Tom Williams	P
P	Debbie Young	P

Officers in Attendance

Chief Executive

Head of Property Services

Buildings Programmes Manager

Strategic Director of Resources

Strategic Director of Change & Transformation

Interim Head of Legal Services and
Monitoring Officer

Strategic Director of Communities

Strategic Director of Place

Democratic Services & Elections Officers

CL.008

APOLOGIES

Apologies for absence were received from Councillors Fellows, McKeown, Miles, Mossman and Reed.

CL.009

DECLARATIONS OF INTEREST

There were none.

CL.010**MINUTES****RESOLVED**

That the minutes of the meeting held on 16 May 2020 are approved as a correct record.

CL.011**ANNOUNCEMENTS**

The Chair confirmed that July's Development Control Committee had been cancelled.

The Leader made the following announcements:-

- A special Strategy and Resources Committee would be held on 30 July 2020 to consider support for the reopening of Stratford Park Leisure Centre.
- The Government had recognised a local initiative on a natural flood management scheme, as an exemplary approach to tackle the problem. The project had been delivered by Stroud's Rural Sustainable Drainage Project, a partnership project hosted by the Council who had worked with local groups, landowners and partner organisations such as the Environment Agency and GCC. The Leader thanked everyone involved.
- Stroud District had been awarded the Plastic Free Community status by the marine conservation charity Surfers Against Sewerage. This was testimony to all of the community work that had been involved and a big thank you was given to Councillor Braun who had championed this. Councillor Braun outlined the work that had been undertaken by the group and thanked the co-ordinator and all Members who had supported this.
- An update was given on the progress made to tackle racism raised on 9 July 2020. It was acknowledged that it would be a long term commitment to make progress on this. The Council had joined the Employers Network for Equality and Inclusion and all Members would be asked to undertake mandatory training that had been arranged which included an online implicitly test.
- There is a Member/Officer Group updating the Council's Equalities Policy, this included the Leader and Councillors, Curley, Rathor and Oxley.
- The Motion on the Agenda for this meeting regarding the Councillors' Code of Conduct had a recommendation to Audit and Standards Committee.
- Councillor Brine was congratulated on serving the Council for 25 years, having been elected in May 1995. Councillor Ross paid tribute to Councillor Brine and his many achievements. Councillor Brine stated that it had been a long journey and as a Council we were good at working together.

The Chief Executive thanked Ubico and all of the Council's staff who had kept services running in response to the Covid-19 pandemic, working from home. We had created new workstream cells to organise our community response, customer contact and communications and had taken on a lot of additional work such as paying out Government business grants and housing rough sleepers. She also thanked Members for their understanding and support of staff and the Political Group Leaders for the invaluable support that they had given to her and to the Strategic Directors in this unprecedented time.

CL.012 **PUBLIC QUESTION TIME**

Questions had been submitted by a member of the public and they were answered by the Leader, Councillor Cornell. (Refer to the Council's [recording](#) of the meeting).

CL.0013 **COMMITTEE MEMBERSHIP**

The Chair announced the following changes to Committee memberships:-

- **Community Services and Licensing Committee** – Councillor Kay was replaced by Councillor Dewey.
- **Environment Committee** – Councillor Dewey was replaced by Councillor Kay.
- **Gloucestershire Economic Growth Scrutiny Committee** – Councillor Dewey was replaced by Councillor Pickering.

RESOLVED **The above Committee changes were noted.**

CL.014 **RECOMMENDATIONS FROM STRATEGY AND RESOURCES COMMITTEE ON 18 JUNE AND 9 JULY 2020****Council Tax Hardship Scheme – Covid-19**

Councillor Cornell, Chair of Strategy and Resources Committee, outlined the report to formally adopt the amended Section 13a Hardship Policy, as recommended by Committee on 18 June 2020. This would enable officers to capture people affected by Covid-19 and to give support to residents who had found themselves in hardship. A further report would be presented to Committee later in the year and a review had also been agreed. The Revenue and Benefits Manager and his team were thanked for the support that they have given to local residents and businesses.

The Motion was moved by Councillor Cornell and seconded by Councillor Pickering.

In debate Councillor Davies echoed Councillor Cornell's words and also thanked the teams involved. Councillor Whiteside stated that we are yet to feel the impact of Covid-19 and we do need to do all we can to support the wider community.

When summing up Councillor Cornell reminded Members that we were one of the few Councils already giving Council tax support to those who needed it.

Upon the vote the Motion was unanimously carried.

RESOLVED **To formally adopt the amended Section 13a Hardship Policy as recommended by Strategy and Resources Committee.**

Water-Source Heat Pumps Ebley Mill and Brimscombe Port Mill

Councillor Cornell introduced the above report confirming that the use of water-source heat pumps had been a relatively recent option and would help the Council to reduce its use of fossil fuels. The report focused on the business case with more detail in the Appendices. Officers were present to answer more complex technical questions.

The Motion was moved by Councillor Cornell and seconded by Councillor Pickering.

Officers confirmed the following in response to Members' questions:-

- The timeline for the proposed scheme was very tight, but achievable and we would need to obtain the tariff guarantee for the project to go ahead.
- Consultations had taken place with the Procurement Officer and the project was adhering to the Council's procurement process.
- The contract was out for tender and due back on 24 July 2020. They were looking to make an appointment within 7-10 days after that date. Each building had been evaluated separately and we reserve the right to have one tender or split the contracts. Our consultant would write a report on each returned tender.
- We are hoping that the appointed contractor would lead us through the application process. As owners of the land the application would be submitted in September.
- Recommendations were based on the existing buildings that would have to have enhanced insulation e.g. draught proofing of existing windows and doors. Some works had already been carried out to Ebley Mill.
- If the use of Ebley Mill changed in the future the design of the heating system could be a community heating system.

Members debated the pros and cons of the scheme, agreeing there was a risk but this was the best option both financially and morally. As a Council we are committed to being carbon neutral by 2030 and the project would make a difference to climate change. Councillor Hurst asked for Officers to consider a hybrid scheme at Ebley Mill in order to reuse the three boilers that would be removed from Brimscombe Port Mill.

Councillor Pickering said that Members had had a good debate on this very important decision and technology had moved on. There were very tight timescales and requested Members to support the Officers so that they could make this happen.

Councillor Cornell acknowledged that there was cross-party support and appreciated Councillor Hurst's questions on the detail. Any option would have a financial cost.

Upon the vote the Motion was unanimously carried.

RESOLVED **To allocate capital funding in 2020/2021 to invest in water source heat pumps as follows:-**

- a. the sum of £1.05m at Ebley Mill and**
- b. the sum of £382k at Brimscombe Port Mill and**
- c. that, in consultation with the Leader, the Head of Property Services is given delegated authority to proceed with the procurement and installation of the heat pumps subject to the receipt of the necessary consents from the Environment Agency and a successful application to the Non-Domestic Renewable Heat Incentive Scheme.**

At 8.28 pm the meeting was adjourned and reconvened at 8.33 pm.

CL.015

GLOUCESTERSHIRE CITY REGION BOARD

The Chief Executive explained that originally there had been three separate boards and these had been merged into one for a more cohesive approach when talking to Central Government.

In response to Members' questions the Chief Executive confirmed that additional actions would be added to the list at paragraph 3.3. A White Paper on devolution was expected in the autumn.

Gloucestershire had a high proportion of people who worked from home, better broadband would help us in the future.

During debate Councillor Pickering stated that moving to one board was really important. The county needed to build resilience and sustainable delivery of Government strategies. Stroud needed to maximise benefits for its residents.

Councillor Cornell in summing up stated that we had developed good partnership working across the county, which also included GFirstLep and others. If we want to bid for funding we need to have schemes ready. The idea of merging from three to one board was before Covid-19 and priorities may have changed. We would continue to work with our partners and try to get the best for the county.

Upon the vote the Motion was carried by 42 votes for and 1 against.

- RESOLVES**
- a. **To endorse the creation of a single Gloucestershire City Region Board for the county;**
 - b. **To approve the Terms of Reference attached at Appendix 1;**
 - c. **To note the funding allocations made by the Gloucestershire Economic Growth Joint Committee to support the work of the Board (£2m has been ring-fenced from the Strategic Economic Development Fund, of which £410,000 has been drawn down for Multi-Modal Transport Study); and**
 - d. **To agree that Stroud District Council participates in the activities of the Board.**

CL.016 COVID-19 ENGAGEMENT BOARD

The Chief Executive confirmed that Gloucestershire County Council, as Public Health Authority, had led on the preparation of a Local Outbreak Management Plan (LOMP) for the county. The Plan is designed to anticipate, prevent and contain incidents and outbreaks of Covid-19 and will be in place for the foreseeable future. The report addressed the governance arrangements for the LOMP. Firstly, there will be an executive level Covid-19 Health Protection Board to implement the LOMP chaired by the Director of Public Health. It would have representatives from each of the six district councils and our representative will be our most senior Environmental Health professional, who will report regularly to the Strategic Leadership Team and to the Strategy and Resources Committee as appropriate. Secondly, there will be a Covid-19 Engagement Board to oversee the LOMP and provide the link back to communities, chaired by the Leader of the County Council.

The Covid-19 Engagement Board will provide Member and community oversight of the LOMP, lead engagement with communities and provide understanding of public health actions required to control infection but will not be a decision making body or fulfil a scrutiny function. Decisions on the implementation and enforcement of the LOMP will rest with Sarah Scott, Director of Public Health. Councillor Lydon will be the Council's representative on the Board and provide regular updates to Group Leaders and also provide a member report at Strategy and Resources Committee.

Councillor Cornell did confirm that if there was a serious outbreak then she would also have discussions with the Group Leaders.

Councillor Lydon responded to questions. He had attended the first meeting and confirmed that the key role of the board was communication. The NHS would be conducting a survey

that will be sent to all voluntary groups and Town and Parish Councils. Covid-19 is not over and there are still some critical issues. We must not under estimate the danger of local outbreaks. He also suggested an evening seminar on Covid-19 could be arranged. To ensure that people of different cultures were represented messages were going out in different languages.

In debate, Councillor Whiteside welcomed the setting up of the board and endorsed the need for communication. A voice would also be given to Black, Asian and Minority Ethnic communities because of their experiences and the way Covid-19 had affected them more than any other community and we should take this very seriously. Councillor Whiteside commented that track and trace had been unbelievably ineffective in managing this crisis. We need to get communication down to local level and that meant local knowledge and local involvement would be absolutely key.

In summing up Councillors Pickering and Cornell confirmed that communication was the key. The most significant thing at the moment was the management plan. The south-west was quick to get their plans sorted out and we had some good plans in place.

Upon the vote the Motion was carried by 42 votes for and 1 abstention.

- RESOLVED**
- a. **To appoint Jon Beckett, Head of Health and Wellbeing, as the Councils representative on the Health Protection Board and delegate him authority to make any necessary decisions and to bind the Council in consultation with the Chief Executive and Leader.**
 - b. **To note that Councillor Stephen Lydon is the Council's representative on the Gloucestershire Covid-19 Outbreak Engagement Board and that Councillor Doina Cornell is his substitute.**

CL.017

MOTION

A Motion regarding the Proposed Changes to the Councillors Code of Conduct was proposed by Councillor Curley and seconded by Councillor Pickering.

The Chair confirmed that an amended Motion had been proposed and agreed on a cross party basis to comply with the Council's Standing Orders in relation to the role of the Audit and Standards Committee and to ensure that the Council's arrangements for considering allegations under the Code of Conduct were fit for purpose. The proposer and seconder had agreed to accept this as a friendly amendment so this amended Motion would now be moved and seconded as the substantive Motion.

"Stroud District Council believes, in the light of local, national and international Black Lives Matters protests, and the four Party Group Leaders' commitment to "promoting equality and tackling discrimination" issued on 9 June, that the Council needs to update the Councillors Code of Conduct for councillors and resolves that the draft appended to this motion is strongly recommended to the next meeting of the Audit and Standards Committee for final review before recommendation at a future Council meeting.

Council should also instruct the Audit and Standards Committee to consider the arrangements under which allegations under the Code of Conduct are investigated as a matter of urgency and, in consultation with Group Leaders, provide a response to the consultation currently being undertaken by the Local Government Association into its draft Model Code of Conduct."

Councillor Curley outlined the reasons for the Motion and confirmed that she had also looked at good practice from the public sector, other local authorities, the Nolan Principles and the Equality Act. Recognising that the changes proposed in the Motion and the code were a very small step towards building trust and confidence in our communities and the resolutions are part of wider conversation and work that we need to do some of which were announced in public questions that had been received tonight. Hoping this work and those conversations would be wide ranging, inclusive and involving the residence of colour who had raised their concerns over the past weeks.

There were no questions or debate.

Councillor Pickering concurred with Councillor Curley confirming that the Motion had been put together with a number of Members working together and latterly cross party. We are bound by national Government guidance and the proposal was as strong as possible at the moment to Audit and Standards Committee. All Members were asked to support the Motion and Councillor Curley was thanked for all of her hard work on this option.

In summing up Councillor Curley hoped that she should get strong support for the Motion.

Upon the vote the Motion was carried by 41 votes for and 1 abstention (from the Chair of Audit and Standards Committee).

RESOLVED

- a. **That the draft appended to the above Motion was strongly recommended to the next meeting of the Audit and Standards Committee for final review before recommendation at a future Council meeting.**
- b. **Council instructs the Audit and Standards Committee to consider the arrangements under which allegations under the Code of Conduct are investigated as a matter of urgency and, in consultation with Group Leaders, provide a response to the consultation currently being undertaken by the Local Government Association into its draft Model Code of Conduct.**

CL.018

MEMBERS' QUESTIONS

There were none.

The meeting closed at 9.30 pm.

Chair



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EXTRAORDINARY COUNCIL MEETING

7 September 2020

7.00 pm – 7.30 pm

Remote Meeting

Minutes

Membership

Gary Powell (Chair)

Steve Robinson (Vice-Chair)

Martin Baxendale

Dorcas Binns

Catherine Braun

Chris Brine

Miranda Clifton

Nigel Cooper

Doina Cornell

Gordon Craig

Rachel Curley

Stephen Davies

Paul Denney

Jim Dewey

Jonathan Edmunds

Chas Fellows

Colin Fryer

P = Present A = Absent

P	Lindsey Green
P	Trevor Hall
P	Nick Hurst
A	George James
P	Julie Job
P	Haydn Jones
P	John Jones
P	Norman Kay
P	Darren Loftus
P	Stephen Lydon
P	John Marjoram
P	Karen McKeown
A	Jenny Miles
P	Dave Mossman
P	Gill Oxley
P	Keith Pearson
P	Simon Pickering

P	Nigel Prenter	P
A	Skeena Rathor	P
P	Sue Reed	P
P	Mark Reeves	P
P	Mattie Ross	P
P	Tom Skinner	A
P	Nigel Studdert-Kennedy	P
P	Haydn Sutton	A
A	Brian Tipper	P
P	Chas Townley	P
A	Jessica Tomblin	A
P	Ken Tucker	P
P	Martin Whiteside	P
P	Tim Williams	A
P	Tom Williams	P
A	Debbie Young	P
P		

Officers in Attendance

Chief Executive

Strategic Director of Resources

Strategic Director of Change & Transformation

Strategic Director of Communities

Strategic Director of Place

Democratic Services & Elections Officer

CL.019

APOLOGIES

Apologies for absence were received from Councillors Binns, Denney, Hall, Marjoram, Pearson, Sutton and Tomblin.

CL.020

DECLARATIONS OF INTEREST

There were none.

The Chair, Councillor Powell, made an announcement regarding Judy Balfe's retirement after 42 years working at the Council, Councillor Robinson thanked Judy for going the extra mile for Councillors and hoped she would be able to enjoy her retirement. The Group Leaders also echoed their thanks to Judy for the support she had provided Members and wished her a happy retirement.

CL.021 **COMMITTEE MEMBERSHIP**

The Chair announced the following changes to Committee memberships:-

- Community Services and Licensing Committee Chair – Councillor Mattie Ross is to be replaced by Councillor Brine.
- Housing Committee Chair – Councillor Townley is to be replaced by Councillor Ross.
- Environment Committee – Councillor Brine is to be replaced by Councillor Townley.
- Strategy and Resources Committee – Councillor Townley is to be replaced by Councillor Brine as a result of the change to Community Services and Licensing Committee Chair.

Councillor Townley confirmed that he would be stepping down as chair of Housing Committee to take on a PHD and wanted to thank the Housing team for all of their hard work. Councillor Miles, Davies, Cornell and Whiteside also expressed their gratitude to Councillor Townley.

Councillor Ross thanked the Officers she had worked with for all of their support and wished Councillor Brine well in his new role as Chair of Community Services & Licensing Committee.

On being put to the vote, the Motion was carried, thirty-nine for with one abstention.

RESOLVED **To approve the changes to Committee memberships**

CL.022 **LOCAL GOVERNMENT REORGANISATION**

The Chair, Councillor Powell, announced that a decision had been made to defer the above report for consideration until the White Paper on Devolution and Local Recovery had been published.

The Leader, Councillor Cornell, confirmed that due to the uncertainty over the publication of the White Paper the agenda item would be postponed and that an all Members Briefing would be arranged when there was more clarity on the proposals. She also thanked the District Council Networks for keeping District Councillors informed.

The meeting closed at 7.30 pm.

Chair

Report Title	RECOMMENDATIONS FROM AUDIT & STANDARDS COMMITTEE			
Purpose of Report	To put recommendations from Audit & Standards Committee for consideration and, if appropriate, approval.			
Decision(s)	It is recommended that Council RESOLVES to adopt the amended Code of Conduct and Arrangement for investigation alleged breaches of the Code with immediate effect			
Consultation and Feedback	Please refer to the original Committee report(s) to Audit & Standards Committee dated the 25th August and 6th October 2020 .			
Report Author	Patrick Arran - Monitoring Officer Email: patrick.arran@stroud.gov.uk			
Options	Council can accept the recommendation, decide to amend the recommended documents or refuse to accept the recommendation.			
Background Papers	None			
Appendices	Appendix A – Proposed Changes to the Members Code of Conduct Appendix B – Proposed Arrangement for Assessing Allegations of Breaches to the Members Code of Conduct			
Implications	Financial	Legal	Equality	Environmental
	No	No	No	No

- On the 25th of August, the Audit & Standards Committee considered a report ([Here](#)) with a draft amended Members Code of Conduct and Arrangements which had been prepared as a result of a resolution of Council dated the 16th of July 2020 (the motion can be accessed [here](#).) The resolution was as follows:

RESOLVED

- That the draft appended to the above Motion was strongly recommended to the next meeting of the Audit and Standards Committee for final review before recommendation at a future Council meeting.*
 - Council instructs the Audit and Standards Committee to consider the arrangements under which allegations under the Code of Conduct are investigated as a matter of urgency and, in consultation with Group Leaders, provide a response to the consultation currently being undertaken by the Local Government Association into its draft Model Code of Conduct.*
- Audit & Standards Committee carefully considered and debated the draft documents and instructed the Monitoring Officer to make certain changes which were attended to.
 - On the 6th of October 2020 the Audit & Standards Committee considered the amended documents and resolved to recommend them to Council for adoption. The report can be accessed [here](#).
 - The Code of Conduct and Arrangements have to be approved by Council

CODE OF CONDUCT FOR MEMBERS

(Adopted by Council on 5 July 2012, updated on 10 April 2014, 2016 & October 2020)

Purpose

The Council has a legal duty to promote and maintain high standards of conduct by members of the authority and is determined to provide excellent local government for the people of the District. It has adopted a Code of Conduct for Members, in line with its obligations under section 27(2) of the Localism Act 2011.

The purpose of this Code of Conduct is to assist member in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken.

It is also to protect members, the public, fellow members, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

NB: It is the individual responsibility of each member to comply with this Code. Failure to do so may result in a sanction being applied by the Council.

Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may result in a criminal conviction and an unlimited fine and /or disqualification from office for a period of up to 5 years.

Part One - Application of the Code

1. This Code applies to all members of the Council including co-opted members and appointed members (hereinafter referred to as Members).
- 1.1 Members must comply with this Code whenever they:-
 - (a) conduct business of Stroud District Council; or
 - (b) act, claim to act or give the impression they are acting as a representative of Stroud District Council; or
 - (c) act as a representative of Stroud District Council and references to their official capacity are construed accordingly.
- 1.2 **Interpretation:** If members refer to themselves as councillor, the Code will apply to them. The Code applies to all forms of member communication and interaction and applies in conversation, in writing, or in use of electronic media, including the use of Facebook, blogs and Twitter for example. If they refer to their role as councillor in any way or any comments they make are clearly related to their official role then the Code will apply to those comments.
- 1.3 Even if a member does not refer to their role as councillor, their public comments may have the effect of bringing their office or authority into disrepute and could therefore breach paragraph 3.2 of the Code.

Part Two - General Obligations

2. Members must behave according to the highest standards of personal conduct in everything they do in their capacity as a member. In particular they must observe the following principles of conduct, some of which are set out in law. All members of the Council shall aspire to uphold and promote the following principles:

Selflessness - members should act only in the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity – members should make decisions impartially and on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

Openness – Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when there are clear and lawful reasons for doing so.

Leadership – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Respect for others – members should promote 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. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

It is important that Members uphold and promote these principles, a failure to do so may, be a breach of this Code. Those matters which may be specific breaches of the Code are set out in the next section.

Part Three - Requirements of the Code

3.1 Members must

- (a) Not use their position as a member to influence, or attempt or purport to influence, any decision or business of the Council in which they have an interest (an interest is defined in sections 4.2, 4.3 and 4.4 of Part 4 below) and they shall comply with the requirements of this Code in relation to interests;
- (b) Not use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- (c) When using or authorising the use by others of the resources of their authority:
 - (i) act in accordance with the Council's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (iii) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

- 3.2 Not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute;
- 3.3 Carry out all their duties and responsibilities paying due regard to the Public Sector Equality Duty and will seek to:
 - (i) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
 - (iii) Not do anything which may cause the Council to breach the Equality Act 2010
- 3.4 Show respect and consideration for others;
- 3.5 Not use bullying behaviour or harass any person; and not intimidate or attempt to intimidate any person or any person who is likely to be;
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with the Code;

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

3.6 (a) Not disclose information given to the Council in confidence by anyone, or information acquired by the Council or the member which the member believes, or ought reasonably to be aware, is of a confidential nature, except where -

- (i) the member has the consent of a person authorised to give consent;
- (ii) they are required by law to do so;
- (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (iv) the disclosure is reasonable and in the public interest and made in good faith and in compliance with the reasonable requirements of the Council

(b) Prevent another person from gaining access to information to which that person is entitled by law.

3.7 Not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

3.8 Comply with any formal investigation under the Code and not seek to misuse the Code process, for example, by making allegations against another member for the purposes of political gain or on a trivial or malicious basis.

3.9 Undertake any training considered by the Council to be reasonably necessary to enable the member to undertake their duties.

3.10 (a) When reaching decisions on any matter have regard to any relevant advice provided to them by -

- (i) the Council's chief finance officer; or
- (ii) the Council's Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties and

(b) Give reasons for all decisions they make in the course of their work as a member in accordance with any reasonable requirements of the Council.

Part Four - Interests

4.1 General

- (a) An interest to which this Code applies is either a disclosable pecuniary interest (DPI) or if not, an “Other Interest”. These are defined at sections 4.2 and 4.3 below. A member should first ascertain if the interest is a DPI. If it is not then the member should look at section 4.3 to see if it is any other interest.
- (b) Members will not be considered to have an interest where it arises from an interest of a body or person other than themselves and they were not aware of that body’s or person’s interest.

4.2 Definition of a Disclosable Pecuniary Interest (DPI)

- (a) A DPI is any of the interests described below whether it is the Member’s or the interest of their spouse, civil partner, or person who they live with as if they were their spouse or civil partner (referred to as “Partner” below)
 - (i) **Employment:** any employment or office held, or trade, profession or vocation carried on, by the member or their Partner for profit or gain.
 - (ii) **Sponsorship:** any payment or financial benefit towards the Member’s election expenses or expenses as a member received within the last 12 months, excluding any from the Council.
 - (iii) **Contracts:** any current contract between the Council and them, or their Partner, or anybody in which they or their Partner are a business partner, director, or shareholder.
 - (iv) **Land:** any land which is in the Council’s area which they or their Partner have a right to occupy or receive the income from, including a licence to occupy land for more than a month.
 - (v) **Corporate tenancies:** any tenancy between the Council and a body in which the member or their Partner are a business partner, director, or shareholder.
 - (vi) **Securities:**
 - any beneficial interest in any shares or other securities of any description in a body, held by the member or their Partner, if the body has a place of business or land in the Council’s area, and:
 - the total value of the securities held is over £25,000, or
 - the member or their Partner hold more than one hundredth of the total issued share capital of the body, or

- if the body has more than one class of shares, the member or their Partner hold more one hundredth of the issued share capital of that class

Note: the descriptions of DPI's above are summaries of the definitions in the regulations.

- (b) A failure to disclose a DPI, providing information regarding a DPI which is false or misleading, or taking part in the business of the Council when one has such an interest, are criminal offences in most circumstances, as set out in the Localism Act 2011. They will also be breaches of this Code.

4.3 Definition of “Other Interest”

- (a) A member has an “Other Interest” where a decision on the matter might reasonably be regarded as significantly advantaging or disadvantaging them or, their Partner to a greater extent than the majority of other council tax, business rate payers or inhabitants of your ward. In interpreting and applying this part of the Code, it is imperative that members always act in a manner which is consistent with the key principles set out in the Code at Part 2: General Obligations.
- (b) Exceptions – members do not have any Other Interest in respect of any business of the Council concerning:
- (i) Housing, where they are a tenant of the Council provided that those functions do not relate particularly to their own tenancy or lease;
 - (ii) School meals or school transport and travelling expenses, where they are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) An allowance, payment or indemnity given to members;
 - (v) Any ceremonial honour given to members; or
 - (vi) Setting council tax or a precept under the Local Government Finance Act 1992.

4.4 Disclosure of interests at meetings

- (a) Where the member attends a meeting of the Council or any of its bodies, or of anybody where they are a representative of the Council which considers any business in which they or their Partner have an interest, the

member must disclose to that meeting the existence and nature of that interest either

- (i) when invited to do so at or near the commencement of the meeting; or
 - (ii) at the commencement of the consideration of that business; or (if later)
 - (iii) as soon as the interest becomes apparent.
- (b) Where a member has an interest but, by virtue of paragraph 4.6 it is a Sensitive Interest, they must indicate to the meeting that they have an interest, but need not disclose the sensitive information to the meeting.

4.5 Other Actions to be Undertaken by Members with an Interest

- (a) Subject to paragraph 4.5 (b), in support of the general requirement of this Code that a member shall not influence, or attempt or purport to influence, any decision or business of the Council in which they have an interest there are the following additional requirements:
- (i) The member must not participate in any discussion or consideration of that matter at any meeting of the Council or any of its bodies, or of any body where they are a representative of the Council as they may have a fiduciary duty to that body;
 - (ii) The Member shall withdraw from the meeting for the whole time there is a discussion or consideration of the matter; and
 - (iii) The Member shall not vote on the matter.
- (b) Exceptions – if the interest is solely an Other Interest (as defined in paragraph 4.3) which arises:
- (i) Only in connection with the Member's appointment as a representative of the Council on an outside body; or
 - (ii) As a result of the member's or their Partner's membership of any other body in which the member or their Partner do not hold a position of general control or management

the member may speak on the matter and stay in the meeting room but is prohibited from voting on the matter.

4.6 Sensitive Interests

- (a) A Sensitive Interest is an interest that the member with the interest, and the Council's Monitoring Officer, consider that disclosure of the details of which could lead to that member or a person connected with that member being subject to violence or intimidation.

- (b) Copies of the Council's Register of Members' Interests that are made available for inspection and any published version of the Register, must not include details of the interest but will state that the Member has an interest the details of which are withheld under the Localism Act 2011.
- (c) A member with a Sensitive Interest, when declaring such an interest at a meeting, need not disclose details of the interest but merely the fact that they have a Sensitive Interest in the matter concerned.
- (d) A member with a Sensitive Interest is subject to all the other provisions of this Code in relation to that interest, including those which prevent members with an interest influencing, or attempting or purporting to influence, any decision or business of the Council in which they have an interest.

4.7 Dispensations

- (a) The Monitoring Officer may grant a dispensation allowing a Member with an interest to
 - (i) participate, or participate further, in any discussion of the matter, or
 - (ii) participate in any vote, or further vote, taken on the matter at a meeting where the discussion or meeting are in the course of the Council's business.
- (b) The Monitoring Officer may only grant a dispensation if, after having had regard to all relevant circumstances they
 - (i) consider that without the dispensation the number of persons prohibited from participating by section 31(4) of the Localism Act or this Code in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, or
 - (ii) consider that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business, or
 - (iii) consider that granting the dispensation is in the interests of persons living in the authority's area, or
 - (iv) consider that it is otherwise appropriate to grant a dispensation.
- (c) A dispensation under this Code must specify the period and matters for which it has effect, and the period specified may not exceed four years.

4.8 Registration of members' DPI's

- (a) Members must, within 28 days of either this Code being adopted by Council; or their election or appointment to office (whichever is later) register in the Council's Register of Members' Interests details of their disclosable pecuniary interests (DPI's) as defined in section 4.2.

- (b) Registration shall be satisfied by providing to the Monitoring Officer a fully completed form provided by the Council for this purpose.
- (c) Members must, within 28 days of becoming aware of any new DPI or change to any such interest already registered, register details of that new interest or change by providing written notification with sufficient details of the change to the Monitoring Officer to properly update the Register.
- (d) Where a member has declared a DPI at a meeting which is not in the Council's Register of Member's Interests, and in respect of which no notice has already been given to the Monitoring Officer, the member shall, within 28 days of making the declaration, provide sufficient details of the interest for the Monitoring Officer to properly update the Register.

ARRANGEMENTS FOR DEALING WITH COMPLAINTS UNDER THE CODE OF CONDUCT ABOUT DISTRICT AND TOWN & PARISH COUNCILLORS

Most councillors conduct themselves appropriately and in accordance with the Code of Conduct. Councillors have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

The Localism Act places a general duty on the Council to ensure that high standards of conduct are maintained and demonstrated to the public. An authority must have an effective, fair, impartial, and transparent complaints and investigation procedure to enable it to make decisions on allegations which both councillors and the public can have confidence. Sanctions should be imposed in a consistent way and only where there is a genuine breach.

This procedure applies when a complaint is received that a member of Stroud District Council or a town / parish councillor has or may have failed to comply with the Code of Conduct for Members ('the Code'). The District Council will review its Code each year and regularly seek, where possible, the views of the public, community organisations and the town and parish councils. The Code will be readily accessible to both councillors and the public and will be placed in a prominent position on the District Councils website and available in its premises.

1. General

The person making the complaint will be referred to as "the complainant" and the person against whom the complaint is made will be referred to as the "subject member".

1.2 The Monitoring Officer is the officer of the Council who is responsible for administering the system of complaints about member misconduct and as part of that role may nominate another officer of suitable experience and seniority to carry out any of the functions listed in this procedure.

1.2.1 The Monitoring Officer will provide advice, support and management of investigations and adjudications on alleged breaches to town and parish councils within Stroud District. However, the Monitoring Officer cannot provide advice to town and parish councils in relation to matters outside of the Code, e.g. decision making not involving a breach of the Code and meeting procedure and etiquette.

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- 1.2.2 The Monitoring Officer will usually appoint a deputy to act when he or she is unavailable or has an actual or potential conflict of interest. If there is no deputy or the deputy is unavailable, he or she may ask a monitoring officer from a different authority to undertake the investigation.
- 1.3 The Council appoints Independent Persons from outside the council to assist the Monitoring Officer and Standards Panel in considering complaints. The Independent Persons currently appointed by the District Council are John Acton and Phyllida Pyper.
- 1.4 No member or officer of Stroud District Council or any town or parish council will participate in any stage of the arrangements if he or she has, or may have, any conflict of interest in the matter.

2. Making a complaint

Complaints should be made in writing either by post or e-mail
monitoring.officer@stroud.gov.uk or:

The Monitoring Officer,
Stroud District Council
Ebley Mill
Stroud
GL5 4LH

- 2.1 Complaints about councillors may be made by anyone, but complaints about the conduct of a town or parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances. The Monitoring Officer may require the town or parish council to seek to resolve the complaint itself in the first instance.
- 2.2 An oral complaint will be accepted where the complainant is unable to write due to a physical or mental disability or there is a language barrier. Where an oral complaint is received it will be transcribed and sent to the complainant for their approval.
- 2.3 Anonymous complaints will only be accepted in exceptional circumstances. Further information regarding confidentiality and anonymous complaints is set out below.
- 2.4 A complaint must provide substantiated information and should outline what form of resolution the complainant is seeking. Further information regarding the range of sanctions available is set out in paragraph 9 below.

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- 2.5 If the complaint identifies criminal conduct or breach of other regulations by any person, the Monitoring Officer is authorised to report this to the Police or other prosecuting or regulatory authority, in addition to any action taken pursuant to the Code. In the case of alleged criminal conduct the complaint may be held in abeyance pending the outcome of any criminal investigation to ensure that no criminal investigation is prejudiced.
- 2.6 If a complainant wishes their identity to be withheld, they should state this and provide full reasons why they believe their request is justified when submitting the complaint. Any request for confidentiality will be considered by the Monitoring Officer at the initial assessment stage of these Arrangements. In reaching his/her decision the Monitoring Officer may also consult with the Independent Person.
- 2.7 As a matter of fairness and natural justice the subject member will usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the Monitoring Officer may withhold the complainant's identity if they are satisfied that the complainant has reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of physical harm, or his or her employment may be jeopardised if their identity is disclosed, or where there are medical risks (supported by medical evidence) associated with the Complainant's identity being disclosed.
- 2.8 If the Monitoring Officer decides to refuse a request by a complainant for confidentiality, they will offer the complainant the option to withdraw the complaint, rather than proceed with his or her identity being disclosed. The Monitoring Officer will balance whether the public interest in taking action on a complaint will outweigh the complainant's wish to have his or her identity withheld from the subject member.
- 2.9 The Monitoring Officer may discontinue a complaint if they consider it appropriate to do so where the subject member ceases to be a councillor for any reason. Where a complaint is discontinued the Monitoring Officer will write to the complainant setting out the reasons for their decision.
- 2.10 If an anonymous complaint is received it will be considered by the Monitoring Officer at the initial assessment stage of these Arrangements. In reaching his / her decision the Monitoring Officer may also consult with the Independent Person.
- 2.11 The principles of fairness and natural justice referred to in paragraph 2.7 will also be applied to anonymous complaints and such complaints will only be

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accepted if they include documentary or photographic evidence indicating an exceptionally serious or significant matter.

- 2.12 The Monitoring Officer will acknowledge receipt of the complaint within 10 working days of all required information being provided. The complainant will be given details about how the complaint will be dealt with and provided with a copy of these Arrangements. At the same time, the Monitoring Officer will write to the subject member and copy in their Group Leader and / or Whip if applicable (and in the case of a complaint about a town or parish council member to the Clerk) with a copy of the complaint and the name of the complainant, (if anonymity has not been requested and accepted as valid by the Monitoring Officer).
- 2.13 The subject member may, within 10 working days of being provided with a copy of the complaint, make written representations to the Monitoring Officer which must be taken into account when deciding how the complaint should be dealt with. Representations received after this time may be taken into account at the discretion of the Monitoring Officer but will not be considered after the Monitoring Officer has issued the initial assessment of the complaint.
- 2.14 A decision regarding whether the complaint merits formal investigation or another course of action will normally be taken within a maximum of 20 working days of either receipt of representations from the subject member or where no representations are submitted 20 working days of the expiry of the period mentioned in paragraph 2.12 above. The complainant and the subject member will be informed should there be a delay in completing any stage of the process.

3. Stage 1 – Procedure for Initial Assessment of Complaint

- 3.1 The complaint will be automatically rejected if:
- The complaint is not against one or more named member of Stroud District Council or any town or parish council within Stroud District; or
 - The complaint is against a current member of Stroud District Council or any town or Parish Council within Stroud District but the subject member was not acting in their capacity as a member of that council at the time of the alleged failure to comply with the Code. (The Monitoring Officer will consider all of the circumstances before reaching a conclusion as to the status of the member at the time of the alleged breach of the Code)

- 3.1.1 Where a complaint is rejected on any of the above grounds, the Monitoring Officer will write to the complainant explaining why their complaint cannot be dealt with under this procedure.
- 3.2 The Monitoring Officer may request further information from either the complainant, the subject member or any other persons the Monitoring Officer considers appropriate before reaching a decision.
- 3.3 Where a complaint is by an officer or a member which would be more appropriately be dealt with informally under the Local Resolution Procedure (LRP) To be drafted), the Monitoring Officer will refer the matter under that procedure and may, but will not have to, consult the Independent Person if necessary.
- 3.4 In all other cases, the Monitoring Officer will consider the complaint and, consult with the Council's Independent Person before reaching a decision (initial assessment) as to whether the complaint merits investigation, or another course of action. Where the complaint relates to a town or parish council member, the Monitoring Officer may also seek the views of the clerk of the town or parish council before deciding whether the complaint merits formal investigation or other action.
- 3.5 If the complaint has not been rejected on either of the grounds in 3.1 the Monitoring Officer will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, dealt with informally, or rejected:
- Unless a pattern of behaviour is established, a substantially similar allegation has previously been made by the complainant to the Monitoring Officer (unless sufficient new evidence is provided), or the complaint has been the subject of an investigation by another regulatory authority;
 - The complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;
 - The allegation is anonymous
 - The complaint is of an interpersonal nature that would more properly be dealt with by referring the matter to the members Group Leader for informal resolution
 - The allegation discloses a potential breach of the Code of Conduct, but the complaint is not serious enough to merit any action and

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- The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations or
 - In all the circumstances there is no overriding public benefit in carrying out an investigation.
 - The complaint appears to be malicious, vexatious, politically motivated or tit for tat;
 - The complaint suggests that there is a wider problem throughout the Authority;
- 3.6 After consulting with the Independent Person the Monitoring Officer will then give his/her decision on how the complaint will be dealt with. The Monitoring Officer may in exceptional circumstances refer the question of how to proceed to the Chairperson of the Audit and Standards Committee.
- 3.7 If the Monitoring Officer decides that no further action is appropriate a decision notice will be sent to the complainant and the subject member. The decision notice will summarise the allegation, give the decision of the Monitoring Officer and the reasons for their decision.

4. Stage 2 - Informal Resolution

- 4.1 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Informal resolution may be appropriate for example where: -
- There is a breach of the Code but this is minor, trivial or technical in nature
 - It is apparent that the Subject member is relatively inexperienced as a member
 - The member has admitted making an error which would not warrant a more serious sanction and has taken action to address this e.g. withdrawing comments.
 - The member has apologised
 - Training or conciliation would be a more appropriate response.
- 4.2 Types of informal resolution might include:

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- An explanation by the subject member to the complainant of the circumstances surrounding the complaint;
- An apology from the subject member;
- An agreement from the subject member to attend relevant training or to take part in a mentoring process;
- Offering to engage in a process of mediation or conciliation between the subject member and the complainant; or
- Any other action capable of resolving the complaint.

- 4.3 Where the Monitoring Officer seeks to resolve the complaint informally he or she will provide the subject member with a reasonable timescale within which to attempt to resolve the complaint (usually this will be 10 working days) and provide the subject member with the contact details for an Independent Person who will be available to the subject member to give them advice on the severity of the complaint and what form of resolution they would consider appropriate. (Providing such guidance will not prevent the Independent Person from giving a view to the Standards Panel.)
- 4.4 Before deciding upon a course of action the subject member may seek guidance from a Group Whip, Leader of the Group, the Independent Person, and/or the Monitoring Officer. The Monitoring officer may also seek the complainant's views to ascertain what form of informal resolution they would find acceptable, particularly if the form of resolution they have specified in their complaint is not possible.
- 4.5 At the end of the 10 working day period referred to at paragraph 4.3 above the Monitoring Officer will, in consultation with the Independent Person, seek to establish whether the subject member has resolved the complaint to the Complainant's satisfaction.
- 4.6 Where it has been possible to agree a form of resolution between the subject member and the complainant there will be no further action taken in respect of the complaint and the Monitoring Officer will notify both the complainant and the subject member of this decision.
- 4.7 Where it has not been possible to agree a form of resolution between the subject member and the complainant, the Monitoring Officer will decide if the complaint merits formal investigation. Where the subject member makes a reasonable offer of local resolution, but it is rejected by the complainant, the Monitoring Officer will take account of this in his or her decision.

5. Stage 3 – Formal Investigation

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- 5.1 Where the Monitoring Officer, in consultation with the Independent Person, decides that a complaint merits investigation he/she will appoint an Investigating Officer who may be a Council officer, an officer from another Council, or an external investigator. However, if the facts and evidence are self-sufficient, the Monitoring Officer may dispense with a formal investigation and present the facts him / herself.
- 5.2 The Investigating Officer will follow guidance issued by the Monitoring Officer on the investigation of complaints. The guidance will follow the principles of proportionality and the cost effective use of council resources and shall be interpreted in line with these principles. The Investigating Officer should aim to complete their investigation within a maximum of 1 month of their appointment.
- 5.3 At the end of their investigation, the Investigating Officer will produce a draft report and send copies to the complainant and subject member for comments on matters of fact. The Investigating Officer will take any such comments received during a period to be specified by the Investigating Officer into account before issuing their final report to the Monitoring Officer.

6. Investigating Officer finding of no failure to comply with the Code of Conduct

- 6.1 Where the Investigating Officer's report finds that the subject member has not failed to comply with the Code, the Monitoring Officer, in consultation with the Independent Person, will review the Investigating Officer's report and if satisfied, will confirm the finding of no failure to comply with the Code.
- 6.2 The Monitoring Officer will write to the complainant and the subject member (and to the clerk of the town or parish council, where the complaint relates to a town or parish council member), with a copy of the decision and the Investigating Officer's report.
- 6.3 If the Monitoring Officer is not satisfied that the investigation has been conducted thoroughly, the Investigating Officer may be asked to reconsider the report and the conclusions.

7 Investigating Officer finding of sufficient evidence of failure to comply with the Code of Conduct

- 7.1 Where the Investigating Officer's report finds that the Subject member has failed to comply with the Code, the Monitoring Officer will review the Investigating Officer's report and will then, having consulted the Independent

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Person, either send the matter for hearing before the Standards Panel or seek informal resolution in accordance with paragraph 7.2 below.

- 7.2 Informal Resolution - If the Monitoring Officer believes that the matter can reasonably be resolved without the need for a hearing, for example because informal resolution has not yet been considered, they will consult with the Independent Person and the complainant and seek to agree a fair resolution. The types of resolution available are as set out in paragraph 4.2 of these Arrangements.
- 7.2 If the subject member and the complainant accept the suggested resolution, the Monitoring Officer will report the outcome to the Standards Panel and the clerk to the town or parish Council (if appropriate) for information but will take no further action.
- 7.3 If the complainant or the subject member refuses informal resolution in principle or to engage with the agreed outcome, the Monitoring Officer will refer the matter for a hearing without further reference to the complainant or the subject member.

8. Stage 4 - Hearing

Where, in the opinion of the Monitoring Officer, informal resolution is not appropriate or the complainant and/or subject member refuses to accept informal resolution, then the Monitoring Officer will report the Investigating Officer's findings to the Standards Panel which will conduct a hearing before deciding whether the Member has failed to comply with the Code and, if so, what action (if any) to take in respect of the Member. The Standards Panel will be constituted in accordance with council Standing Orders and will adopt whatever process it considers appropriate.

9. Action available to the Standards Panel

Where the Standards Panel finds that a subject member has failed to comply with the Code, it will publish a decision notice on its website (in the case of a town or parish council the Standards Panel will provide a decision notice to be published on its website) of its findings in respect of the Subject member's conduct setting out the following:

- A brief statement of facts
- The provisions of the code engaged by the allegations
- The view of the Independent Person
- The reasoning of the decision-maker

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- Any sanction applied.

and it may -

- Recommend to the relevant council that the member should be censured;
- Require the member to provide an apology
- Request the member remove any social media content which led to the complaint
- Recommend to the subject member's Group Leader (or in the case of ungrouped members recommend to Council) that he/she be removed from any or all committees or sub committees of the Council;
- Instruct the Monitoring Officer (or recommend to the town or parish council) to arrange training for the Member;
- Recommend to Council (or recommend to the town or parish council) that the subject member be removed from all outside appointments to which they have been appointed or nominated by the Council (or by the town or parish council);
- Withdraw (or recommend to the town or parish council that it withdraws) facilities provided to the subject member by the council such as a computer, website and/or e-mail and internet access; or
- Place such restrictions on the Subject member's access to staff, buildings or parts of buildings which may be reasonable in the circumstances.

10. Appeals

There is no right of appeal against the substantive decision of the Monitoring Officer or of the Standards Panel

11. Withdrawal of a Complaint

In the event that a complainant withdraws a complaint at any time prior to a decision having been made by the Standards Panel, the Monitoring Officer may, following consultation with the Independent Person, decide that no further steps be taken in respect of that complaint.

- 11.1 In taking such a decision the Monitoring Officer will take into account whether there has been any intimidation or attempt to intimidate any person who is or is likely to be:
- a complainant,
 - a witness, or
 - involved in the administration of any investigation or proceedings, in relation to the allegation that the subject member has failed to comply with the Council's Code.

12. Revision of these Arrangements

In individual cases the Monitoring Officer may, in consultation with the Chairperson of Audit & Standards Committee, revise these Arrangements, as he or she considers appropriate, to enable the process to be dealt with efficiently.

Version: October 22nd 2020

Arrangements for dealing with
complaints about Councillors

Any such revisions are to be reported to the next meeting of the Audit & Standards Committee.

13. Review of these Arrangements

These Arrangements were last reviewed in 2020 and shall be reviewed every 3 years thereafter or earlier where there is a change in law or where circumstances warrant an earlier review. The Monitoring Officer will seek to meet regularly with political group leaders or group whips to discuss standards issues.

STROUD DISTRICT COUNCIL
COUNCIL

**AGENDA
ITEM NO**

22 OCTOBER 2020

7b

Report Title	RECOMMENDATION FROM AUDIT AND STANDARDS COMMITTEE ON THE COUNTER FRAUD AND CORRUPTION POLICY STATEMENT AND STRATEGY 2020-2023			
Purpose of Report	To consider, comment on and approve the updated Council's Counter Fraud and Corruption Policy Statement and Strategy 2020-2023 .			
Decision(s)	That the Council RESOLVES to approve the Counter Fraud and Corruption Policy Statement and Strategy (including Anti Bribery Policy and Anti Money Laundering Policy) 2020-2023 as recommended by the Audit and Standards Committee			
Consultation and Feedback	Strategic Leadership Team, relevant professional disciplines within Stroud District Council (SDC) and Audit, Risk Assurance.			
Report Author	Theresa Mortimer, Head of Audit Risk Assurance (Chief Internal Auditor) Tel: 01453 754111 Email: theresa.mortimer@stroud.gov.uk			
Options	There are no alternative options as the adoption of the updated Counter Fraud and Corruption Policy Statement and Strategy 2020-2023 will reaffirm an effective Counter fraud and corruption culture within the Council.			
Background Papers	N/A			
Appendices	Appendix A - Counter Fraud and Corruption Policy Statement and Strategy 2020-2023.			
Implications (details at the end of the report)	Financial	Legal	Equality	Environmental
	No	No	No	No

1.0 INTRODUCTION / BACKGROUND

- 1.1 The Annual Fraud Indicator produced by Crowe Clark Whitehill estimated that the fraud threat to local authorities may be as high as £7.8bn in 2017 of which procurement fraud was estimated as £4.3bn. This study estimated that the total threat faced by the public sector was £40.4bn.
- 1.2 The Government's Economic Crime Plan 2019 states that the number of fraud offences rose by 12% during 2018 to 3.6 million – constituting a third of all crimes in the UK.

- 1.3 However, since the writing of the new Counter Fraud and Corruption Policy Statement and Strategy 2020-2023, the Covid-19 pandemic has impacted on the fraud arena and local authorities have seen a rise in fraud activity in areas such as bank mandate fraud, inflated claims, duplicate payments and new areas such the Government initiative for Business Support Grant Funding, provided through District Councils to local businesses.
- 1.4 These factors suggest that this is the time to review the approach to tackle fraud against the Council and reaffirm the arrangements to ensure that SDC has a resilient response to the changed conditions.
- 1.5 This statement sets out the Council's policy and strategy in relation to fraud and corruption. It has the full support of the Council, the Council's Audit and Standards Committee and Strategic Leadership Team.

2.0 MAIN POINTS

- 2.1 The Council takes its responsibilities to protect the public purse very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets.
- 2.2 The Council will not tolerate fraud or corruption by its councillors, employees, suppliers, contractors, partners or service users and will take all necessary steps to investigate all allegations of fraud, or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal and/or prosecution. The required ethical standards are included in both our Members Code of Conduct and Employees Code of Conduct.
- 2.3 In addition, the above is reflected in the Council's Financial Regulations (under Financial Regulation C.5 - Preventing Fraud and Corruption) with the Audit and Standards Committee's specific role regarding fraud is to monitor the adequacy and effectiveness of the arrangements in place for combating fraud and corruption.
- 2.4 This policy statement is underpinned by a Counter-Fraud and Corruption Strategy, which sets out the key responsibilities with regard to fraud prevention, what to do if fraud is suspected and the action that will be taken by management. The strategy is based upon five key themes: Govern, Acknowledge, Prevent, Pursue and Protect and adheres to Fighting Fraud and Corruption Locally, A strategy for the 2020s (FFCL), which is supported by the Local Government Association and the Chartered Institute of Public Finance and Accountancy (CIPFA) Counter Fraud Centre.
- 2.5 To fulfil the Council's Strategy, we need to maximise the financial resources available to us. In order to do this, we aim to reduce fraud and misappropriation to zero.
- 2.6 Where known, the Council's Chief Internal Auditor will ensure that the Audit and Standards Committee, the Chief Executive, Chief Financial Officer and the Monitoring Officer are made aware of all irregularities and potential fraud cases. External Audit also annually assesses the effectiveness of the Council's counter fraud and corruption arrangements.

3.0 CONCLUSION

- 3.1 Appendix A to this report sets out the counter fraud strategy and policies, which set out the Council's required counter fraud culture and associated responses. The aims of these policies are to protect the Council's valuable resources by ensuring they are not lost through fraud but are used for improved services to Stroud's residents and visitors.
- 3.2 The implementation of the fraud policies will be monitored by the Senior Leadership Team and the relevant assurances provided to the Audit and Standards Committee.
- 3.3 Once approved, the strategy will be promoted via a communications plan, alongside the latest whistleblowing policy, to raise awareness and help us to further reduce the risk of fraud within SDC.

4.0 IMPLICATIONS

4.1 Financial Implications

There are no financial implications arising directly from this report.

Andrew Cummings – Strategic Director of Resources

Email: andrew.cummings@stroud.gov.uk

Risk Assessment:

Failure to fight fraud and implement an effective Counter Fraud and Corruption culture means that for every pound lost through fraud cannot be spent on providing public services, therefore this strategy supports the Council's response to mitigate the risk of fraud and corruption.

4.2 Legal Implications

There are no specific legal implications arising from the recommendations in this report, but the legal framework is clearly set out in the policy offered for acceptance by the Committee. Whilst it is within the delegations to the Audit and Standards Committee to adopt policies related to its areas of responsibility, given the importance of this issue and the need to raise its profile, it is in order to refer the policy to Council for adoption.

Patrick Arran, Interim Head of Legal Services and Monitoring Officer

Email: patrick.arran@stroud.gov.uk

4.3 Equality Implications

There are not any specific changes to service delivery proposed within this decision.

4.4 Environmental Implications

There are no significant implications within this category.

Counter-fraud and Corruption

Policy Statement and Strategy
2020-2023

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Counter Fraud and Corruption Policy Statement

The Annual Fraud Indicator produced by Crowe Clark Whitehill estimated that the fraud threat to local authorities may be as high as £7.8bn in 2017 of which procurement fraud was estimated as £4.3bn. This study estimated that the total threat faced by the public sector was £40.4bn.

The Government's Economic Crime Plan 2019 states that the number of fraud offences rose by 12% during 2018 to 3.6 million – constituting a third of all crimes in the UK.

This statement sets out the Council's policy in relation to fraud and corruption. It has the full support of the Council, the Council's Audit and Standards Committee and Corporate Team.

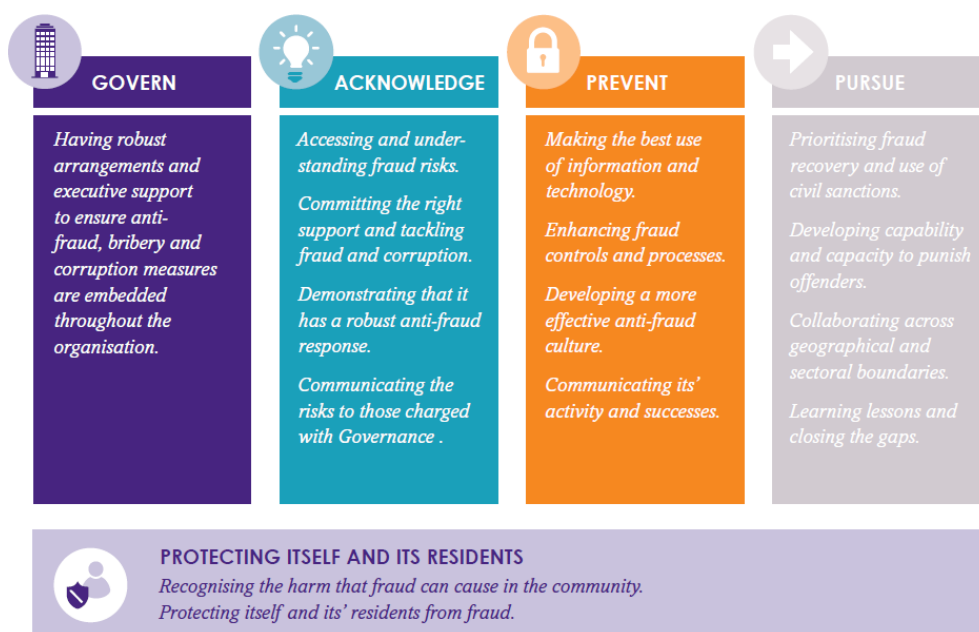
The Council takes its responsibilities to protect the public purse very seriously and is fully committed to the highest ethical standards, in order to ensure the proper use and protection of public funds and assets.

The Council will not tolerate fraud or corruption by its councillors, employees, suppliers, contractors, partners or service users and will take all necessary steps to investigate all allegations of fraud, or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal and/or prosecution. The required ethical standards are included in both our Members Code of Conduct and Employees Code of Conduct.

To fulfil the Council's Strategy, we need to maximise the financial resources available to us. In order to do this, we aim to reduce fraud and misappropriation to zero.

This policy statement is underpinned by a Counter-Fraud Fraud and Corruption Strategy, which sets out the key responsibilities with regard to fraud prevention, what to do if fraud is suspected and the action that will be taken by management.

The strategy is based upon five key themes: **Govern, Acknowledge, Prevent, Pursue and Protect** and adheres to Fighting Fraud and Corruption Locally, A strategy for the 2020s (FFCL), which is supported by the Chartered Institute of Public Finance and Accountancy (CIPFA) Counter Fraud Centre.



Counter-Fraud and Corruption Strategy

Stroud District Council has a **zero tolerance** stance to all forms of fraud, bribery, corruption and theft, both from within the Council and from external sources. We recognise fraud can:

- Undermine the standards of public service that the Council is attempting to achieve;
- Reduce the level of resources and services available for the residents of Stroud; and
- Result in major consequences which reduce public confidence in the Council.

Definitions

Fraud

Fraud is defined by the [Fraud Act 2006](#) (at [UK Legislation](#)):

The Act describes fraud as the intention to make gain or cause loss under three main headings:

- Fraud by false representation
- Fraud by failing to disclose information
- Fraud by abuse of position

There are further subheadings of fraud described including possession of articles for use in fraud, making or supplying articles for use in frauds, participating in fraudulent business and or obtaining services dishonestly.

Theft

Theft is the physical misappropriation of cash or other tangible assets. A person is guilty of “theft” if he or she dishonestly takes property belonging to another, with the intention of permanently depriving the other of it.

Corruption

Corruption is defined as the offering, giving, soliciting or acceptance of an inducement or reward, or showing any favour or disfavour which may influence any person to act improperly.

[The Bribery Act 2010](#) came into force on 1 July 2011. Bribery is defined in the Act “as giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward a person for having already done so, in order to gain personal, commercial, regulatory or contractual advantage”. It is the most common form of corruption. The Council’s responsibilities are set out within the Anti-Bribery Policy (Appendix 4).

Money Laundering

Money laundering is the term used for a number of offences involving concealing the proceeds of crime or terrorist funds, so that they appear they have come from a legitimate source. Money laundering involves one or more of three principal offences: concealing, arranging and acquisition / use / possession.

The burden of identifying and reporting acts of money laundering rests within the Council. Any service that receives money from an external person or body is potentially vulnerable to a money laundering operation.

The need for vigilance is vital and any suspicion concerning the appropriateness of a transaction should be reported and advice sought from the Money Laundering Reporting Officer.

The Council recognises its responsibilities under [the Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019](#) and the [Proceeds of Crime Act 2002](#).

These responsibilities are set out within the Council's Anti-Money Laundering Policy **(Appendix 5)**

Scope

This strategy applies to:

- All Stroud District Council employees (including volunteers and agency staff);
- Councillors;
- Staff and Committee Members of council funded voluntary organisations;
- Stroud District Council partners;
- NHS partners;
- Stroud District Council's suppliers, contractors and consultants;
- Service Users; and
- Stroud District residents.

What are the aims and objectives of the strategy?

We aim to:

- Protect the Council's valuable resources by ensuring they are not lost through fraud but are used for improved services to Stroud's residents and visitors;
- Provide a Counter Fraud Service which:
- Ensures that the resources dedicated are sufficient and those involved are trained to deliver a professional counter fraud service to the highest standards;
- Proactively deters, prevents and detects fraud, bribery, corruption and theft;
- Investigates suspected or detected fraud, bribery, corruption and theft;
- Enables the Council to apply appropriate sanctions and recover all losses. In addition wherever possible the Council seeks to recover all proven financial losses through court action or by invoicing an individual. Where an employee is a member of the Local Government Pension Scheme, then in accordance with the provisions of the pension scheme, the Council will seek to recover any money owing as a result of that employee's grave misconduct, criminal, negligent or fraudulent acts or omission from the employee's pension benefits. Alternatively and again in accordance with the provisions of those pension schemes, the Council will seek full forfeiture of that members pension benefits where applicable.

- Provides recommendations to inform policy, system, risk management and control improvements, thereby reducing the Council's exposure to fraudulent activity.
- Create an environment that enables the reporting of any genuine suspicions of fraudulent activity. However, we will not tolerate malicious or vexatious allegations or those motivated by personal gain and, if proven, we may take disciplinary or legal action; and
- Work with our partners and other investigative bodies to strengthen and continuously improve our arrangements to prevent fraud and corruption.

What is SDC's approach to Countering Fraud?

Managing the Risk of Fraud and Corruption

- As with any risk faced by the Council, it is the responsibility of managers to ensure that fraud risk is adequately considered when preparing risk assessments in support of achieving strategic priorities, business plan, projects and programmes objectives and outcomes. In making this assessment it is important to consider the risk of fraud occurring rather than the actual incidence of fraud having occurred in the past. Once the fraud risk has been evaluated, appropriate action should be taken to mitigate those risks on an ongoing basis.
- Any changes in operations or the business environment must also be assessed to ensure any impacts, which might increase the risk or otherwise change the risk of fraud, bribery and corruption, are properly taken into account.
- Good corporate governance procedures are a strong safeguard against fraud and corruption. Adequate supervision, recruitment and selection, scrutiny and healthy scepticism must not be seen as distrust but simply as good management practice shaping attitudes and creating an environment opposed to fraudulent activity.
- Whilst all stakeholders in scope have a part to play in reducing the risk fraud, SDC's Members, Strategic Directors and Management are ideally positioned to influence the ethical tone of the organisation and play a crucial role in fostering a culture of high ethical standards and integrity.
- The Council believes the best defence against fraud, corruption and bribery is to create a strong count-fraud culture within the organisation and that a culture of honesty and openness is a key element in tackling fraud. The codes of conduct for Members and employees are based upon the Nolan principles of Standards in Public Life. In cases where Members or employees fail to adhere to these codes appropriate action will be taken against them. The seven Nolan principles of Standards in Public Life are:

Selflessness: You must act solely in terms of the public interest and not in order to gain financial or other material benefits for yourself, family, or friends;

Integrity: You should not place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties;

Objectivity: You must make choices on merit when making decisions on appointments, contracts, or recommending rewards and benefits for individuals;

Accountability: You are accountable for your decisions and actions to the public and you must submit yourself to whatever scrutiny is appropriate;

Openness: You should be as open as possible about all decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands;

Honesty: You have a duty to declare any private interests relating to your work and you need to take steps to resolve any conflicts arising in the way that protects the public interest;

Leadership: You should promote and support these principles by leadership and example.

- SDC will fulfil the responsibility to reduce fraud and protect our resources by a strategic approach consistent with that outlined in Fighting Fraud and Corruption Locally, A strategy for the 2020s.

Fighting Fraud and Corruption Locally: Acknowledge, Prevent, Pursue

GOVERN	Arrangements and Executive Support	We have robust arrangements and executive support to ensure counter-fraud, bribery and corruption measures are embedded throughout the Council. The internal arrangements that are put in place are communicated throughout the Council and publicly available to demonstrate the culture and commitment to preventing fraud.
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ACKNOWLEDGE	Committing Support	The Council's commitment to tackling the threat of fraud is clear. We have strong whistleblowing procedures and support those who come forward to report suspected fraud. All reports will be treated seriously and acted upon. We will not, however, tolerate malicious or vexatious allegations.
	Assessing Risks	We will continuously assess those areas most vulnerable to the risk of fraud as part of our risk management arrangements. These risk assessments will inform our internal controls and counter fraud priorities. In addition, Internal Audit will carry out work in these high risk areas to assist management in detecting existing and new types of fraudulent activity. Examples of fraud indicators are provided at Appendix 1 and types of fraud are provided at Appendix 2.
	Robust Response	We will strengthen measures to prevent fraud. Internal Audit will work with our internal partners such as management, HR, Finance, Legal, policy makers and external partners, to ensure new and existing systems and policy initiatives are adequately fraud proofed.

PREVENT	Better use of Information Technology	We will make greater use of data and analytical software to prevent and detect fraudulent activity. We will look for opportunities to share data and fraud intelligence to increase our capability to uncover potential and actual fraud.
	Counter Fraud Culture	We will promote and develop a strong counter fraud culture, raise awareness, provide a fraud e-learning tool and provide information on all aspects of our counter fraud work. This will include publicising the results of all proactive work, fraud investigations, successful sanctions and any recovery of losses due to fraud.

PURSUE	Fraud Recovery	A crucial element of our response to tackling fraud is recovering any monies lost through fraud. This is an important part of our strategy and will be rigorously pursued, where possible.
	Punishing Fraudsters	We will apply realistic and effective sanctions for individuals or organisations where an investigation reveals fraudulent activity. This may include legal action, criminal and/or disciplinary action, where appropriate.
	Enforcement	Appropriately trained investigators will investigate any fraud detected through the planned proactive work; cases of suspected fraud referred from internal or external stakeholders, or received via the confidential reporting procedure (whistleblowing). We will also work with relevant internal and external partners/external agencies/organisations.

PROTECT	Recognise the harm	We will recognise and protect the organisation against serious and organised crime.
	Protect itself	We will protect public funds, protect the organisation from fraud and cybercrime and also monitor and protect the Council from future fraud risks.
	Protect its' residents	We will endeavour to protect individuals from becoming victims of crime and protect against the harm that fraud can do to the community.

Responsibilities

Stakeholder	Specific Responsibilities
Chief Executive	<p>Accountable for the overall effectiveness of the Council's arrangements for countering fraud and corruption by:</p> <ul style="list-style-type: none"> Ensuring that the Council has a trained counter fraud resource in the organisation or has access to one; and Providing the Audit and Standards Committee with regular reports on the work of those leading on fraud.
Monitoring Officer	<p>To advise Councillors and Officers on ethical issues, standards and powers to ensure that the Council operates within the law and statutory Codes of Conduct/Practice. Overall responsibility for the maintenance and operation of the Confidential Reporting Procedure for Employees (whistleblowing) and ensuring that:</p> <ul style="list-style-type: none"> Members, Audit and Standards Committee and portfolio leads are aware of counter fraud activity and that training is available to them; and That the fraud team is independent of process and it produces reports to relevant committees that are scrutinised by members.
Strategic Director of Resources (Section 151 Officer)	<p>To ensure the Council has adopted and implemented an appropriate Counter Fraud and Corruption Policy/Strategy and that the Council has an adequately resourced and effective Internal Audit service to deliver "counter fraud" activity by ensuring that:</p> <ul style="list-style-type: none"> The Chief Internal Auditor is assessing counter fraud resources, capability and has sufficient internal unfettered access; The Counter Fraud Team produce regular reports on activity, success and future plans; The Council participates fully in the bi-annual National Fraud Initiative (NFI) exercise and reports outcomes accordingly; and The Council is measuring itself against the FFCL checklist.

Audit and Standards Committee	<p>To monitor the adequacy and effectiveness of the arrangements in place for combating fraud and corruption by:</p> <ul style="list-style-type: none"> • Receiving a report quarterly on the counter fraud activity which includes proactive and reactive work; • Proactively supporting and challenging counter fraud activity; and • Monitoring the adequacy and effectiveness of the arrangements in place for combating fraud and corruption.
Members	To comply with the Members Code of Conduct and related Council policies and procedures, to be aware of the possibility of fraud, corruption, bribery and theft, and to report any genuine concerns accordingly.
External Audit	Statutory duty to ensure that the Council has adequate arrangements in place for the prevention and detection of fraud, corruption, bribery and theft.
Internal Audit	<ul style="list-style-type: none"> • Responsible for developing and promoting to the Council the requirements of the Counter Fraud and Corruption Strategy and monitoring and/or undertaking the investigation of any reported issues. • To ensure that all suspected or reported irregularities are dealt with promptly and in accordance with this strategy and that action is identified to improve controls and reduce the risk of recurrence; and • To present the Counter-Fraud and Corruption Policy Statement and Strategy to Council for approval and annually to Audit and Standards Committee, to support them fulfil their role. <p>Please see Appendix 3 – Fraud Response Plan.</p>
Heads of Service, Service Managers	To promote staff awareness and ensure that all suspected or reported irregularities are immediately referred to the Monitoring Officer and/or the Chief Internal Auditor. To ensure that there are mechanisms in place within their service areas to assess the risk of fraud, corruption, bribery and theft and to reduce these risks by implementing strong internal controls.
Staff	To comply with Council policies and procedures, to be aware of the possibility of fraud, corruption, bribery and theft, and to report any genuine concerns to management, the Monitoring Officer, Chief Internal Auditor or via the whistleblowing procedure.
Public, Service Users, Partners, Suppliers, Contractors and Consultants	To be aware of the possibility of fraud and corruption against the Council and report any genuine concerns / suspicions.

Reporting, Advice and Support

The Council recognises that the primary responsibility for the prevention and detection of fraud rests with management. If you believe that someone is committing a fraud or you suspect corrupt practices, these concerns should be raised, in the first instance, directly with your Head of Service / Service Manager.

Alternatively, you may raise any concern with the Council's Monitoring Officer, S151 Officer, Human Resources Manager or the Council's Internal and / or external auditors in accordance with the Council's [confidential reporting procedure \(whistleblowing\)](#).

Internal Audit also provide a 24 hour Whistleblowing Hotline answerphone service available on **01452 427052** for individuals to report any concerns.

We will treat all concerns or suspicions with discretion and in confidence.

Employees

Employees who wish to raise a serious concern, require advice and/or support, should do so verbally or in writing (marked 'Confidential') to either of the following:

Role	Officer Name/Co.	Tel. No.	E-mail Address
Monitoring Officer	Patrick Arran	01453 754369	Patrick.Arran@stroud.gov.uk
Strategic Director of Resources (S151 Officer)	Andrew Cummings	01453 754115	Andrew.Cummings@stroud.gov.uk
Human Resources Manager	Lucy Powell	01453 754286	lucy.powell@stroud.gov.uk
External Auditors	Deloitte LLP (UK)	029 20460000	www.deloitte.co.uk
SDC's Chief Internal Auditor	Theresa Mortimer	01453 754111	theresa.mortimer@stroud.gov.uk
Protect	(Independent whistleblowing charity)	Helpline: (020) 3117 2520	E-mail: whistle@protect-advice.org.uk Website: https://protect-advice.org.uk/

Members of the Public / External Providers / Partners

If the informant is a member of the public, external contractor or partner they should contact the Council's Chief Internal Auditor to report any concerns of fraudulent activity.

However, the above process does not relate to reporting housing benefit fraud allegations which are now dealt with by the Department for Work and Pensions. In these cases, the informant should contact the Revenue and Benefits Manager either by e-mail **simon.killen@stroud.gov.uk** or by telephone **01453 754013**.

All concerns in relation to possible financial impropriety will be reported to the S151 officer and/or the Chief Internal Auditor.

Further Information

Further information on relevant Council policy and practice and relevant publications can be found in the following documents:

- The [Constitution](#) includes Financial Regulations, Members Code of Conduct and Contract Standing Orders;
- [Confidential Reporting Procedure \(whistleblowing\)](#);
- Fraud Response Plan (Appendix 3);
- Anti Bribery Policy (Appendix 4);
- Anti Money Laundering Policy (Appendix 5);
- [Risk Management Policy Statement and Strategy](#);
- [Internal Audit Charter](#);
- Information Security Policy;
- [Members Code of Conduct](#);
- [Employees Code of Conduct](#);
- [The Local Government Transparency Code 2015](#) (at [Gov.uk](#));
- [National Fraud Initiative](#) (NFI) (at [Gov.uk](#));
- [Fighting Fraud and Corruption Locally, A strategy for the 2020s](#) (at the [Chartered Institute of Public Finance & Accountancy](#)); and

Strategy Review

The S151 Officer and the Audit and Standards Committee will ensure the continuous review and amendment of this strategy and the relevant associated policies as necessary to ensure that it remains compliant with good practice, national public sector Codes of Practice and meets the needs of the Council.

Responsible Officer: Chief Internal Auditor

Review date: Frequency as required by legislative changes / May 2021

Appendix 1: Key Fraud Indicators

A number of frauds can come to light because of suspicions aroused by, for instance, the behaviour of certain individuals. It is impossible to give a definitive list of fraud indicators or warning signs. However, the following are indicators that may, either alone or cumulatively with other factors, suggest the possibility of fraud and may therefore warrant further investigation or enquiry.

- **Unusual employee behaviour:** Refusal to comply with normal rules and practices, fails to take leave, refusing promotion, managers by-passing subordinates, subordinates by-passing managers, living beyond means, regularly working long hours, job dissatisfaction / unhappy employee, secretiveness or undue defensiveness.
- **Financial irregularities:** Key documents missing (e.g. invoices, contracts); absence of controls and audit trails; missing expenditure vouchers and official records; general ledger out of balance; bank and ledger reconciliations are not maintained or cannot be balanced; excessive movements of cash or transactions between accounts; numerous adjustments or exceptions; constant overdue pay or expense advances; duplicate payments; ghost employees on the payroll; large payments to individuals; excessive variations to budgets or contracts.
- **Poor procurement practice:** Too close a relationship with suppliers/contractors; suppliers / contractors who insist on dealing with only one particular member of staff; unjustified disqualification of any bidder; lowest tenders or quotes passed over with minimal explanation recorded; defining needs in ways that can be met only by specific contractors; single vendors; vague specifications; splitting up requirements to get under small purchase requirements or to avoid prescribed levels of review or approval.
- **Disorganisation:** Understaffing in key control areas; consistent failures to correct major weaknesses in internal control; inadequate or no segregation of duties.
- **Inadequate supervision:** Policies not being followed; lack of senior management oversight; inadequate monitoring to ensure that controls work as intended (periodic testing and evaluation); low staff morale, weak or inconsistent management.
- **Lax corporate culture:** Management frequently override internal control; climate of fear or a corporate culture; employees under stress without excessive workloads; new employees resigning quickly; crisis management coupled with a pressured business environment; high employee turnover rates in key controlling functions.
- **Poor work practices:** Lack of common sense controls; work is left until the employee returns from leave; post office boxes as shipping addresses; documentation that is photocopied or lacking essential information; lack of rotation of duties; unauthorised changes to systems or work practices.

Appendix 2: Types of Fraud

Local authorities have reported a wide range of fraud types. The main areas of fraud that were previously reported continue to feature as significant risks. However, there are also new fraud types emerging and some of these are more prevalent in particular parts of the country. It is clear that a one size fits all approach is not appropriate and therefore the council needs to remain vigilant and be aware of these types of fraud risks.

Known Fraud Risks Remaining Significant

Council tax – Discounts and exemptions, council tax support.

Grants – Work not carried out, funds diverted, ineligibility not declared.

Identity fraud – False identity / fictitious persons applying for services / payments.

Internal fraud – Diverting Council monies to a personal account; accepting bribes; stealing cash; misallocating social housing for personal gain; working elsewhere while claiming to be off sick; false overtime claims; selling Council property for personal gain; wrongfully claiming benefit while working.

Payroll – False employees, overtime claims, expenses.

Pensions – Deceased pensioner, overpayments, entitlement overstated.

Procurement – Tendering issues, split contracts, double invoicing.

Tenancy – Fraudulent applications for housing or successions of tenancy, and subletting of the property.

Recruitment – Failing to disclose convictions or gaps in employment, misstating of qualifications and experience, and nepotism.

Emerging / Increasing Fraud Risks

Business rates – Fraudulent applications for exemptions and reliefs, unlisted properties.

Commissioning of services – Including joint commissioning, third sector partnerships – conflicts of interest, collusion.

Cyber dependent crime and cyber enabled fraud – Enables a range of fraud types resulting in diversion of funds, creation of false applications for services and payments.

Disabled Facility Grants – Fraudulent applications for adaptations to homes aimed at the disabled.

Immigration – Including sham marriages. False entitlement to services and payments.

Insurance Fraud – False claims including slips and trips.

Local Enterprise Partnerships – Voluntary partnerships between local authorities and businesses. Procurement fraud, grant fraud.

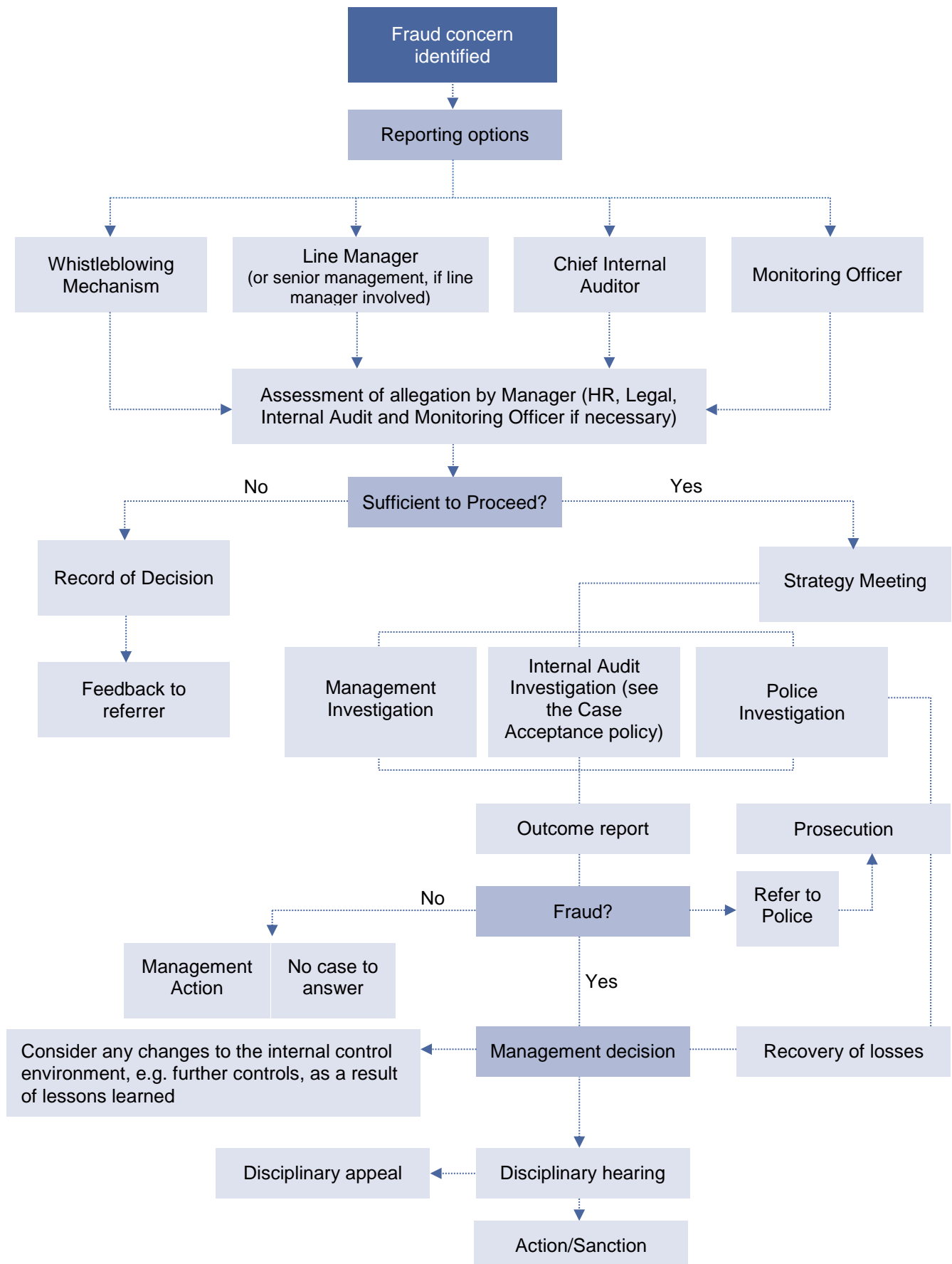
New Responsibilities – Areas that have transferred to local authority responsibility e.g. Public Health grants, contracts.

Money laundering – Exposure to suspect transactions.

No recourse to public funds – Fraudulent claim of eligibility.

Right to buy – Fraudulent applications under the right to buy/acquire scheme.

Appendix 3: SDC's Fraud Response Plan



Appendix 4: Anti-Bribery Policy

Introduction

The Council is committed to implementing and enforcing effective systems to counter bribery. Therefore, it is the Council's policy to conduct all aspects of its business in an honest and ethical manner at all times.

Bribery Act 2010

The Bribery Act 2010 came into force in the UK on 1st July 2011. It amends and reforms the UK criminal law and provides a modern legal framework to combat bribery in the UK and internationally. Staff need to be aware of their obligations under this Act, which sets out the criminality of accepting and giving of bribes. This applies to both individual staff and the Council corporately. The Bribery Act creates the following offences:

- Active bribery: promising or giving a financial or other advantage;
- Passive bribery: agreeing to receive or accepting a financial or other advantage;
- Bribery of foreign public officials; and
- The failure of commercial organisations to prevent bribery by an associated person (corporate offence).

The penalty under the Bribery Act is an unlimited fine and/or imprisonment up to a maximum of 10 years.

Full details of the Act can be found at:

<http://www.legislation.gov.uk/ukpga/2010/23/contents>

Policy

The aim of this policy is to help the Council act in accordance with the Bribery Act 2010, maintain the highest possible standards of business practice, and advise individuals of the Council's 'zero-tolerance' to bribery.

This policy applies to all councillors, permanent and fixed-term staff employed by the Council, and any contractors, consultants or other persons acting within or on behalf of the Council.

The Council will not:

- Make contributions of any kind with the purpose of gaining any commercial advantage;
- Provide gifts or hospitality with the intention of persuading anyone to act improperly, or to influence a public official in the performance of their duties; and
- Make, or accept, inducements of any kind.

Council Responsibility

The Council will:

- Keep appropriate internal records that will evidence the business reason for making any payments to third parties;
- Encourage employees to raise concerns about any issue or suspicion of malpractice at the earliest possible stage; and
- Ensure that anyone raising a concern about bribery will not suffer any detriment as a result, even if their concerns are not validated, providing there is no malicious intent.

Employee Responsibility

Employees must not:

- Accept any financial or other reward from any person in return for providing some favour;
- Request a financial or other reward from any person in return for providing some favour; and
- Offer any financial or other reward to any person in return for providing some favour.

Non Compliance

All employees have a role to play in enforcing the policy and are required to report any suspected breach in accordance with the Council's Whistleblowing Policy.

The Council will not tolerate bribery or corruption by its councillors, employees, suppliers, contractors, partners or service users and will take all necessary steps to investigate all allegations of bribery or corruption and pursue sanctions available in each case, including removal from office, disciplinary action, dismissal and/or prosecution under the Bribery Act 2010.

Appendix 5: Anti-Money Laundering Policy

Introduction

The Proceeds of Crime Act (POCA) 2002 (amended by the Criminal Finances Act 2017), Money Laundering, Terrorist Financing and Transfer of Funds (Information of the Payer) Regulations 2017 and the Terrorism Act 2000 place obligations on the Council and its employees with respect to suspected money laundering. These obligations impact on certain areas of local authority business and require local authorities to establish internal procedures to prevent the use of their services for money laundering. This Policy sets out how any concerns should be raised.

Whilst the majority of money laundering activity in the UK falls outside of the public sector, vigilance by employees of the Council can help identify those who are or may be perpetrating crimes relating to the financing of terrorism and money laundering.

Scope of the Policy

This policy applies to all employees of the Council and aims to maintain the high standards of conduct which currently exist within the Council by preventing criminal activity through money laundering. The policy sets out the procedures which must be followed (for example the reporting of suspicions of money laundering activity) to enable the Council to comply with its legal obligations.

Failure by a member of staff to comply with the procedures set out in this policy may lead to disciplinary action being taken against them. Any disciplinary action will be dealt with in accordance with the Council's Disciplinary Policy and Procedures.

What is Money Laundering?

Money laundering is the generic term used to describe the process by which criminals disguise the original ownership and control of the proceeds of criminal conduct by making such proceeds appear to have derived from a legitimate source. In other words, the process of changing 'bad' money into 'good' money in order to hide the fact that the money originated from criminal activity. Formally, the following acts constitute money laundering:

- Concealing, disguising, converting, transferring criminal property or removing it from the UK (section 327 of the Proceeds of Crime Act 2002); or
- Entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person (section 328);
- Acquiring, using or possessing criminal property (section 329);
- Becoming concerned in an arrangement facilitating concealment, removal from the jurisdiction, transfer to nominees or any other retention or control of terrorist property (section 18 of the Terrorism Act 2000);
- Tax evasion (Part 3 sections 45 and 46 the Criminal Finances Act 2017); and
- Gross human rights abuse and violation (Part 5 of POCA 2002, section 241 amended by the Criminal Finances Act 2017).

These are the primary money laundering offences and thus prohibited acts under the legislation. There are also two secondary offences: failure to disclose any of the primary offences and tipping off. Tipping off is where someone informs a person or people who are, or are suspected of being involved in money laundering, in such a way as to reduce the likelihood of their being investigated or prejudicing an investigation.

Potentially any member of staff could be implicated by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it.

Failure to disclose (section 330)

A person commits an offence if each of the following three conditions are satisfied;

- they know or have reasonable grounds to suspect that another person is engaged in money laundering;
- the information or knowledge in which they have grounds for suspicion is received in the course of business in the regulated sector; and
- the required disclosure is not made as soon as is practicable after the information comes to them.

A person does not commit an offence under this section if:

- there is a reasonable excuse for not disclosing this information or other matter;
- they provide professional legal advice and the information came to them in privileged circumstances; and
- they do not know or suspect money laundering, or have not been provided with such training as specified by the Secretary of State.

Whilst the risk to the Council of contravening the legislation is low, ***it is extremely important that all employees are familiar with their legal responsibilities: serious criminal sanctions may be imposed for breaches of the legislation.***

What are the Obligations on the Council?

Organisations conducting "relevant business" must:

- appoint a Money Laundering Reporting Officer ("MLRO") to receive disclosures from employees of money laundering activity (their own or anyone else's);
- implement a procedure to enable the reporting of suspicions of money laundering;
- maintain client identification procedures in certain circumstances; and
- maintain record keeping procedures.

Not all of the Council's business is "relevant" for the purposes of the legislation. It is mainly the accountancy and audit services carried out by the financial service functions within the Council and the financial, company and property transactions undertaken by Legal Services.

However, the safest way to ensure compliance with the law is to apply it to all areas of work undertaken by the Council; therefore, all staff are required to comply with the reporting procedure set out in the [Disclosure Procedure](#) section below.

The Money Laundering Reporting Officer (MLRO)

The officer nominated to receive disclosures about money laundering activity within the Council is the Strategic Director of Resources (S151 Officer) details are provided below:

Andrew Cummings: Strategic Director of Resources (S151 Officer)
Stroud District Council
Ebley Mill
The Wharf
Stroud
Gloucestershire
GL5 4UB

Email: Andrew.Cummings@stroud.gov.uk
Telephone: 01453 754115 (direct line)

In the absence of the MLRO, the Deputy S151 Officer is authorised to deputise.

Disclosure Procedure

Cash Payments:

No payment to the Council will be accepted in cash (including notes, coins or travellers cheques in any currency) if it exceeds £5,000. Cash payments in excess of £10,000 received in more than one transaction within a twelve month period must also be treated as suspicious.

Even if the cash value is less than £5,000 and there is suspicion that the monies are from proceeds of crime then it should still be reported to the MLRO.

Any officer involved in a transaction of this kind should ensure that the person(s) provide satisfactory evidence of their personal identity.

Reporting to the Money Laundering Reporting Officer

Where you know or suspect that money laundering activity is taking/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under the legislation, you must disclose this as soon as practicable to the MLRO.

Your disclosure should be made to the MLRO. The report must include as much detail as possible.

The employee must follow any subsequent directions from the MLRO or deputy and must not make any further enquiries themselves into the matter. Additionally, they must not take any further steps in the transaction without authorisation from the MLRO or deputy.

The employee must not disclose or otherwise indicate their suspicions to the person(s) suspected of money laundering otherwise you may commit a criminal offence of "tipping off". They must not discuss the matter with others or note on a file that a report has been made to the MLRO in case this results in the suspect becoming aware of the suspicion, through a request to see their file. The MLRO will keep the appropriate records in a confidential manner.

Full details of the people involved (including you, if relevant), e.g. name, date of birth, address, company names, directorships, phone numbers, etc. will be required. If you are concerned that your involvement in the transaction would amount to a prohibited act under sections 327 - 329 of the 2002 Act, then your report must include all relevant details, as you will need consent from the National Crime Agency (NCA) via the MLRO, to take any further part in the transaction - this is the case even if the client gives instructions for the matter to proceed before such consent is given.

You should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline;

Once you have reported the matter to the MLRO you must follow any directions he may give you. You must **not** make any further enquiries into the matter yourself: any necessary investigation will be undertaken by the NCA. Simply report your suspicions to the MLRO who will refer the matter on to the Serious Organised Crime Agency (SOCA) if appropriate. All members of staff will be required to co-operate with the MLRO and the authorities during any subsequent money laundering investigation.

Client Identification Procedure (Customer Due Diligence)

Where the Council is carrying out relevant business (e.g. accountancy, audit and certain legal services) it must apply customer due diligence measures:

- a) when you establish a business relationship;
- b) when you carry out an 'occasional transaction' worth €15,000 (approximately £13,000) or more, whether the transaction is carried out in a single operation or several operations which appear to be linked;
- c) when you suspect money laundering or terrorist financing;

- d) when you have doubts about a customer's identification information that you obtained previously; and
- e) when it's necessary for existing customers - for example if their circumstances change

A business relationship is one that you enter into with a customer where both of you expect that the relationship will be ongoing. It can be a formal or an informal arrangement.

When a new business relationship is established the Council needs to obtain information on:

- the purpose of the relationship
- the intended nature of the relationship - for example where funds will come from, the purpose of transactions, and so on.

The type of information that you need to obtain may include:

- details of your customer's business or employment
- the source and origin of funds that the customer will be using in the relationship
- copies of recent and current financial statements
- details of the relationships between signatories and any underlying beneficial owners
- the expected level and type of activity that will take place in the relationship.

Please note that unlike the reporting procedure, the client identification procedure is restricted to those operating relevant business, i.e. Financial Services and Legal Services.

In the above circumstances, staff in the relevant unit of the Council must obtain satisfactory evidence of the identity of the prospective client, as soon as practicable after instructions are received (unless evidence of the client has already been obtained). This applies to existing clients, as well as new ones, but identification evidence is not required for matters entered into prior to 1 March 2004.

Once instructions to provide relevant business have been received, and it has been established that any of paragraphs (a) to (e) apply, evidence of identity should be obtained.

With instructions from new clients, or further instructions from a client not well known to you, you may wish to seek additional evidence of the identity of key individuals in the organisation and of the organisation itself.

In all cases, the evidence should be retained for at least five years from the **end** of the business relationship or transaction(s).

If satisfactory evidence of identity is not obtained at the outset of the matter then the business relationship or one off transaction(s) cannot proceed any further.

Record Keeping Procedures

The MLRO should retain records of all referrals made to them and of any action taken. The precise nature of these records is not set out in law but should be capable of providing an audit trail during any subsequent investigation.

All records should be retained for at least five years. This is so that they may be used as evidence in any subsequent investigation by the authorities into money laundering.

Guidance and Training

In support of this Policy, the Council will:

- make staff aware of the requirements and obligations under the anti-money laundering policy legislation; and
- provide training to those most likely to encounter money laundering.

Conclusion

The legislative requirements concerning anti-money laundering procedures are lengthy and complex. This Policy has been written to support the Council to meet the legal requirements in a way which is proportionate to the very low risk to the Council of contravening the legislation.

Should you have any concerns whatsoever regarding any transactions then you should contact the MLRO.

Further Information

Further information relating to the Anti-Money Laundering Policy can be found at the following links:

- [National Crime Agency \(NCA\)](#)
- [The Money Laundering and Terrorist Financing \(Amendment\) Regulations 2019](#)
- [Terrorism Act 2002 - Code of Practice](#)
- [CIPFA Guidance on Money Laundering](#)
- [Proceeds of Crime Act 2002](#)
- Money Laundering Disclosure Form
- Guidance for MLRO
- [Criminal Finances Act 2017](#)

Counter-Fraud and Corruption

Policy Statement and Strategy
2020-2023

June 2020



STROUD DISTRICT COUNCIL
COUNCIL

**AGENDA
ITEM NO**

22 OCTOBER 2020

7c

Report Title	RECOMMENDATION FROM COMMUNITY SERVICES AND LICENSING COMMITTEE ON ADOPTION OF LICENSING ACT 2003 STATEMENT OF LICENSING POLICY			
Purpose of Report	To consider recommendations from Community Services and Licensing Committee to adopt a Licensing Act 2003 Statement of Licensing Policy.			
Decision(s)	The Council RESOLVES to Adopt the Final Statement of Licensing Policy under the Licensing Act 2003 (Appendix A)			
Consultation and Feedback	A schedule of consultation comments and working party recommendations was Appendix A to the Committee report and can be viewed here			
Report Author	Rachel Andrew, Principal Licensing Officer Email: licensing@stroud.gov.uk			
Options	Council can either accept the recommendation, decide to amend the recommendation or refuse to accept the recommendation.			
Background Papers	Not applicable			
Appendices	Appendix A – Licensing Act 2003 Final Statement of Licensing Policy for Adoption by Council			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	See Committee Report	No	No

1. On the 1st October 2020 Community Services and Licensing committee considered a report which related to a review of Stroud District Council's Statement of Licensing Policy under the Licensing Act 2003, the full report and appendices can be viewed [here](#).
2. The Committee agreed a Final Statement of Licensing Policy and resolved to recommend adoption by Council.
3. The Licensing Act 2003 requires a Licensing Authority to consult, determine and publish a Statement of its Licensing Policy at least once every five years. Stroud District Council's current policy expires on 7th January 2021. The policy relates to applications under the Licensing Act 2003 for sale of alcohol, regulated entertainment and late night refreshment.
4. Consultation on a draft revised policy took place between June and August 2020. A working party made up of two members of the Community Services and Licensing Committee, together with a Licensing Officer and a Legal Officer, considered the consultation comments and made amendments to the draft policy to reflect relevant points raised. Appendix A to the Committee report was a schedule of consultation comments and the working party's recommendations. Appendix B to the Committee report was the Final Draft Policy which had the proposed amendments highlighted. The report and appendices can be seen [here](#). Committee agreed the Final Draft Policy with a minor numbering amendment.

5. Appendix A to this report is the Final Policy for adoption. The Licensing Act 2003 states that a Statement of Licensing Policy must be adopted by Council. Once adopted the final policy will be implemented from 7 January 2021 and be in force for up to 5 years.



LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

Final Statement for Adoption by Council

Commencement 7 January 2021

Foreword

The geographical area administered by Stroud District Council is mainly rural in nature and based around the market towns of Berkeley, Dursley, Nailsworth, Stonehouse, Stroud and Wotton under Edge. The District covers an area of approximately 175 square miles; it contains 52 separate parishes and has a population of around 119,000. It is one of six district councils within Gloucestershire.

The authority has approximately 431 current premises licences and 47 current club premises certificates. These include 122 public houses, 2 night clubs, 88 off-licences, 17 late night takeaways, 12 premises offering online sales only and 60 village halls with 24 licensed to sell alcohol. The district receives approximately 78 temporary event notifications per month. (These figures are based on pre Covid19 data).

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1 INTRODUCTION

Scope of the Licensing Act 2003

- 1.1 Stroud District Council (the Council) is the Licensing Authority for Stroud district and is responsible under the Licensing Act 2003 (the Act) for the regulation of 'licensable activities' within its area. The licensable activities that are required to be licensed under the Act are as follows:
- The retail sale of alcohol
 - The supply of alcohol by or on behalf of a club, or to the order of a member of the club
 - The provision of regulated entertainment
 - The provision of late Night Refreshment
- 1.2 The licences and permissions that are administered and enforced by the Council under the Act are:
- Premises Licences
 - Club Premises Certificates
 - Personal Licences
 - Temporary Event Notices

Purposes of Statement of Licensing Policy

- 1.3 The Act imposes a duty on the Council to develop, publish and review a Statement of Licensing Policy that sets out the policies that the Council will generally apply when making decisions under the Act.
- 1.4 The main purpose of this policy is to provide guidance to applicants, licence holders, responsible authorities, local residents and businesses
- 1.5 In particular, it gives guidance on how the Council will make decisions in cases where there has been representation or objection against an application or notice or where application has been made to review an existing licence. In these cases, the Council's discretion becomes engaged and a hearing must be held. The Council can grant, refuse, revoke, amend or add conditions.
- 1.6 New and major variation applications for premises licences and club premises certificates undergo a statutory 28 representation process whereby responsible authorities and any other party can make representation. If there is no representation the licence will be granted as applied for. If there is valid representation the application will be considered by a hearing panel
- 1.7 The general public cannot make representation about temporary event notices. In accordance with the provisions of the Licensing Act 2003, temporary event notices are circulated to the Police and Environmental Protection who may make objection. If they do not make objection the event can go ahead. If an objection is made the temporary event notice will be considered by a hearing panel. The panel can allow the event to proceed or issue a counter notice which will prohibit the event. The numbers of temporary event notices permitted per year are prescribed in regulations under the Licensing Act.

Licensing Objectives and Key Aims

- 1.8 The Council will actively seek to promote the four statutory licensing objectives that are set out in section 4 of the Act, which are as follows:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.9 Each objective is of equal importance and the Council's policy relating to each of them is given in this Licensing Policy.
- 1.10 Stroud District Council will also actively seek to promote key aims laid out in the Guidance issued by the Secretary of State including:
- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
 - giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
 - recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
 - providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
 - encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

Review of Statement of Licensing Policy

- 1.11 This Statement of Licensing Policy has been prepared in accordance with the provisions of the Act and the Guidance issued by the Secretary of State under Section 182 of the Act. This Policy was adopted at Full Council on 22nd October 2020 and takes effect on 7th January 2021 and will remain in force for a period of not more than five years (or in accordance with any amendments to the legislation). The Statement of Licensing Policy is a live document subject to continuous review to meet changing needs of the community, business circumstances and legislation. Any amendments to the Licensing Policy will be made following consultation with parties that have an interest.
- 1.12 There are a number of groups who have an interest in the licensing of premises under the Act, including, but not limited to the licensed trade, customers, businesses, residents and enforcing agencies. Before publishing the Licensing Policy and any amendments to it, the Council will consult with,
- Gloucestershire Constabulary
 - Gloucestershire Fire and Rescue Service
 - Gloucestershire Public Health
 - Bodies representing local holders of personal licences
 - Bodies representing premises licences and club premises certificates
 - Bodies representing local businesses and residents

- 1.13 In addition, the Council may also consult with other local bodies and agencies as appropriate. See Appendix D for list of bodies and agencies consulted with during consultation for this Policy.
- 1.14 The Council will give appropriate weight to the views of consultees
- 1.15 In formulating the licensing policy the Licensing Authority has had regard to Stroud District Council's Health and Wellbeing Plan and Gloucestershire Health and Wellbeing strategy and, where they link into the Licensing Act objectives, seeks to complement the aims of those strategies

General Principles

- 1.16 The objective of the licensing process is about regulating licensable activities on licensed premises and at qualifying clubs and temporary events within the Act. More particularly, it is about creating a unified system of regulation to allow the sale and supply of alcohol, and the provision of regulated entertainment and late night refreshment, to be carried out in a way that ensures public safety, is not to the detriment of residents and does not give rise to the loss of amenity. The Council's aim is to facilitate well-run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.
- 1.17 The Council recognises that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. As such, conditions attached to authorisations will focus on matters which are within the control of individual licence holders and others with relevant authorisations, that is, the premises and its vicinity. However, the Council expects every holder of a licence, certificate or permission to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises.
- 1.18 The Council will avoid unnecessary duplication of existing legislation and other regulatory regimes e.g. health & safety legislation, environmental protection legislation etc that already place obligations on employers and operators. Conditions in respect of public safety will only be attached to licences by the Council as appropriate for the promotion of the licensing objectives.
- 1.19 The Council will work in partnership with other local authorities, the responsible authorities, statutory bodies and agencies, particularly those located in Gloucestershire, as appropriate, to ensure a consistent approach is taken on licensing matters whilst respecting the differing needs of the individual communities.
- 1.20 Nothing in the Council's Licensing Policy shall undermine any person from applying for any variety of licensable activities under the Act, and every application received will be considered on its own merits.
- 1.21 The Council when acting as the Licensing Authority will seek to balance the needs of both the wider and local communities and commercial premises and activities, against the needs of those who may be adversely affected by the applicant's activities. The views of vocal minorities will not usually predominate over the general interests of the community.
- 1.22 Where it is necessary to depart from the Guidance, either in this policy or at any other time, the council will give clear and sound reasons for doing so.

- 1.23 All representations (excepting those representations that are deemed to be frivolous, vexatious or repetitious) will be given appropriate weighting when being considered by the Council. Nothing in this policy shall override the right of any person to make representations on an application or to seek a review of a certificate where provision has been made for them to do so in the Act.

Cultural Events

- 1.24 The performance of live art often associated with cultural events and particularly traditional entertainment such as that performed by street artists as part of street entertainment can be central to the development of cultural diversity and vibrant communities, which if absent could lead to a loss of community awareness. The Council will monitor the impact of licensing on the provision of regulated entertainment and particularly live music and dancing.
- 1.25 The Council will continue to encourage, promote and provide opportunities for such events and entertainment throughout the district by making application for a Premises Licence where appropriate in respect of land and public open spaces that it owns, thereby enabling performers and entertainers who wish to provide regulated entertainment to do so by obtaining the permission of the premises licence holder without needing to either obtain a licence or give a temporary event notice.

Covid19

- 1.26 The Coronavirus Regulations required many licensed premises to be closed for a period of time or to work in different ways such offering a takeaway and/or shop service. Where appropriate the Council will apply some flexibility and creativity in the implementation of application processes to enable businesses to get back running safely and to help the local economy to recover.
- 1.27 During times when the Government is advising that premises must have social distancing measures in place, or there are other similar Government directions, it is expected that new applicants will have undertaken a risk assessment and include in their application the measures they will be implementing.
- 1.28 Where there is evidence that a licence holder is breaching Coronavirus Regulations, or any similar public health direction, in the first instance advice will be given. However, if breaches continue action may be taken under the relevant emergency legislation and/or the licence may be reviewed under the Licensing Act under the prevention of crime and disorder and public safety objectives

2 PREVENTION OF CRIME AND DISORDER

- 2.1 The Council places considerable importance on the prevention of crime and disorder and will fulfil its duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the District.
- 2.2 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can if not properly managed sometimes become a source of public nuisance generating crime and disorder problems. The Council

expects applicants to develop operating schedules that demonstrate their ability to exercise suitable control over licensable activities.

- 2.3 Where appropriate, applicants are recommended to seek advice from Gloucestershire Constabulary when considering prevention of crime and disorder in their operating schedules

Handling of Drugs found on licensed Premises

- 2.4 Where appropriate, applicants are encouraged to agree a protocol with Gloucestershire Constabulary on the handling of illegal drugs found on their premises.

Stroud Safe Scheme

- 2.5 Where appropriate applicants are encouraged to become members of Stroud Safe and to regularly attend any meetings. Stroud Safe is a not for profit organisation which enables licensed premises to work together to reduce shoplifting, theft, anti-social behaviour, alcohol related disorder, street drinking and begging. Stroud Safe can provide radios to members to share communications and also operates a yellow card/red card exclusion scheme whereby customers who misbehave can be banned from all premises that are members of Stroud Safe. Members include shops, restaurants, pubs, clubs and transportation services. The Stroud Safe Manager holds regular meetings to share information between members and works closely with the Police and Stroud District Council

CCTV

- 2.6 Where appropriate applicants are encouraged to install a CCTV system that will be maintained and will record at all times the premises are open to the public. All recordings to be stored chronologically in a secure place for a period of not less than 31 days and to be produced to the Police and authorised officers of the Council on request.

Door Supervisors

- 2.7 The prevention of crime and disorder may also be promoted by employing registered door supervisors, ensuring all staff have appropriate training, incorporating a search policy into the entry conditions of the premises.

Dispersal / End of Evening Policy

- 2.8 Premises that are close to residential properties are expected to consider dispersal or end of evening policies to minimise the potential for disorder and disturbance as customers leave the premises and evidence of such consideration should be detailed in the application form.

Winding Down Time

- 2.9 Premises serving alcohol after 11pm should consider giving customers the opportunity to remain on the premises after last orders to encourage a 'wind down' period. The Licensing Authority will normally expect the service of alcohol to cease at least 30 minutes before customers are required to leave the premises. Applicants should consider a strategy of how they will implement a 'winding down' period and detail this in the application form. This could include slowing down the pace, volume and type of music played, brighter lighting arrangements and serving hot food, coffee and other soft drinks.

Use of Glassware

- 2.10 As a measure to reduce alcohol-related injuries, where it is appropriate to the venue or event, consideration should be given to the use of safer alternatives to traditional glassware. Operators of high volume premises and outdoor events are encouraged to consider polycarbonate or other non glass drinking vessels subject to Weights and Measures marking requirements. Glass related assaults are more likely to occur in pubs, clubs, as well as public spaces, on Friday and Saturday nights in the late night/early hours of the morning between the hours of 22:00 - 03:00.

Stroud District Council is working in partnership with Stroud District Action on Plastic and supports the aim of eliminating unnecessary single use plastic. Where alternatives to glassware are used, licence holders are encouraged to consider sustainable alternatives such as biodegradable, compostable, recycled and recyclable drinking vessels'.

3 PUBLIC SAFETY

- 3.1 The Act covers a wide range of premises that will present a mixture of risks to public safety, some of which may be common to different premises whilst others will be unique to specific operations.
- 3.2 Where the applicant can demonstrate compliance with statutory requirements (e.g. relating to fire prevention etc), and that suitable and sufficient risk assessments are in place which are relevant to the activities proposed and the Council's discretion has been engaged by the receipt of a relevant representation, the Council will not normally seek to duplicate such controls by the imposition of licensing conditions.

Capacity limits

- 3.3 The Council will not seek to set a capacity limit for premises for fire safety purposes only as this is controlled by the Fire Service under the Regulatory Reform (Fire Safety) Order 2005.
- 3.4 The Council is however committed to ensuring public safety especially in relation to premises providing regulated entertainment and in some cases a capacity limit may be relevant to the Licensing Objectives.
- 3.5 The identification of a safe capacity limit for premises ensures that persons can be evacuated safely from premises in cases of emergency and may be one means of promoting the Act's public safety objective. The design and layout of premises are important factors when determining a safe occupant capacity. Other factors that may influence safe occupancy limits and may need to be considered when assessing the appropriate capacity for premises or events include;
- the nature of the premises or event;
 - the nature of the licensable activities being provided;
 - the provision or removal of such items as temporary structures, such as a stage, or furniture;
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency;
 - the age spectrum of the customers;
 - the level and frequency of attendance by customers with disabilities, or who may be unable to speak or understand English;

- availability of suitable and sufficient sanitary facilities;
 - nature and provision of facilities for ventilation.
- 3.6 The Council encourages applicants for premises licences that provide regulated entertainment (or any other premises providing a licensable activity where occupant capacity may be a fire safety issue) to seek advice regarding safe occupancy levels from the Fire Safety Section of Gloucestershire Fire and Rescue Service.
- 3.7 Where following receipt of a relevant representation the Council's discretion has been engaged, and it believes it is necessary to impose a condition identifying an occupancy limit on a premises licence, the Council will give due consideration to the guidance on calculating capacity limits for licensed premises on Gloucestershire Fire and Rescue Service's website www.glosfire.gov.uk

4 PREVENTION OF PUBLIC NUISANCE

- 4.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can sometimes cause a range of nuisances impacting on communities and people living, working or sleeping in the vicinity of the premises.
- 4.2 In relation to "the prevention of public nuisance" the Council will seek to minimise the extent to which residents are disturbed late at night and seek to protect the amenity of residents and businesses in the vicinity of licensed premises.
- 4.3 There may be times where disturbance may have impact at other times and account will be taken of the volume/impact of the disturbance, frequency, the proximity of neighbouring residents and businesses and the general noise levels in the location.
- 4.4 Where appropriate, applicants are recommended to seek advice from the Council's Environmental Protection Section when considering prevention of public nuisance and developing their operating schedules.
- 4.5 Where appropriate applicants are recommended to provide a noise management plan with their application. Examples where this might be appropriate are outdoor events or late evening venues.
- 4.6 Where the Council's discretion has been engaged following the receipt of a relevant representation the Council will take into account the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. In particular, the Council will consider any action that the applicant has taken or is proposing with regard to the following:
- i) prevention of noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
 - ii) preventing noise from marquees and similar structures, which generally have poor soundproofing and can cause disturbance to local residents particularly between the hours of 11.00 pm and 7.00 am. Such measures may include non amplified music only or silent discos after 11.00 pm
 - iii) preventing disturbance by customers arriving at or leaving the premises, particularly between the hours of 11.00 pm and 7.00 am;

- iv) preventing queuing by pedestrians or vehicular traffic, or if some queuing is inevitable then ensuring the queues are diverted away from neighbouring premises, or are otherwise managed, to prevent disturbance or obstruction;
- v) the use of gardens and other open-air areas;
- vi) the location of external lighting, including security lighting;
- vii) other appropriate measures to prevent nuisance, such as the employment of registered door supervisors or the use of CCTV;
- viii) preventing the consumption or supply of illegal drugs, including search procedures;
- ix) whether the premises would lead to increased refuse storage or disposal problems, or additional litter (including fly posters and illegal placards) in the vicinity of the premises or that the manner of storage of any other waste materials does not adversely impact on public safety. Applicants are encouraged to recycle waste wherever possible;
- x) any history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees. (Similarly cognisance will be taken of any evidence showing good management and no previous nuisance complaint history);
- xi) to utilise effective means of reducing disorder by communicating with other licensees and the Police in communicating information regarding the potential for anti-social or criminal behaviour. (e.g. radios, pagers, ring rounds, membership of Stroud Safe etc.)

5 PROTECTION OF CHILDREN FROM HARM

- 5.1 The Council acknowledges the role that the Gloucestershire Safeguarding Children Board can play in promoting the Act's objective relating to the protection of children from harm. The Council recognises this body to be competent to act as the responsible authority in relation to the protection of children from harm and it is this body to which applicants should forward copies of their applications.
- 5.2 The Council recognises that some licensees may wish to hold functions or provide facilities targeted specifically towards children (under 16 Discos, children's parties, supervised crèche/play areas etc.) and expects organisers of such functions or activities associated with licensed premises to take all reasonable steps to ensure that staff employed will not put children at risk from harm e.g. the organiser could request that potential employees provide sufficient information to allow an enhanced DBS check.
- 5.3 The Council expects personal licence holders to contribute to not serving alcohol to persons under the age of 18, except in limited conditions allowed for by law and recommends that the following are preferred ways to verify a person's proof of age: -
- Passport
 - Photo card driving licence issued in a European Union country;
 - PASS (Proof of Age Standards Scheme) accredited card eg Validate UK.
- 5.4 Where appropriate applicants are encouraged to participate in the Challenge 25 age verification scheme

Children and Proxy Sales

- 5.5 Where appropriate applicants are encouraged to have procedures in place to prevent proxy sales of alcohol. Proxy sales are where persons over the age of 18 purchase alcohol for consumption by younger persons under the age of 18

Children and Internet Sales of Alcohol

- 5.6 The Council recognises the potential risk to children from mobile, remote, internet and other delivery sales of alcohol being made to or accepted on the doorstep persons under 18. The Council expects applicants for internet and delivery alcohol sales to explain in their application how they will ensure that sales and deliveries are only made to persons over 18. This could include checks whilst taking bookings and ensuring a signature of a responsible adult on delivery.

Access by Children to Licensed Premises

- 5.7 The Council will not require licensed premises to give access to children at all times. The Council may limit the access of children to licensed premises if necessary for the promotion of the licensing objectives and especially relating to the prevention of harm to children. This includes physical, moral or psychological harm. The following are examples of premises that may raise concerns:

- where entertainment or services of an adult or sexual nature are commonly provided;
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors;
- where there is evidence that underage drinking has gone on at the premises in the past;
- premises with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines); and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

- 5.8 When following a relevant representation, the Council's discretion has been engaged the Council may in determining whether it is necessary to limit the access of children to licensed premises consult with Gloucestershire Constabulary, Gloucestershire Social Services and other agencies as appropriate. If having considered the application and the representation the Council believes it is necessary to restrict access to the premises by children through the attachment of conditions the options available to the Authority could include (but are not limited to):

- limitations on the hours when children may be present;
- age limitations for persons under 18;
- limitations or exclusion when certain activities are taking place;
- full exclusion of persons under 18 when certain licensable activities are taking place;
- limitation of access to certain parts of the premises for persons under 18;
- requirement for an accompanying adult to be present.

- 5.9 The Council will not impose any conditions that specifically require the access of children to the premises.

Children and Films

- 5.10 Films cover a vast range of subjects, some of which deal with adult themes and/or contain, for example scenes of horror or violence that may be considered unsuitable for children of certain age ranges. Where premises are used for film exhibitions and the Council's discretion has been engaged following receipt of a relevant representation, the Council will normally seek to impose conditions restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film

Classification (BBFC). The Council expects licence holders to ensure that age restrictions for film exhibitions are properly complied with.

- 5.11 The Council does not intend to adopt its own system of film classification but reserves the right to amend the classification imposed by the British Board of Film Classification (BBFC). If the Council attaches an age restriction to any film that differs from the BBFC classification or attaches one to an unclassified film, the information about the Council's classification will be published on the Council's website at www.stroud.gov.uk.

6. PLANNING

- 6.1 As far as is practicably possible, the Council will avoid unnecessary duplication or inefficiencies by properly separating the planning and licensing regimes
- 6.2 Applicants are encouraged to ensure that the proposed activity will constitute lawful planning use and the hours sought do not exceed those authorised by any planning permission.
- 6.3 Where the hours authorised by the relevant planning permission are different to the licensing hours for those premises, the law requires the licence holder to observe the earlier closing time. Premises acting in breach of their planning permission would be liable to enforcement action under the planning legislation.

7 CUMULATIVE IMPACT

- 7.1 The Council recognises that there is a difference between commercial need and the cumulative impact of premises in an area. Commercial need is a matter for the Council's planning committee and for market forces, the cumulative impact of licensed premises on the promotion of the licensing objectives is however a proper matter for the Council acting as the Licensing Authority to consider.
- 7.2 The Council will not take 'need' into account when considering an application for a premises licence or club premises certificate.
- 7.3 However, the Council recognises that the cumulative impact of a significant number of licensed premises concentrated in one area may lead to serious impacts in terms of the licensing objectives and in particular nuisance, crime and disorder.
- 7.4 There is currently insufficient evidence to demonstrate that any particular concentration of licensed premises within the district is causing a cumulative impact on one or more of the licensing objectives requiring the Council to adopt a special policy of refusing new licences or restricting applications to vary the licensable activities of existing licensed premises.
- 7.5 Similarly there is currently insufficient evidence to demonstrate that an Early Morning restriction order is required in this district.
- 7.6 The Council has not adopted a Late Night Levy

- 7.7 The situation will be kept under review throughout the period that the Licensing Policy is in force with a view to collecting suitable evidence and then incorporating a special policy if appropriate.
- 7.8 The Council will encourage the use of other mechanisms for controlling problems caused by customers behaving badly and unlawfully once away from licensed premises. For example:-
- Planning controls.
 - Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council.
 - The provision of CCTV surveillance in town centres
 - Stroud and Dursley are subject to Public Spaces Protection Orders under Anti-Social Behaviour, Crime and Policing Act 2014) as being places where alcohol may not be consumed publicly except where there is an authorisation in place. This means that customers purchasing alcohol from licensed premises may not drink that alcohol in the street, park or other public areas within the area covered by the Order, unless that area is covered by a temporary event notice, a premises licence or a pavement licence. This is often known as a street drinking ban and is enforced by the Police who can confiscate alcohol from members of the public and dispose of it
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices for relevant offences.
 - The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.
 - The confiscation of alcohol from adults and children in designated areas, within the limits of current legislation.
 - Police and Local Authority powers to close down instantly, for up to 24 hours, any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.
 - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

8 LICENSING HOURS

- 8.1 The Licensing Act 2003 introduced flexible opening hours for premises, with the potential for 24 hour opening, seven days a week. The Council recognises the variety of premises for which licences will be sought and that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when people tend to leave licensed premises at the same time. When dealing with licensing hours, each application will be dealt with on its individual merits.
- 8.2 The Council will have a flexible approach to opening hours and will deal with the issue of licensing hours having due regard to the individual merits of each application, taking into account requests for terminal hours in the light of the:
- environmental quality;
 - residential amenity;
 - character or function of a particular area; and
 - nature of the proposed activities to be carried on and provided at the premises.

- 8.3 Generally the Council will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises during the normal hours they are open for shopping purposes. There may, however, be instances where it is considered that there are good reasons for restricting those hours, for example, where police representations are made in respect of isolated shops known to be the focus of disorder and public nuisance.
- 8.4 Where following a relevant representation the Council's discretion has been engaged, consideration will be given to imposing stricter controls on noise and disturbance from particular licensed premises, such as those in mainly residential areas.

9 LARGE SCALE OUTDOOR EVENTS

- 9.1 A large scale event is considered to be one where the capacity is more than 499
- 9.2 Where there is no premises licence in place, it is recommended that a premises licence application should be submitted to the Licensing Service ideally 6 months before the event, but not less than 3 months.
- 9.3 The primary responsibility for safety of attendees at events rests with the event organisers.
- 9.4 Applicants are expected to have reference to The Event Safety Guide - A Guide to Health, Safety and Welfare at Music and Similar Events, commonly referred to as 'The Purple Guide'.
- 9.5 Applicants for large outdoor events are recommended to provide an Event Management Plan (EMP) with their application for a premises licence. For an ongoing premises licence The EMP should be reviewed, updated and submitted to the Council at least 3 months before the event.
- 9.6 The EMP should cover as a minimum the following area (this list is not exhaustive and will vary by event type):
- Site plan including site management, exits, entrances and the structural integrity of all temporary structures
 - Crowd management, stewarding and security plan
 - Use of SIA registered door supervisors
 - Intended activities and entertainment
 - Capacities
 - Alcohol management plan
 - Production details
 - Medical and first aid provision
 - Fire safety and control
 - Noise Management Plan
 - Car-parking arrangements
 - Sanitary provisions
 - Concessionary activities
 - Drug Policy
 - Emergency Evacuation Plan
 - Counter terrorism measures
 - Welfare provisions
 - Lost child plan

- Accessibility plan including wheelchair access and accessible toilet provisions
- Traffic management plan
- Refuse and recycling plan
- Where appropriate measures in place to prevent spread of Covid19 or similar

Safety Advisory Group and large outdoor events

- 9.7 In most cases large events will engage the Safety Advisory Group (SAG). The SAG is a group established to provide specialist advice and guidance in relation to safety at, concerts, festivals and other events.
- 9.8 Applicants for a premises licence for a large event are encouraged to submit a SAG notification. Where a premises licence has been granted for on-going events the licence holder is encouraged to submit a SAG notification annually. The notification should be submitted ideally at least 6 months before each event but not less than 3 months.

10 PROMOTION OF EQUALITY

- 10.1 The Council recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 10.2 Public authorities are required to publish information at least annually to demonstrate their compliance with the equality duty. Stroud District Council is firmly committed to providing and promoting equality for all its employees, service users and the wider community. Further information and data is provided on Stroud District Council's website www.stroud.go.uk

Access And Evacuation For Persons With Disabilities

- 10.3 Disabled people have the right to access services. There are clear legal responsibilities under the Equality Act 2010, requiring all service providers to make reasonable adjustments to enable disabled persons to access the service thereby ensuring that disabled people are not discriminated against.

11 THE LICENSING PROCESS

- 11.1 When dealing with applications made under the Act the Council will take account of and give appropriate consideration to:
- The Act together with regulations made thereunder;
 - Guidance issued under the Act and
 - Its own licensing policy and appendices attached thereto, considering each application on its individual merits.

- 11.2 Each and every application received whether for the issue of a personal or premises licence or club premises certificate will be treated fairly and will be considered on its own merits. If no relevant representations are received, then the licence will be issued automatically with such conditions attached as are;
- Relevant mandatory conditions under the Act, or,
 - Consistent with the operating schedule accompanying the application. (Except where an application is made for a minor variation in which case conditions cannot be imposed)
- 11.3 One of the major principles underlying the Licensing Act 2003 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.
- 11.4 Appendix A to this policy is a Table of Delegated Functions setting out the Council's scheme of delegations for the discharge of functions under the Act. However, it should be noted that these delegations will not prevent Officers from referring an application to a Sub-Committee of/or the Committee that deals with licensing if it is considered appropriate to the individual circumstances of the case.
- 11.5 Applications for new premises licences and major variations must be accompanied by a proposed Operating Schedule. The Council expects such applicants to address the licensing objectives in their Operating Schedule by having regard to the type of licensable activities to be provided, the premises, their operational procedures, the nature of the location and the needs of the local community.
- 11.6 The Council encourages all applicants to undertake a thorough and appropriate risk assessment relevant to their business, particularly with regard to how they will promote the licensing objectives relevant to that business. When considering those steps that may be necessary in promoting the licensing objectives applicants should give consideration to the guidance issued under Section 182 of the Licensing Act 2003 and this Statement of Licensing Policy.
- 11.7 Some regulations do not cover the unique circumstances relating to some forms of entertainment. Where the Council's discretion has been engaged and it is necessary to impose conditions to promote the Act's objectives such conditions will be tailored to the individual style and characteristics of the premises and events concerned.
- 11.8 Minor variation applications are restricted to changes that will not undermine the licensing objectives. Other Parties may make representations and the Council is entitled to seek the views of any of the responsible authorities when determining such applications. There is no right to a hearing and officers have delegated powers to determine applications under this process. The overall test for officers will be to decide whether or not the proposed minor variation would impact adversely on any of the four licensing objectives.
- 11.9 An application can be made by a community premises to remove the mandatory condition, with regard to sale of alcohol, requiring a designated premises supervisor to be named on the licence. Instead the management committee itself will authorise the sale of alcohol. The Council must be satisfied that the premises are operating as a community premises and that the management committee can ensure that alcohol sales are properly supervised particularly if hired for a private event. The Council would normally expect to see evidence of the management structure and a hiring agreement.

12 ENFORCEMENT AND COMPLAINTS

- 12.1 The Council recognises the contribution that can be made by developing effective working practices with our partner agencies. The Council will investigate complaints made to it regarding licensed premises of any description and recognises the contribution that can be made by developing effective working practices with our partner agencies. The Authority has established an enforcement protocol with Gloucestershire Constabulary, and will liaise with the Constabulary when appropriate in an effort to avoid duplication of inspection or enforcement visits.
- 12.2 Where appropriate the Licensing Authority may also undertake joint enforcement investigations and/or share information with other services within Stroud District Council such as Planning, Environmental Protection, Health and Safety and Food Safety
- 12.3 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Licensing Act 2003. The Council will monitor premises and take any appropriate enforcement action to ensure compliance.
- 12.4 All decisions and enforcement actions taken by the Council will be in accordance with the Council's Enforcement Policy and the principles of consistency, transparency and proportionality.
- 12.5 The Council will continue to work with its partner agencies in enforcing the licensing laws and in the inspection of premises to ensure the licensing objectives and licence conditions are met. In particular, the Council will target its inspection process toward those premises that are considered as 'problematic' and 'high risk' premises requiring greater attention, while providing the 'lighter touch' in respect of low risk premises that are run well.
- 12.6 In undertaking the inspection of licensed premises the Council will promote the 'lighter touch' of enforcement through initially designating the following categories of risk weighting:
- i) Public Houses and Night Clubs in Stroud, Dursley town centres – Medium to High Risk (dependant on capacity of the premises and/or history)
 - ii) Public Houses in all other town centres – Low to Medium Risk (dependant on history)
 - iii) All other existing sites, urban or rural within the district – Low Risk (subject to history)
 - iv) Any site where the primary purpose is serving food, where the sale or supply of alcohol is ancillary – Low Risk (subject to history)
 - v) New sites not in (a) or (b) above – to be assessed dependant on location and style of operation or operators.

Reviews of Licences

- 12.7 The Council recognises that the ability of any other party, the Police and other responsible Authorities to apply for a review of a premises licence is also an incentive to effective self-regulation.
- 12.8 Where the Council's discretion has been engaged following receipt of a relevant request to carry out a review the Council has a range of options available to it under the Act including:
- To reject the representation

- Consider the representation and require no action to be taken
- Make modifications to the conditions of the licence including imposing new conditions, altering existing conditions or removing conditions (permanently or temporarily)
- To exclude a licensable activity from the scope of the licence (permanently or temporarily)
- To remove the Designated Premises Supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence

12.9 In determining such reviews the Council will seek to establish the cause or causes of concern and any remedial action will be proportionate to and targeted at such causes. In making its determination the Council will only impose conditions that are appropriate and proportionate for the promotion of the Act's licensing objectives.

Matters to be considered

12.10 When considering the possibility of enforcement action or a request for review the Council will take into account all relevant circumstances and will view evidence of the following matters particularly seriously:

- Use of the premises for the use or supply of drugs;
- Use of the premises for laundering the proceeds of crime;
- Use of the premises for the sale or distribution of illegal firearms;
- Use of the premises for the sale or supply of stolen or counterfeit goods;
- Underage purchase and consumption of alcohol;
- Use of the premises for prostitution or sale/distribution of unlawful pornography;
- Use of the premises for unlawful gaming;
- Use of the premises for the organisation of racist, homophobic or sexual abuse or attacks;
- Nuisance from noise or smell caused by a failure to install any or inadequate equipment and/or failure to maintain such equipment;
- Failure of the licence holder to implement an effective policy to prevent fly posting and to contain or collect litter from flyers or other advertising materials discarded in the vicinity of the premises;
- Failure by the licence holder to implement an effective policy to contain or collect litter associated with the premises that is discarded in the vicinity of the premises;
- Failure to promptly respond to a warning properly given by the Fire Authority or other competent authority on a matter of public safety at premises;
- Failure to avoid easily avoidable but critical risks, including any obstruction of an escape route to, and if necessary beyond a fire exit. The locking or fastening of fire exit doors during times that premises are open for trade, will be considered an extremely serious failure;
- Any convictions for licensing offences;
- Immigration Offences such as employment of persons who do not have the right to work in the UK
- Previous failure to comply with licence conditions.

Underage drinking

12.11 In seeking to encourage efforts to reduce alcohol-induced problematic behaviour by under 18 year olds the Council acknowledges and commends the Portman Group code of practice on the naming, packaging and promotion of alcoholic drinks.

12.12 The Council will support the enforcement of underage purchase of alcohol and drinking laws when appropriate by encouraging partner agencies in the use of their enforcement powers, for example:

- i) Police exercise of powers (Confiscation of Alcohol (Young Persons) Act 1997) to remove alcohol from young people on the street.
- ii) Police and trading standards implementing test purchasing to reduce off licence sales to under 18 year olds and carrying out age challenges to reduce underage drinking in pubs and licensed venues.

FURTHER INFORMATION

Information relating to the licensing process and application forms may be obtained from Stroud District Council's Licensing Section

Address: The Licensing Section, Stroud District Council, Council Offices, Ebley Mill, Ebley Wharf, Stroud, Glos. GL5 4UB

Email: licensing@stroud.gov.uk

Web: www.stroud.gov.uk

APPENDIX A - TABLE OF DELEGATED FUNCTIONS

Matter to be dealt with	Full Committee	Sub Committee of Committee that deals with Licensing matters (Hearing Panel)	Officers
Application for personal licence with no unspent relevant convictions			All cases
Application for personal licence with unspent relevant convictions		If a Police Objection	If no objection
Application for premises licence/club premises certificate		If a relevant representation is made	If no representation is made
Application for provisional statement		If a relevant representation is made	If no representation is made
Application to vary premises licence/club premises certificate		If a relevant representation is made	If no representation is made
Application to vary designated premises supervisor		If a police representation is made	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police representation is made	All other cases
Application for interim authority		If a police representation is made	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint or objection is irrelevant, frivolous, vexatious etc			All cases
Decision to object when Local Authority is a consultee and not the lead authority			All cases
Determination of an objection to a temporary event notice		All cases	
Application for minor variation to premises licence/club premises certificate			All cases including if representation is made
Application by community premises to disapply the mandatory conditions for alcohol on a premises licence		If police objection is made	All other cases

APPENDIX B - GLOSSARY

Club Premises Certificate	A certificate granted to a qualifying club under the Act. Alcohol must not be supplied other than to members and guests by or on behalf of the club.
Designated Premises Supervisor	A person named on a premises licence who has overall responsibility for sales of a alcohol. This person must be a personal licence holder and is normally the person that has day to day control of the premises
Hearing	A meeting of a panel of three Councillors (Sub Committee) from the Committee that deals with licensing matters who will consider an application where there has been relevant representation, objection or a request for a review
Late Night Refreshment	Provision of hot food or hot drink to members of the public, for consumption on or off the premises, between 11 pm and 5 am
Other Person	Any person, business or organisation. An 'Other Person' can make representation about premises licence and club premises certificate applications and can request a review of a premises licence or club premises certificate
Personal Licence	Licence issued to a person that authorises them to sell alcohol in, or to authorise another person to sell alcohol, in accordance with a premises licence. A personal licence is issued to a individual's home address and has effect indefinitely (has no end date).
Premises	Means any place and includes a building, outdoor area, vehicle, vessel moveable structure
Premises licence	Licence that authorises the premises to be used for one or more licensable activity
Representation	Comment made against, or in support, of an application for a new premises licence or club premises certificate or a variation to a premises licence or club premises certificate or a review of a premises licence or club premises certificate. A representation can be made by a responsible authority or other persons. The representation must be made during the representation period
Temporary Event Notice	A notice given to the Council of intention to hold a temporary event where licensable activities will take place. The person submitting the notice must do so at least 10 clear working days before the event. A late temporary event notice is one given with 5 to 9 clear working days.

APPENDIX C - RESPONSIBLE AUTHORITIES – CONTACT DETAILS

1 Stroud District Council	Licensing Section, Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, GL5 4UB Telephone: 01453 754440 Email: licensing@stroud.gov.uk
2 Gloucestershire Constabulary	Harm Reduction, Police Headquarters, No 1 Waterwells, Quedgeley, Gloucester, GL2 2AN Telephone: 01452 754482 Email: Licensing@Gloucestershire.pnn.police.uk
3 Gloucestershire Fire & Rescue Service	Chief Fire Officer Fire Service HQ, Waterwells Drive, Quedgeley Gloucester GL2 2AX Telephone: 01452/753333 Email; fire@glosfire.gov.uk
4 Local department with responsibility for Planning	Head of Planning Development Services, Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, Glos, GL5 4UB, Telephone: 01453 754518 E-mail: planning.enquiries@stroud.gov.uk
5 Local department with responsibility for Environmental Pollution	Environmental Protection Manager Environmental Health, Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, Glos, GL5 4UB Telephone: 01453 754478 Fax: 01453 754963 E-mail: environmental.health@stroud.gov.uk
6 Local department with responsibility for Health & Safety	Commercial Services Manager Environmental Health, Stroud District Council, Ebley Mill, Ebley Wharf,, Stroud, Glos, GL5 4UB Telephone: 01453 754478 Fax: 01453 754963 E-mail: environmental.health@stroud.gov.uk
7 Gloucestershire Safeguarding Children Board	Gloucestershire Safeguarding Children Board Block 4, 1 st Floor, Room 133B, Shire Hall, Westgate Street Gloucester, GL1 2TH Telephone : 01452 583636 E.mail: gscb@gloucestershire.gov.uk
8 Trading Standards	Gloucestershire Trading Standards Service, The Tri-Service Centre, Waterwells Drive, Quedgeley, Gloucester GL2 2AX Telephone: 01452 426201 E-mail: tradstds@gloucestershire.gov.uk
9 Local health body representative	Public Health Department, Block 4, 2nd Floor Gloucestershire County Council Shire Hall, Westgate Street, Gloucester, GL1 2TG Telephone: 01452 328607 E-mail: Publichealth@gloucestershire.gov.uk

APPENDIX D - LIST OF CONSULTEES FOR REVIEW OF STATEMENT OF LICENSING POLICY

This Statement of Policy has been developed by the Council in consultation with the following stakeholder groups, agencies and organisations

Responsible Authorities
Chief Officer of Police
Fire and Rescue
Gloucestershire Safeguarding Children Board
Environmental Health
Gloucestershire Trading Standards
Gloucestershire Public Health
The Local Planning Authority
Licence Holders and Representative of the trade
Email to all Licensed Premises
Stroud Safe
Association of Licensed Multiple Retailers (ALMR)
British Beer and Pub Association (BBPA)
Tesco Stores Ltd Licensing Department
The Midcounties Co-operative Limited
EI Group and Punch Taverns
Winckworth Sherwood LLP (rep Sainsburys)
Melrose Associates
Persons/bodies representative of businesses and residents
Stroud District Council Councillors
Parish Councils/Town Councils
Stroud and District Citizens Advice Bureau
The Wotton-under-Edge and District Chamber of Trade and Commerce
Stroud and District Chamber of Trade and Commerce
Nailsworth Chamber of Trade
Gloucestershire Safeguarding vulnerable adults board
Gloucestershire Health and Wellbeing Board GHWB
Other
Stroud District Council - Heads of Service
Stroud District Council - Legal Section
Other Licensing Authorities – Gloucestershire Licensing Officers Group (GLOG)
Stroud District Council's Web Site
Notice on Notice Board Reception Stroud District Council Offices, Ebley Mill

STROUD DISTRICT COUNCIL
COUNCIL

**AGENDA
ITEM NO**

22 OCTOBER 2020

8

Report Title	APPOINTMENT TO THE INDEPENDENT REMUNERATION PANEL			
Purpose of Report	To approve the recommended appointment to the Independent Remuneration Panel to review the Members' Scheme of Allowances.			
Decision(s)	Council RESOLVES to appoint Mr Chris Markley to the Independent Remuneration Panel for three years.			
Consultation and Feedback	Group Leaders			
Report Author	Hannah Emery, Corporate Policy and Governance Manager Email: Hannah.emery@stroud.gov.uk			
Options	To either confirm or refuse the appointment of a member of the Independent Remuneration Panel. The Council is required to have an Independent Remuneration Panel of at least three members.			
Background Papers	None			
Appendices	None			
Implications (further details at the end of the report)	Financial	Legal	Equality	Environmental
	No	No	No	No

1. BACKGROUND AND KEY ISSUES

- 1.1** Council is required, under the Local Authorities (Members' Allowances) (England) Regulations 2003 and the Local Authorities (Members' allowances) (England) (Amendment) Regulations 2003 to appoint an Independent Remuneration Panel (IRP) to make recommendations to the Council on a Scheme of Members' Allowances for adoption. The Regulations recommend a panel of five members and a minimum of three panel members.
- 1.2** This Council shares panel members with Gloucester City Council and in January 2020 the following members were appointed to the IRP for a period of three years:
Mrs Wynn Bartlett
Mr Stewart Dove
Mr Jason Jones and
Mr Graham Russell
- 1.3** Panel members receive expenses but are not remunerated.

- 1.4** Mr Stewart Dove and Mr Jason Jones have since had to resign from the Panel and the vacant positions continued to be advertised. An application was received in July 2020 from Mr Chris Markley who was subsequently interviewed and assessed by the current panel members and the Corporate Policy and Governance Manager as suitable for the role. Mr Markley's application was shared with Group Leaders and no objections were received. The Panel is therefore recommending Council to appoint Mr Chris Markley to fill one of the vacancies.
- 1.5** A brief summary of the experience of Mr Markley and the other members of the panel is included below:
- New member – Mr Markley has a military background and has worked as a military inspector/auditor of public funded allowances.
 - Existing member – Mrs Bartlett has an extensive background in education and voluntary work within Gloucestershire.
 - Existing member – Mr Russell has an extensive local authority background as a previous Head of Democratic Services and is an experienced Chair of IRPs across the South West.
- 1.6** The IRP commenced its review of the Members' Scheme of Allowances in January 2020 and was due to make its recommendations to Council in May 2020 but as a result of Covid-19 the review was delayed. Once a third panel member has been appointed the review will recommence and it is anticipated to be completed by February 2020.

2. IMPLICATIONS

2.1 Financial Implications

There are no financial implications resulting from the recommendations in the report as the Panel will be appointed on a voluntary basis.

Andrew Cummings, Strategic Director of Resources
Email: Andrew.cummings@stroud.gov.uk

2.2 Legal Implications

The legal implications are detailed in the body of the report.

One Legal
Tel: 01684 272691 Email: legal.services@tewksbury.gov.uk

2.3 Equality Implications

None directly arising from this report.

2.4 Environmental Implications

None directly arising from this report.

STROUD DISTRICT COUNCIL
COUNCIL

**AGENDA
ITEM NO**

22 OCTOBER 2020

9

Report Title	CONSTITUTION AMENDMENTS			
Purpose of Report	To make changes to the Constitution.			
Decision(s)	It is recommended that Council RESOLVES to adopt the amended Scheme of Delegation and any consequential changes to rules of procedure arising from the new Scheme			
Consultation and Feedback	These are administrative changes to reflect the Senior Management Structure and the delegation of functions to Tewkesbury Borough Council (One Legal) which have all been subject to reports to Strategy and Resources Committee			
Report Author	Patrick Arran - Monitoring Officer Email: patrick.arran@stroud.gov.uk			
Options	Council can accept the recommendation, decide to amend the recommended documents or refuse to accept the recommendation.			
Background Papers	None			
Appendices	Appendix A – Proposed Amendments Scheme of Delegation Appendix B - Proposed Amendments Scheme of Delegation – Clean Copy			
Implications	Financial	Legal	Equality	Environmental
	No	No	No	No

1. The existing Scheme of Delegation refers to the previous Senior Management Team and whilst it allows for changes to roles and job titles, the Scheme should be accurate. This was something which is on the work plan for the Constitution Working Group, but due to the intervention of the Covid emergency, it has not been progressed.
2. On the 1st of October 2020, the Legal Services function and staff transferred to Tewkesbury Borough Council (One Legal). An agreement under Section 101 of the Local Government Act 1972 was concluded on the 30th of September 2020 and this delegated legal functions to Tewkesbury Borough Council. This has to be regularised in the Scheme of Delegation and consequential changes need to be made to certain procedure rules and protocols which will be listed below.
3. The Monitoring Officer has delegated authority to make changes to the Scheme of Delegation arising from decisions of Council or its committees; however, this report is to highlight the changes due to their nature and for visibility of the delegations. It is though essentially a housekeeping exercise.
4. In addition, the record of authorisations (sub-delegations) arising from these changes has also been amended and in future will form an appendix to the Scheme of Delegation for ease of reference.
5. The following documents have been amended to remove / amend references to Head of Legal Services & Monitoring Officer:

- Contract Procedure Rules
 - Council Procedures Rules
 - Financial Procedure Rules
 - Members Scheme of Allowances
 - Planning Code of Conduct
6. Save that changes to the Constitution are a Council function, there are no other legal implications arising from this decision.
7. There are no financial, equality or environmental implications arising from this decision.

SCHEME OF OFFICER DELEGATIONS

The Scheme of Delegations sets out the situations when officers may make decisions on behalf of the Council. The scheme is divided into four sections:

- Part A sets out general principles that apply to all officer delegations;
- Part B sets out those general management delegations that apply to all members of the Corporate Team;
- Part C sets out delegations applicable to specific services; and
- Part D lists those officers who have been designated by the Council as 'Proper Officers' as required by statute.

Adopted June 2015 (republished 19 May 2020 amended 22nd October 2020)

Part A: General Principles of Officer Delegations

- i. The following general principles shall apply in respect of all officer delegated powers.
- ii. Officers are expected to make decisions regarding budgetary, operational, statutory and staffing matters for the services for which they are responsible and as with all functions delegated to officers, decisions should be in accordance with:
 - All other parts of the Constitution;
 - Approved budget and policies of the Council; and
 - The law.
- iii. Member decisions may only be made in Committee or at Council meetings. Officers are able to consult with Members prior to taking decisions. The decision remains an officer decision.
- iv. Functions delegated are by reference to job titles or posts as at the date of adoption of the Scheme. In the event that such titles or posts are deleted or otherwise changed subsequently, the delegations will be transferred to those Council post holders whose duties include or most closely correspond to the duties of the post originally referred to.
- v. Any function delegated to a specified officer may also be exercised by any officer who has been so authorised in writing by the officer to whom the function is delegated, or by the Chief Executive.
- vi. Where an officer who is not a Strategic Director has delegated authority to discharge a function by virtue of this Constitution, the relevant Strategic Director in relation to that officer or post may discharge the delegated function where that officer is unable to act, through absence or otherwise, or where the post with the delegated function is vacant.
- vii. Each Strategic Director should immediately notify the Monitoring Officer of any authorisations who will maintain a separate record of sub-delegations pertaining to that Strategic Directorate,
- viii. Any reference to specific legislation includes any amendments to or modifications of it for the time being in force.

Deleted: and provide copies to the Monitoring Officer for retention....

Part B: To the Chief Executive and Strategic Directors

The following delegations apply to the Chief Executive and Strategic Directors, or their duly authorised officer(s).

Urgent Decisions

- B1.1 The Chief Executive may take any action which is required as a matter of urgency in the interests of the Council or its residents in consultation with
- (a) the Leader and other Group Leaders if time permits, or Chair of Committee (if appropriate)
 - (b) the Section 151 Officer or Monitoring Officer (as appropriate).

B1.1.1 A matter may be deemed urgent if, in the reasonable opinion of the Chief Executive, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a meeting of the relevant decision-making body in sufficient time to take the decision.

B1.1.2 Should the Chief Executive declare an interest in any decision proposed to be made or be unable or incapable of acting, then the delegated authority transfers from the Chief Executive to any of the Strategic Directors.

B1.1.3 Any decisions so taken will be in accordance with the budget and policy framework and will be reported to the appropriate meeting as soon as practicable and will be recorded in a report and Officer Decision Notice, published on the Council website which will record the reason for urgency, the consultees and any response.

Management of Services for which they are responsible

B1.2 The management and administration of the services for which they are responsible, and the incurring of expenditure for such purposes within the approved budget and policy in accordance with the Constitution including for the avoidance of doubt, (subject to any necessary direction from the Chief Executive) authority to take such action as is necessary to implement the decisions and policies of the Council.

B1.3 To accept a quotation or tender, which is other than the best value price, subject to consultation with the Monitoring Officer following consultation with the relevant Committee Chair.

Deleted: a written report presented to and agreed by the Head of Legal Services and

B1.4 To transfer expenditure between budget areas, providing this is within their approved budget, subject to consultation with the S151 Officer.

B1.5 To dispose of surplus or obsolete stock and equipment at the best prices obtainable in accordance with procedures agreed with the S151 Officer.

B1.6 To write off bad debts and incorrect charges to a limit of £10,000 in any one case, following consultation with the S151 Officer.

B1.7 The appointment and operational management of all categories of staff, for whom they are responsible.

Staffing

B1.8 The granting of awards to employees under the Long Service Award scheme.

Deleted: In consultation with the Director of Tenant and Corporate Services

B1.9 To take disciplinary action, including dismissal in relation to staff for whom they are responsible in accordance with the Council's Disciplinary Procedure.

B1.10 The granting of special leave with pay on compassionate grounds.

B1.11 The authorisation of attendance or secondment of employees on courses or seminars within the approved Training Plan.

B1.12 The authorisation of annual leave to be carried forward from one year to the next.

B1.13 The determination of car allowances in accordance with the criteria adopted by the Council.

Deleted: in consultation with the Director of Tenant and Corporate Services.

B1.14 The determination of ex-gratia payments in respect of damage to, or loss of, employees' personal property up to £200 and, in consultation with the appropriate Committee Chair, for all other amounts.

B1.15 To amend the numbers, duties and grades of posts within their responsibility and to change vacant or new posts, within Council policies, priorities and budgets. Such changes are to be the subject of prior approval of the Strategic Director Resources.

Deleted: of Tenant and Corporate Services

B1.16 To determine applications for extensions of sick pay.

Deleted: , and where such approval is not forthcoming the matter shall be referred to the Chief Executive. (This does not cover the regrading of existing post holders which shall be referred to the Director of Tenant and Corporate Services)....

B1.17 The approval of applications for early retirement from employees and all applications involving voluntary redundancy, and payment in lieu of notice, if appropriate, in accordance with the Council's agreed scheme, subject to having obtained approval of the S151 Officer.

Deleted: subject to the agreement of the Director of Tenant and Corporate Services

Deleted: Director of Tenant and Corporate Services and

Miscellaneous

B1.18 To give written notice seeking deemed planning permission for proposed development to be carried out by the Council or on land owned by the Council where the Council has approved in principle any proposal (whether generally or specifically) which affects or may affect the land to which the planning application relates.

B1.19 The authorisation by such officers as may from time to time be determined in consultation with the Monitoring Officer, to authorise surveillance requests for the purposes of the Regulation of Investigatory Powers Act 2000.

Deleted: other members of the Corporate Team)

B1.20 To serve requisitions for information as to the ownership of property under the various statutory provisions where necessary.

B1.21 To sign and serve all and any documents and notices on behalf of the Council unless specifically reserved to another officer by legislation or this Constitution.

B1.22 To authorise staff with relevant qualifications as may be required by law or in accordance with the Council's policy, to take samples, make inspections, enter premises, and generally perform the functions of a duly authorised officer of the Council (however described) under the statutory codes and provisions and to issue any necessary Certificates of Authority.

PART C: Delegations to Specific Officers

Subject to the overall direction by the appropriate Corporate Team Member where relevant, the following delegations apply. The Delegations are listed in service areas as follows:

- C1 Delegations to the Chief Executive
- C2 Delegations to the Strategic Director Resources and those within that officer's management responsibility
- C3 Delegations to the Strategic Director Communities and those within that officer's management responsibility
- C4 Delegations to the Strategic Director Place and those within that officer's management responsibility

C1 Chief Executive

- C1.1 To administer the Civic Fund.
- C1.2 In consultation with the relevant Chairperson, to rearrange dates and times of meetings, previously approved by the Annual Meeting of the Council.
- C1.3 All matters relating to staffing, employment, terms and conditions and industrial relations for the Council's workforce.
- C1.4 In conjunction with the Strategic Director Resources, to operate a system of appeals for all staffing matters.
- C1.5 To act as Returning Officer with the authority to approve at any time the revision of scales of fees for elections and registration of electors where there is no deviation from the basis of nationally agreed scales.

C1.6 To act as the Council's shareholder representative for all matters relating to the Ubico partnership

C2 Strategic Director Resources (Section 151 Officer)

Mortgages and Other Loans

- C2.1 To extend periods of mortgage repayments and convert to a maturity basis in individual cases where financial circumstances and mortgage provisions permit.
- C2.2 To approve small dealings with property in mortgage to the Council.
- C2.3 To approve proceedings for the recovery of mortgage debts.

Deleted: , following consultation with the relevant Chair and Vice Chair. ...

Deleted: , save those matters referred to in the Staff Employment Procedure Rules relating to officers.

Deleted: of Tenant and Corporate Services and other appropriate Corporate Team Member (where appropriate)

C2.4 To issue Loan Instruments up to a maximum of £5,000,000 per issue with a life of not less than one year and not more than twenty years under the provisions of Section 43 of the Local Government and Housing Act 1989 and the Local Authorities (Borrowing) Regulations 1990).

C2.5 To determine price, rate of interest and period until redemption of Loan Instruments.

Treasury Management and Investment

C2.6 To externalise internal investments as necessary and appoint agents to manage the investments in a portfolio which complies with the Local Government and Housing Act 1989 and the Approved Investment Regulations, as set out in the Council's Treasury Policy Statement.

C2.7 To use balances to finance General Fund expenditure in the future, as set out in the latest approved Medium Term Financial Plan.

C2.8 To allocate resources from earmarked reserves to fund related expenditure in consultation with the relevant Committee Chair.

C2.9 To increase or reduce earmarked reserves to ensure balances are adequate for the purpose intended in consultation with the relevant Committee Chair.

C2.10 To create new earmarked reserves as appropriate and close those no longer required in consultation with the relevant Committee Chair.

C2.11 To set the interest rate applicable for 6 monthly periods on Housing Act advances in line with Government directions.

C2.12 To execute and administer treasury management decisions.

C2.13 As the Council's Senior Information Risk Officer (SIRO), to provide guidance on information security, develop relevant policy, conduct annual reviews and investigate suspected breaches of relevant procedures or other requirements.

Council Tax

C2.14 To set the tax bases for Council tax setting purposes, and calculate and set the estimate surplus on the Council Tax Collection Funds.

Council Tax and NNDR

C2.15 To determine applications for the grant of relief from Non-Domestic Rates on grounds of hardship and Discretionary Rate Relief.

C2.16 To act in the Council's best interests in relation to any proposed alteration to the Valuation List.

C2.17 To make proposals for and to determine and make amendments to the relevant authorities in respect of the Collection Fund.

C2.18 To authorise, under Section 223 of the Local Government Act 1972, the appearance in the Magistrates Court of staff concerned with the recovery of Council Tax and Non-Domestic Rates.

Benefit Fraud

C2.19 To institute Court proceedings in respect of alleged benefit fraud.

C2A Monitoring Officer

Deleted: Head of Legal Services and

Monitoring Officer Responsibilities

C2A.1 To take all such action as may be required to properly discharge the duties of Monitoring Officer as specified in Section 5 of the Local Government and Housing Act 1989, with respect to the legality of action taken or proposed to be taken by the Council.

C2A.2 To take all such action as may be required to properly discharge the duties of Monitoring Officer regarding Ethical Governance and Standards matters as specified in Part III of the Local Government Act 2000 (as amended).

C2A.3 In consultation with the Chief Executive and Constitution Working Group to make such amendments to the Constitution which, in that officers judgement, need to be made in view of the Council's resolutions, to correct anomalies and to reflect any changes to the law, such amendments will be reported for information.

Information Management

C2A.4 To act as the officer responsible for all matters relating to information governance including Freedom of Information, Data Protection, Regulation of Investigatory Powers and Surveillance which will include reviewing decisions made on requests made under the Freedom of Information Act

C2A.5 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, to sign or authorise any other officer to sign for the purposes of authentication, unless:

- (a) any enactment otherwise authorises or requires; or
- (b) the Council has given requisite authority to some other person to authenticate.

C2A.6 To witness the affixing of the Common Seal of the Council in any circumstances where that function has not been delegated under C2B.9

C2A.7 To make decisions as detailed in the Council's Contract and Procurement Procedure Rules.

C2A.8 To determine applications for the temporary exclusion of traffic from streets under Section 21 of the Town Police Clauses Act 1847.

C2A.9 To determine reviews against decisions on:

- (a) homelessness decisions under Section 202 Housing Act 1996;
- (b) the termination or extension of Introductory Tenancies;
- (c) the termination of a tenancy on absolute grounds under Section 85ZA of the Housing Act 1985;

as part of a panel involving one Member of the Audit and Standard Committee who has received appropriate training.

C2B.1 – Head of Legal Services

Please note that authority for all matters formerly delegated to the Head of Legal Services has now been delegated to the Borough Solicitor at Tewkesbury Borough Council (One Legal) by virtue of a Section 101 Agreement dated the 30th September 2020

Legal Proceedings and Advice

C2B.2 Authority to prosecute in the Magistrates' Court or to initiate proceedings in the County Court.

C2B.3 After consultation with the Chief Executive and Section 151 Officer to initiate any action in the High Court.

C2B.4 To defend all actions brought against the Council in any court or tribunal.

C2B.5 To instruct Counsel.

C2B.6 To authorise the appearance of non-admitted legal staff within the section in the Magistrates' Court under section 223 of the Local Government Act 1972.

C2B.7 To settle disputes and litigious actions subject (if time constraints permit) in prior consultation with the Chief Executive and Section 151 Officer where such actions are in the High Court.

C2B.8 To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Services considers that such action is necessary to protect the Council's interests and is satisfied as to the available evidence.

Deleted: and Monitoring Officer

Common Seal of the Council

C2B.9 To witness the affixing of the Common Seal of the Council for which the following are relevant:

- (a) The seal will be kept in a safe place in the custody of the Borough Solicitor Tewkesbury Borough Council;
- (b) A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision;
- (c) The seal may be affixed to contracts over £100,000, to deeds and such other documents which, in the opinion of the Head of Legal Services should be sealed; and
- (d) The Head of Legal Services may authorise other persons to affix the seal.

Deleted: Head of Legal

Deleted: Services and Monitoring Officer

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Deleted: and Monitoring Officer

C2B.10 To undertake decisions delegated to the Chief Executive where such decisions are required to be dealt with by a Solicitor of the Supreme Court.

C2C Head of Property Services

Commented [PA1]: This is only highlighted as I have moved it from one Director to another

Corporate Property Officer

C2C.1 To act as the Council's Corporate Property Officer as defined in the Corporate Asset Management Strategy.

C2C.2 To purchase and dispose of land and property (including the release of restrictive covenants) up to an open market value of £250,000 PROVIDED THAT:

- (a) in the case of purchases the Head of Property Services and Section 151 Officer are both satisfied that there is a robust business case for the acquisition); and
- (b) such is in accordance with approved policy and budget

AND FURTHER SUBJECT TO consultation with:

- (c) The relevant Ward Member(s);
- (d) The relevant Committee Chair; and
- (e) Strategic Director of Communities in the case of HRA assets.

C2C.3 In the case of HRA assets with an open market value above £250,000 and up to £500,000, to purchase and dispose of land and property PROVIDED THAT:

- (a) in the case of purchases the Head of Property Services and Section 151 Officer are both satisfied that there is a robust business case for the acquisition); and
- (b) such is in accordance with approved policy and budget

AND FURTHER SUBJECT TO consultation with:

- (c) The relevant Ward Member(s);
- (d) The relevant Committee Chair; and
- (e) The Strategic Director Communities

C2C.4 To authorise appropriately qualified and experienced staff (namely Members of the Royal Institution of Chartered Surveyors) to negotiate proposed acquisitions or disposals of land and/or buildings or release of restrictive covenants and grant of easements.

C2C.5 To acquire, grant, renew or terminate wayleaves, licences, easements and leases subject to the maximum considerations specified below:

- Wayleaves and licences - £20,000 per annum or the capitalised equivalent
- Easements - £20,000 per annum or the capitalised equivalent
- Leases - £40,000 per annum or the capitalised equivalent

C2C.6 To approve the assignment or subletting of leases.

C2C.7 To make decision in connection with the general management and control of all Council property assets except where such property consists of houses, flats or garages falling within the Housing Revenue Account.

C2C.8 To act in the Council's best interests in relation to any proposed alteration to the valuation list subject to the prior approval of the Strategic Director Resources.

Housing Revenue Account Disposals

C2C.9 To approve the sale of houses and flats pursuant to the Right to Buy (RTB) legislation.

C2C.10 To determine whether the Council's right to reclaim discount on a RTB sale should take priority over a legal charge in favour of a third party.

C2C.11 To approve the partial or complete waiver of repayments of RTB discounts in consultation with the Section 151 Officer and Chair of Housing Committee.

Former Council Houses

C2C.12 To determine applications from the owners of former Council dwellings for any consent required under covenants contained in any conveyance or transfer.

C2C.13 To determine applications for the variation or release of covenants in consultation with:

- (a) The Chair of the Housing Committee;
- (b) The Ward members; and
- (c) The Tenancy Manager.

C2C.14 To determine applications in respect of covenants which relate to using the property as a single private dwelling house and/or preventing the erection of buildings, alterations or extensions, including hard standings

Former Council Houses in the Cotswolds AONB

C2C.15 To decide applications to purchase a former Council property where the applicant(s):

- (a) Has / have between 2 and 3 years residency or employment in Gloucestershire;
- (b) Has / have lived in Gloucestershire for at least 3 years;
- (c) Is / are member(s) of the Armed Forces and have lived in Gloucestershire for at least 2 years; or
- (d) Is a Registered Proprietor of social housing which proposes to purchase under the Government's Mortgage Rescue subject to consultation with the Chair of the Housing Committee.

Housing Development and Regeneration

C2C.16 To advise the Homes and Communities Agency of Social Housing Projects which meet priorities identified in strategies of both the Council and the Homes and Communities Agency.

C2C.17 To commit payment of Social Housing Grants from within the approved Capital Programmes for new projects being developed by Registered Providers of Social Housing.

C2C.18 To undertake such ancillary duties, within the terms of the approved capital programme, as will facilitate the provision of social housing in the District.

C2C.19 To procure contracts or additional works as appropriate to services for which Head of Property Services is responsible subject to such being within approved budget and policy.

Head of IT

C2D.1 To invite tenders and accept tenders where provision has been made in the budget subject to both the Contract and Procurement and Financial Procedure Rules.

C2D.2 To ensure procedures are in place (and communicated) to protect Council ICT assets from any inappropriate activity, use, loss or removal. This will include adhering to all appropriate legislation and Council rules regarding the acquiring, use, retention and removal/destruction of all Council ICT assets (including information).

C2D.3 To procure contracts, additional goods, works and services as appropriate which fall within this area of responsibility subject to such being within approved budget and not contrary to policy.

C3 Strategic Director of Communities

Deleted: Tenant and Corporate Services

Corporate Services

C3.1 To determine the following matters subject to such being compatible with the overall direction of human resource matters by the Chief Executive:

- (a) To administer and implement, in consultation with the Head of Human Resources the Council's organisational employee development and human resource plans;
- (b) To determine the interpretation and application of pay scales and conditions of service for all employees;
- (c) To consider and make changes in grading and other conditions for existing postholder(s);
- (d) To administer any schemes for awards to employees making suggestions which could affect economies and improve efficiency etc.

Deleted: relevant Directors of the

Tenant Services

C3.2 To determine all matters in connection with the general management and control of all property falling within the Housing Revenue Account subject to such being within approved budget and not contrary to policy.

C3.3 To procure contracts or additional works as appropriate to services which fall within his area of responsibility subject to such being within approved budget and not contrary to policy.

C3.4 To determine whether the Council's right to reclaim discount on a RTB sale should take priority over a legal charge in favour of a third party.

Housing / Homelessness

C3.5 To approve minor amendments to the Housing Allocation Policy.

C3.6 To make decisions on the allocation or transfer of Council House tenancies.

C3.7 To make decisions in respect of the provision of accommodation for homeless persons, subject to the review of any refusal decision by the Housing Appeals Panel.

C3.8 To agree temporary tenancies for either staff or persons displaced by renovation grant works.

C3.9 To make nominations of prospective tenants to registered social landlords or other bodies.

Cultural Services

C3.10 To set and vary fees and charges in relation to:-

(a) Use of Council facilities at:

- Ebley Mill;
- Joint Use Centres;
- Stratford Park Leisure Centre (wet side only);
- Shambles Market; Cornhill Market;
- Dursley Pool and Sports Centre;
- Museum in the Park; and
- Council public spaces.

(b) Food and Beverage vending machines at Council premises;

(c) Incentives/concessions/offers in line with approved business / service plans;

(d) Food and beverages, splits with promoters on performances and other incentives / concessions/ offers, exhibition and general hire prices in line with the business/service plan at:

- Museum in the Park

(e) Specific events at Stratford Park / Court.

Community Safety

C3.11 To set charges for the removal/disposal of abandoned/scrap vehicles.

Off Street Car Parks

C3.12 To propose and make changes in respect of off street parking and consider any objections to and implement changes (as appropriate) to the Stroud District Council (Off Street Parking Places) (Consolidation) Order 2010 (as amended from time to time), in consultation with:

- #### **a) The Chair of the Community Services and Licensing Committee; and The Head of Property Services.**

Ubico

C3.13 To act as the Council's nominated director on the board or authorise an appropriate officer to act in that role in his / her stead

C3A Head of Housing Services

Council House Tenancies

C3A.1 To determine:

- (a) All matters relating to transfer applications (including cases where there are rent arrears and special circumstances);
- (b) Applications for mutual exchanges;
- (c) All matters regarding garage tenancies;
- (d) Applications from tenants wishing to use their dwellings for business purposes.

C3A.2 To make offers of accommodation and to commence tenancies of Council dwellings.

Breach of Tenancy Conditions

C3A.3 To take action in respect of:

- (a) the recovery of rent arrears and/or other breach of tenancy conditions;
- (b) to sign and serve of Notices to Extend Introductory Tenancies, Notice of Proceedings for Possession, Notice of Seeking Possession, Notices Seeking Demotion of Tenancy and Notices to Quit;
- (c) in consultation with the Head of Legal Services to:
 - preserve the individual and collective rights of tenants to quiet enjoyment of their properties;
 - seek injunctions in connection housing tenancy enforcement.

Deleted: and Monitoring Officer

C3A.4 To determine proposals for the settlement, deferment or variation of arrangements in connection with outstanding rent arrears.

C3A.5 In consultation with the Head of Legal Services to take action against trespassers in council housing or other housing related land.

Deleted: and Monitoring Officer

C3A.6 To procure contracts or additional works as appropriate to services for which the Head of Contract Services is responsible subject to such being within approved budget and policy.

Grants to Tenants' Groups

C3A.7 To allocate grants for specific projects within agreed budgets pertinent to tenants' groups.

C3B Head of Contract Services

Housing Development and Regeneration

C3B.1 To advise the Homes and Communities Agency of Social Housing Projects which meet priorities identified in strategies of both the Council and the Homes and Communities Agency.

C3B.2 To commit payment of Social Housing Grants from within the approved Capital Programmes for new projects being developed by Registered Providers of Social Housing.

C3B.3 To undertake such ancillary duties, within the terms of the approved capital programme, as will facilitate the provision of social housing in the District.

C3B.4 To procure contracts or additional works as appropriate to services for which Head of Contract Services is responsible subject to such being within approved budget and policy.

C4 Strategic Director of Place

Deleted: Customer Services

General

C4.1 To take all actions and make decisions relating to the Council's regulatory and permissive functions under relevant legislation and associated regulations in respect of:

- (a) environmental crimes;
- (b) anti-social behaviour;
- (c) serving of fixed penalties in connection with services for which the Strategic Director of Place is responsible;
- (d) operation of all civil parking enforcement; and
- (e) waste fly tipping.

Deleted: Customer Services

Grant Funding

C4.2. To agree, maintain and renew all core grant funding agreements with voluntary and community organisations within the criteria set by committee subject to:

- (a) consultation with the relevant committee's members; and
- (b) none of the consulted committee members requiring the decision to be referred to committee for determination.

Debts

C4.3 The write off Council Tax, Non-Domestic Rates and other bad debts owed to the Council.

C4.4 In consultation with the relevant Committee Chair to determine the operation and award of all expenditure to relevant organisations from the Regeneration Service Budgets.

Deleted: C5 Director of Development Services

C4.5 To determine the operation and award of all expenditure for relevant projects funded from the Carbon Management Programme budgets.

C4.6 To agree and when necessary, present responses to both statutory and non-statutory consultations relevant to Development Services on behalf of the Council.

C4.7 With the exception of substantive changes to the Council's adopted Charging Schedule or the Regulation 123 List or the allocation of funds, to determine all community infrastructure levy matters in accordance with the Charging Schedule, the Regulation 123 List and other associated policies and practices affecting the Council.
[NB. Delegation C5.4 may also be exercised by the Planning Strategy Manager]

C4.8 To name and number new streets, to rename streets and to set fees in respect thereof unless statutorily prescribed.

C4.9 To set fees for all Local Land Charges matters except where such fees are statutorily prescribed.

C4A Planning Manager, Building Control Manager and Planning Strategy Manager

Development Control and Related Applications

C4A.1 To determine all planning and related applications in accordance with the operational arrangements specified in Appendix A to the Scheme of Delegations Part C.

C4A.2 To set and subsequently adjust as necessary the scale and scope of charges for planning submissions in consultation with the Section 151 Officer and the relevant Committee Chair.

C4A.3 In consultation with the Head of Legal Services to determine the content of Section 106 Deeds, variations and releases and to execute such deeds in the name of the Council.

Deleted: and Monitoring Officer

C4A.4 To refuse planning and related applications on such terms as s/he considers appropriate where the relevant application has been:

- (a) superseded by events;
- (b) where information requested has not been received; or
- (c) which have been considered by the Development Control Committee but the applicants or their appointed agents have not made reasonable attempts to complete a Section 106 Deed which is acceptable to the Planning Manager within one month of the resolution by Development Control Committee.

Deleted: Head of

Article 4 Directions

C4A.5 In consultation with the Head of Legal Services to make Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 removing or restricting permitted development rights from land and property.

Deleted: and Monitoring Officer

Listed Buildings

- | C4A.6 To issue and serve:
 - (a) Building Preservation Notices;
 - (b) Listed Building Enforcement Notices.
- | C4A.7 To undertake works to secure compliance with any listed building enforcement or allied notice.
- | C4A.8 To authorise the execution of any urgent work considered necessary to preserve an unoccupied listed building.
- | C4A.9 To apply for injunctions to restrain breaches of Building Preservation Notices or Listed Building legislation.
- | C4A.10 To prosecute for any breach of Listed Building Control.

Planning Enforcement

- | C4A.11 Unless consideration is reserved to Development Control Committee under Appendix B to the Scheme of Delegations Part C to take enforcement action (including but not limited to):
 - (a) issue and/or service of Enforcement Notices and Breach of Condition Notices;
 - (b) issue and/or service of Stop Notices (including temporary Stop Notices);
 - (c) undertake works to secure compliance with any enforcement or allied Notice;
 - (d) apply for injunctions to restrain breaches of planning control;
 - (e) prosecute for any breach of planning control;
 - (f) require information about activities on land;
 - (g) require proper maintenance of land and to take appropriate action in the event of non-compliance with any notice;

Subject to (in the case of all such delegations) consultation with the Development Control Committee Chair (or in his absence the Vice Chair)

Protection of Trees and Hedges

- | C4A.12 To make Provisional (Emergency) Tree Preservation Orders.
- | C4A.13 To revoke or vary Tree Preservation Orders.
- | C4A.14 To confirm Tree Preservation or related Orders unless there is any sustained objection.
- | C4A.15 To serve notices requiring the replacement of trees.

C4A.16 To apply for injunctions to restrain actual or threatened damage to protected tree(s).

C4A.17 To prosecute for any offence relating to trees.

C4A.18 To respond to notifications to fell or lop trees which are in Conservation Areas.

C4A.19 To determine applications to fell or lop trees the subject of a confirmed Tree Preservation Order.

C4A.20 To take action in relation to dangerous trees.

C4A.21 To take action to protect important hedgerows.

Advertisements

C4A.22 To require the removal of the unauthorised display of advertisements.

C4A.23 To authorise the removal or obliteration of unauthorised placards or posters.

C4A.24 To prosecute for any offence relating to the display of advertisements.

Localism

C4A.25 To confirm a parish council's designation as a 'neighbourhood' and any associated issues, subject to their being no objections to a notification.

C4A.26 To determine nominations for land and property as Assets of Community Value.

Building Control

C4A.27 To pass or reject plans submitted to the Council under Building Regulations.

C4A.28 To determine applications made to the Council for dispensations from or relaxations of Building Regulations.

C4A.29 To issue or serve any appropriate notices under the Building Act 1984, including Notices in respect of dangerous structures.

C4A.30 In consultation with the Head of Legal Services, to prosecute or take other appropriate legal proceedings to secure compliance with the Building Act 1984 and under the Building Regulations.

Deleted: and Monitoring Officer

C4A.31 To set charges for all Building Regulation purposes together with power to vary such charges where it is considered to be in the Council's interests to do so.

C4A.32 To participate in the Partner Authority Scheme whereby local Building Control bodies aid each other in providing a coordinated delivery mechanism to applicants.

C4A.33 To issue completion certificates for works carried out under a Building Regulations and those requested in respect of premises designated under the Fire Precautions Act 1971.

C4A.34 To act as “appropriate officer” for the purposes of the Party Walls etc. Act 1996.

Housing Enabling

C4A.35 To advise the Homes and Communities Agency of Social Housing Projects which meet priorities identified in strategies of both the Council and the Homes and Communities Agency.

C4A.36 To commit payment of Social Housing Grants from within the approved Capital Programmes for new projects being developed by registered Social Landlords.

C4A.37 To undertake such ancillary duties, within the terms of the approved capital programme, as will facilitate the provision of social housing in the District.

Miscellaneous

C4A.38 To lodge formal objections to good vehicles operator licences.

C4A.39 To authorise officers to enter land or premises for enforcement and other purposes in exercise of the Councils functions as local planning authority.

C4A.40 To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

C4A.41 To serve service remedial notices regarding high hedges pursuant to [Anti-Social Behaviour Act 2003](#)

C.4B Head of Health and Wellbeing

General

C4B.1 Subject to paragraph [C4B.5](#) below, take all actions and make all decisions relating to the Council's regulatory and permissive functions under relevant legislation and associated regulations in respect of the following:

- a. Animals and animal establishments
- b. Caravan sites
- c. Cinemas
- d. Contaminated Land

- e. Control of Pollution
- f. Control of smoking in enclosed spaces
- g. Environmental crimes, anti-social behaviour and serving of fixed penalties
- h. Environmental Protection
- i. Face to face fundraising activities
- j. Flood prevention
- k. Food safety and hygiene
- l. Gambling (except where under Council policy or statute a matter must be determined by the Council or by the Licensing Committee)
- m. Game and Game dealers
- n. Hackney carriages and drivers (except where under Council policy or statute a matter must be determined by the Council or by the Licensing Committee)
- o. Health and Safety
- p. Health and Wellbeing
- q. House to House collections
- r. Infectious diseases
- s. Land Drainage and foul drainage
- t. Licensing (except where under Council policy or statute a matter must be determined by the Council or by the Community Services and Licensing Committee)
- u. Lotteries
- v. Motor salvage operators
- w. Noise and other statutory nuisances
- x. Port Health
- y. Pest control
- z. Private Hire vehicles (drivers and operators) (except where under Council policy or statute a matter must be determined by the Council or by the Licensing Committee)
- aa. Private Sector Housing
- bb. Private Water supplies
- cc. Public Health
- dd. Public Safety
- ee. Public space and clean neighbours' enforcement
- ff. Regulation of charitable collections
- gg. Scrap metal dealers
- hh. Street collections
- ii. Street trading
- jj. Sunday trading

C4B.2 To appoint officers and inspectors to undertake work (including service of notices) relating to the Council's regulatory and permissive functions to which paragraph **4B.1** refers;

Licensing

C4B.3 To authorise the Principal Licensing Officer and the Licensing Officer to determine:

- (a) applications made under the Licensing Act 2003 and the Gambling Act 2005 and associated regulations except where objections or representations have been received;
- (b) minor variation applications including occasions where any relevant representation is received;
- (c) applications relating to taxis and private hire operators, private hire vehicles and drivers and to suspend licences; and
- (d) applications for house to house and street collections.

C4B.4 To review and amend fees and charges for matters relevant to functions in paragraph **C4B.1**, in line with inflation or other changes in charges to which the Council is subject.

Court Proceedings

C4B.5 To institute court proceedings in connection with the discharge of the functions delegated to him, subject to consultation with the Head of Legal Services,

Deleted: and Monitoring Officer

Appendix A

EXCEPTIONS TO DELEGATIONS REGARDING DEVELOPMENT SERVICES (PARA C5A.1 OF THE SCHEME OF DELEGATIONS)

- I. The delegation shall not apply to an application where the Chair of Development Control Committee ("DCC") (or in his absence the Vice Chair of the Committee) having:

- (a) consulted the Planning Manager or the Development Manager; and
- (b) being satisfied that the application is a matter which should be considered by committee taking account of paragraphs 1 to 4 below

requires that the application first be referred to DCC for consideration before determination.

II. Requirements for reference of items to DCC

1. Requests for items to be placed before the DCC may only be made to the Planning Manager, the Development Manager or the Chair of the DCC by:
 - (a) the Parish or Town Council in which the application site is located, or
 - (b) a Ward Councillor within whose ward the application site is located.
2. An application which the Planning Manager or Development Manager would otherwise consider it appropriate to determine pursuant to their delegation, should only be referred to committee where it has:
 - (a) generated significant public interest which has given rise to contradictory views as to whether the application should be approved or refused; and
 - (b) such interest is based upon material planning considerations
3. Any request for an application to be referred to committee must:
 - (a) be made in writing (or by email);
 - (b) include a summary of the reasons why it is considered the matter should be referred to committee;
 - (c) be copied to the Planning Manager and the Development Manager;
 - (d) be received by the Planning Manager and the Development Manager before the consideration of the proposal by the panel of planning officers who make recommendations to the said managers to ensure that the application is not determined prior to receipt of such request. (Applications will not be placed before the panel until the expiry of the consultation period being at least 21 days after the relevant weekly list of applications).
4. An application may not be referred to committee pursuant to this Appendix if it concerns a matter of technical appraisal, fact or legal opinion; or is an application with fixed determination periods (e.g. notifications, approval of details reserved by conditions and minor amendments).

Appendix B

DELEGATION OF DECISIONS ON ENFORCEMENT ACTION OPERATIONAL ARRANGEMENTS (PARA C5A.11 SCHEME OF DELEGATIONS)

- I.** This Appendix sets out operational arrangements relevant to the planning enforcement decisions in paragraph C5A.11 of the Scheme of Delegations.

II. Use of the Weekly List

A list will be added to the back of the weekly list, setting out breaches of planning control that have been investigated. For each case the list will set out the action which officers intend to pursue.

III. Evaluation Period

No further action will be taken on any of the cases listed until the date specified at the bottom of the list, which will be 2 weeks after the publication of the list unless in the officer to whom authority is delegated in consultation with the Chair of Development Control Committee ("DCC") considers the action needs to be taken sooner.

IV. The withdrawal of an enforcement decision

Prospective enforcement decisions will be referred to the DCC if:

- (a) The request complies with Appendix A paragraphs 2 to 4 so far as relevant to the case; and
- (b) The relevant manager to whom the decision would otherwise be delegated does not consider the delay will prejudice the success of the action.

V. Information reporting to committee

Where the Strategic Director of Place considers it is appropriate to take action against a breach of planning control where that action could result in the demolition of a building of over 100m² floor space, or an extension to a dwelling house of over 100m² floor space and the case is not referred to DCC for consideration as to whether action should be taken, the case will be reported to the DCC for information.

Deleted: Development Services

VI. Further action

Where the delegated decision is to take enforcement action, the delegation includes authority to take any further action to secure a cessation of the breach.

PART D: DESIGNATION OF PROPER OFFICERS

D.1 Chief Executive

In the absence of the above, any of the [Strategic Directors](#) will be the Council's Proper Officer for any of the below purposes

Legislation	Detail
Local Government and Housing Act 1989	
Section 4	Officer designated as Head of the Council's Paid Service.
Sections 15 - 17 and associated Regulations	Officer responsible for the purposes of legislation relating to political groups and balance Committees etc.
Section 18 and associated Regulations	Officer responsible for the purposes of the Council's Members' Allowance Scheme.
Section 19 and associated Regulations	Officer to whom general notices of interests shall be given and who shall maintain records which open to public inspection
Local Government Act 1972	
Section 13(3)	Officer who, in appropriate circumstances, shall, with the Chair of the Parish Meeting, constitute "Parish Trustees".
Section 83	Officer to whom declarations of acceptance of office shall be delivered.
Section 84	Officer to whom written notice of resignation may be delivered.
Section 88	Officer who may convene a meeting for the election of Chair of Council following a casual vacancy in that office.
Section 89	Officer to whom notice of a casual vacancy may be given.
Section 210(6) and (7)	Officer in whom shall vest any power with respect to a Charity and who shall be included as a Trustee of any charity within the meaning of the Section.

Section 225(1)	Officer responsible for receiving any document on behalf of the Council and for carrying out the duties relating thereto as required by the Section.
Schedule 12	Officer who shall sign summonses to Council meetings and receive notices of addresses to which summonses are to be sent.
Other	To be the Proper Officer of the Council in relation to any reference in any enactment which is to be interpreted as a reference to a Proper Officer of a local authority where the Council has not appointed another officer to be its Proper Officer and also excepting any such reference which is within the direct remit of one of the Council's Strategic Directors or which implies that Council's the Monitoring Officer or the Section 151 Officer shall be so designated.
Representation of the People Act 1983	
Section 8	Officer appointed as the Registration Officer for any constituency or part of a constituency within Stroud District.
Section 35	Officer appointed to be the Returning Officer for elections of Councillors of the Stroud District and for elections of Councillors of parishes within the District.

Deleted: Directo

D.2 Section 151 Officer

In the absence of the above, the Deputy Section 151 Officer will be the Council's Proper Officer for any of the below matters.

Local Government Act 1972	
Section 115(2)	Officer to whom all money due from every officer employed by the Council shall be paid.
Section 146(1)(a)	Officer authorised to make statutory declarations and issue certificates relating to the transfer of securities on the alteration of areas etc.
Section 151	Officer responsible for the administration of the Council's financial affairs. (Section 114 of the 1988 Act places a specific duty on this officer to make a public report in specified cases of actual or anticipated financial misconduct).
Section 191(2)	Officer to whom applications under S1 Ordnance Survey Act 1841 shall be sent.
Section 228(3)	Officer responsible for making "Proper Officer" accounts open to inspection by members of the authority.

D.3 Monitoring Officer

In the absence of the above, the Borough Solicitor or her nominee may act as Proper Officer in respect of any of the below matters provided always that any person appointed "Deputy Monitoring Officer" shall assume the role of Monitoring Officer.

Local Government Act 1972	
<u>Section 100(B)</u>	<u>Officer to decide which exempt items shall be excluded from those made available to the public before a meeting.</u>
<u>Section 100(C)</u>	<u>Officer to make a written summary of proceedings where exclusion is necessary of parts of minutes which would reveal exempt information.</u>
<u>Section 100(F)</u>	<u>Officer to decide that documents relating to the business of the Council, which contain exempt information under paragraphs 1-6, 9, 11, 12 and 14 of Part 1 of Schedule 12A, are not required to be open for inspection by all members of Council.</u>

Deleted: Head of Legal Services and

Deleted: a Solicitor

Deleted: Section 223 (1)

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Section 236 (9) and (10)	Officer responsible for sending a copy of every by-law made by the Council to Parish Councils, Town Councils and Parish Meetings within the District and to the County Council.
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Local Government (Miscellaneous Provisions) Act 1976	
Section 41	Officer who shall certify copies of resolutions and minutes of proceedings of the Authority.
Data Protection Act 2018	Officer designated as the Council's Data Protection Officer.
Freedom of Information Act 2000	Officer responsible for Access to Information.
Local Government and Housing Act 1989	
Section 5	Officer designated as the Council's Monitoring Officer.

Deleted: 1998

D.3A Head of Legal Services

<u>Section 223 (1)</u>	<u>Officer authorised to prosecute or defend or to appear on the Council's behalf.</u>
<u>Section 238</u>	<u>Officer who shall certify a copy of a by-law made by the Council for evidence purposes.</u>

D.4 **Strategic Director of Place**

Deleted: Customer Services

In the absence of the above, any of the Strategic Directors shall be the Council's Proper Officer for any of the below purpose.

Local Authorities Cemeteries Order 1977	Officer responsible for the registration of burials and for the storage of appropriate records and the operational management of cemeteries.
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In respect of matters arising under the Building Act 1984, the Council's Building Control Manager shall be its Proper Officer. In respect of all other matters, the Strategic Director of Development Services or the relevant manager responsible for dealing with the matter in question shall be the Proper Officer of the Council.

<u>Building Act 1984</u>	
<u>Section 61</u>	<u>Officer who shall be permitted to have free access to works of repair etc to drains.</u>
<u>Section 78</u>	<u>Officer who may exercise the powers of Sub-Section (1) relating to emergency measures necessary in respect of dangerous buildings or structures.</u>
<u>Other</u>	<u>Officer authorised to serve any notice in respect of matters within his/her area of responsibility where such service is to be undertaken by an Officer designated by the Authority.</u>

<u>Stroud Port Health Authority Order 1979</u>	<u>Officer designated as Proper Officer for the purposes of this Order and any related legislation.</u>
	<u>To be the appointed Registered Medical Practitioner for the purposes of this Order and any related legislation.</u>
<u>Public Health (Control of Disease) Act 1984</u>	<u>To be the Proper Officer of the Authority for all purposes under this Act other than those for which any other officer is specifically so designated.</u>

D.5 Strategic Director Communities

Deleted: of Tenant and Corporate Services

In the absence of the above, the Head of Housing Management shall be the Council's Proper Officer for any of the below purpose.

Rent Act 1977	Officer authorised to sign certificates on behalf of the Council, as the Local Housing Authority.
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D.8 Generic

The Chief Executive, the Strategic Directors and the Monitoring Officer are designated "Proper Officer" in respect of the following functions in so far as the matter relates to their respective areas of responsibility. In the absence of a Strategic Director, the relevant Service Head or manager, responsible for dealing with the matter in question shall be the "Proper Officer" of the Council.

<u>Local Government Act 1972</u>	
<u>Section 229(5)</u>	<u>Officer responsible for certifying a photographic copy, as being a copy of an original document.</u>
<u>Section 234</u>	<u>Officer authorised to authenticate documents which require such authentication.</u>
<u>Section 100D</u>	<u>Officer responsible for the identification and listing of background papers in his/her name or joint reports where his/her name is the first shown.</u>
<u>Regulation of Investigatory Powers Act 2000</u>	<u>Such officer or officers who may be designated to grant authorisation for the carrying out of intrusive surveillance under Sections 28 and 29 of Regulation of Investigatory Powers Act 2000 which as at October 2020 is the Head of Health and Wellbeing and Strategic Director of Place.</u>

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SCHEME OF OFFICER DELEGATIONS

The Scheme of Delegations sets out the situations when officers may make decisions on behalf of the Council. The scheme is divided into four sections:

- Part A sets out general principles that apply to all officer delegations;
- Part B sets out those general management delegations that apply to all members of the Strategic Leadership Team;
- Part C sets out delegations applicable to specific services; and
- Part D lists those officers who have been designated by the Council as 'Proper Officers' as required by statute.

Adopted June 2015 (republished 19 May 2020 amended 22nd October 2020)

Part A: General Principles of Officer Delegations

- i. The following general principles shall apply in respect of all officer delegated powers.
- ii. Officers are expected to make decisions regarding budgetary, operational, statutory and staffing matters for the services for which they are responsible and as with all functions delegated to officers, decisions should be in accordance with:
 - All other parts of the Constitution;
 - Approved budget and policies of the Council; and
 - The law.
- iii. Member decisions may only be made in Committee or at Council meetings. Officers are able to consult with Members prior to taking decisions. The decision remains an officer decision.
- iv. Functions delegated are by reference to job titles or posts as at the date of adoption of the Scheme. In the event that such titles or posts are deleted or otherwise changed subsequently, the delegations will be transferred to those Council post holders whose duties include or most closely correspond to the duties of the post originally referred to.
- v. Any function delegated to a specified officer may also be exercised by any officer who has been so authorised in writing by the officer to whom the function is delegated, or by the Chief Executive.
- vi. Where an officer who is not a Strategic Director has delegated authority to discharge a function by virtue of this Constitution, the relevant Strategic Director in relation to that officer or post may discharge the delegated function where that officer is unable to act, through absence or otherwise, or where the post with the delegated function is vacant.
- vii. Each Strategic Director should immediately notify the Monitoring Officer of any authorisations who will maintain a separate record of sub-delegations pertaining to that Strategic Directorate.
- viii. Any reference to specific legislation includes any amendments to or modifications of it for the time being in force.

Part B: To the Chief Executive and Strategic Directors

The following delegations apply to the Chief Executive and Strategic Directors, or their duly authorised officer(s).

Urgent Decisions

- B1.1 The Chief Executive may take any action which is required as a matter of urgency in the interests of the Council or its residents in consultation with
- (a) the Leader and other Group Leaders if time permits, or Chair of Committee (if appropriate)
 - (b) the Section 151 Officer or Monitoring Officer (as appropriate).

- B1.2 A matter may be deemed urgent if, in the reasonable opinion of the Chief Executive, a delay would seriously prejudice the interest of the Council or of the public and it is not practicable to convene a meeting of the relevant decision-making body in sufficient time to take the decision.
- B1.3 Should the Chief Executive declare an interest in any decision proposed to be made or be unable or incapable of acting, then the delegated authority transfers from the Chief Executive to any of the Strategic Directors.
- B1.4 Any decisions so taken will be in accordance with the budget and policy framework and will be reported to the appropriate meeting as soon as practicable and will be recorded in a report and Officer Decision Notice, published on the Council website which will record the reason for urgency, the consultees and any response.

Management of Services for which they are responsible

- B1.5 The management and administration of the services for which they are responsible, and the incurring of expenditure for such purposes within the approved budget and policy in accordance with the Constitution including for the avoidance of doubt, (subject to any necessary direction from the Chief Executive) authority to take such action as is necessary to implement the decisions and policies of the Council.
- B1.6 To accept a quotation or tender, which is other than the best value price, subject to consultation with the Monitoring Officer following consultation with the relevant Committee Chair.
- B1.7 To transfer expenditure between budget areas, providing this is within their approved budget, subject to consultation with the S151 Officer.
- B1.8 To dispose of surplus or obsolete stock and equipment at the best prices obtainable in accordance with procedures agreed with the S151 Officer.
- B1.9 To write off bad debts and incorrect charges to a limit of £10,000 in any one case, following consultation with the S151 Officer.
- B1.10 The appointment and operational management of all categories of staff, for whom they are responsible.

Staffing

- B1.11 The granting of awards to employees under the Long Service Award scheme.
- B1.12 To take disciplinary action, including dismissal in relation to staff for whom they are responsible in accordance with the Council's Disciplinary Procedure.
- B1.13 The granting of special leave with pay on compassionate grounds.
- B1.14 The authorisation of attendance or secondment of employees on courses or seminars within the approved Training Plan.

B1.15 The authorisation of annual leave to be carried forward from one year to the next.

B1.16 The determination of car allowances in accordance with the criteria adopted by the Council

B1.17 The determination of ex-gratia payments in respect of damage to, or loss of, employees' personal property up to £200 and, in consultation with the appropriate Committee Chair, for all other amounts.

B1.18 To amend the numbers, duties and grades of posts within their responsibility and to change vacant or new posts, within Council policies, priorities and budgets. Such changes are to be the subject of prior approval of the Strategic Director Resources.

B1.19 To determine applications for extensions of sick pay.

B1.20 The approval of applications for early retirement from employees and all applications involving voluntary redundancy, and payment in lieu of notice, if appropriate, in accordance with the Council's agreed scheme, subject to having obtained approval of the S151 Officer.

Miscellaneous

B1.21 To give written notice seeking deemed planning permission for proposed development to be carried out by the Council or on land owned by the Council where the Council has approved in principle any proposal (whether generally or specifically) which affects or may affect the land to which the planning application relates.

B1.22 The authorisation by such officers as may from time to time be determined in consultation with the Monitoring Officer to authorise surveillance requests for the purposes of the Regulation of Investigatory Powers Act 2000.

B1.23 To serve requisitions for information as to the ownership of property under the various statutory provisions where necessary.

B1.24 To sign and serve all and any documents and notices on behalf of the Council unless specifically reserved to another officer by legislation or this Constitution.

B1.25 To authorise staff with relevant qualifications as may be required by law or in accordance with the Council's policy, to take samples, make inspections, enter premises, and generally perform the functions of a duly authorised officer of the Council (however described) under the statutory codes and provisions and to issue any necessary Certificates of Authority.

PART C: Delegations to Specific Officers

Subject to the overall direction by the appropriate Corporate Team Member where relevant, the following delegations apply. The Delegations are listed in service areas as follows:

- C1 Delegations to the Chief Executive
- C2 Delegations to the Strategic Director Resources and those within that officer's management responsibility
- C3 Delegations to the Strategic Director Communities and those within that officer's management responsibility
- C4 Delegations to the Strategic Director Place and those within that officer's management responsibility

C1 Chief Executive

- C1.1 To administer the Civic Fund.
- C1.2 In consultation with the relevant Chairperson, to rearrange dates and times of meetings, previously approved by the Annual Meeting of the Council
- C1.3 All matters relating to staffing, employment, terms and conditions and industrial relations for the Council's workforce
- C1.4 In conjunction with the Strategic Director Resources to operate a system of appeals for all staffing matters.
- C1.5 To act as Returning Officer with the authority to approve at any time the revision of scales of fees for elections and registration of electors where there is no deviation from the basis of nationally agreed scales.
- C1.6 To act as the Council's shareholder representative for all matters relating to the Ubico partnership

C2 Strategic Director Resources (Section 151 Officer)

Mortgages and Other Loans

- C2.1 To extend periods of mortgage repayments and convert to a maturity basis in individual cases where financial circumstances and mortgage provisions permit.
- C2.2 To approve small dealings with property in mortgage to the Council.
- C2.3 To approve proceedings for the recovery of mortgage debts.

C2.4 To issue Loan Instruments up to a maximum of £5,000,000 per issue with a life of not less than one year and not more than twenty years under the provisions of Section 43 of the Local Government and Housing Act 1989 and the Local Authorities (Borrowing) Regulations 1990).

C2.5 To determine price, rate of interest and period until redemption of Loan Instruments.

Treasury Management and Investment

C2.6 To externalise internal investments as necessary and appoint agents to manage the investments in a portfolio which complies with the Local Government and Housing Act 1989 and the Approved Investment Regulations, as set out in the Council's Treasury Policy Statement.

C2.7 To use balances to finance General Fund expenditure in the future, as set out in the latest approved Medium Term Financial Plan.

C2.8 To allocate resources from earmarked reserves to fund related expenditure in consultation with the relevant Committee Chair.

C2.9 To increase or reduce earmarked reserves to ensure balances are adequate for the purpose intended in consultation with the relevant Committee Chair.

C2.10 To create new earmarked reserves as appropriate and close those no longer required in consultation with the relevant Committee Chair.

C2.11 To set the interest rate applicable for 6 monthly periods on Housing Act advances in line with Government directions.

C2.12 To execute and administer treasury management decisions.

C2.13 As the Council's Senior Information Risk Officer (SIRO), to provide guidance on information security, develop relevant policy, conduct annual reviews and investigate suspected breaches of relevant procedures or other requirements.

Council Tax

C2.14 To set the tax bases for Council tax setting purposes, and calculate and set the estimate surplus on the Council Tax Collection Funds.

Council Tax and National Non-Domestic Rates (NNDR)

C2.15 To determine applications for the grant of relief from Non-Domestic Rates on grounds of hardship and Discretionary Rate Relief.

C2.16 To act in the Council's best interests in relation to any proposed alteration to the Valuation List.

- C2.17 To make proposals for and to determine and make amendments to the relevant authorities in respect of the Collection Fund.
- C2.18 To authorise, under Section 223 of the Local Government Act 1972, the appearance in the Magistrates Court of staff concerned with the recovery of Council Tax and Non-Domestic Rates.

Benefit Fraud

- C2.19 To institute Court proceedings in respect of alleged benefit fraud.

Human Resources

- C2.20 To determine the following matters subject to such being compatible with the overall direction of human resource matters by the Chief Executive:
- (a) To administer and implement, in consultation with the Head of Human Resources the Council's organisational employee development and human resource plans;
 - (b) To determine the interpretation and application of pay scales and conditions of service for all employees;
 - (c) To consider and make changes in grading and other conditions for existing postholder(s);
 - (d) To administer any schemes for awards to employees making suggestions which could affect economies and improve efficiency etc.

C2A Monitoring Officer

Monitoring Officer Responsibilities

- C2A.1 To take all such action as may be required to properly discharge the duties of Monitoring Officer as specified in Section 5 of the Local Government and Housing Act 1989, with respect to the legality of action taken or proposed to be taken by the Council.
- C2A.2 To take all such action as may be required to properly discharge the duties of Monitoring Officer regarding Ethical Governance and Standards matters as specified in Part III of the Local Government Act 2000 (as amended).
- C2A.3 In consultation with the Chief Executive and Constitution Working Group to make such amendments to the Constitution which, in that officers judgement, need to be made in view of the Council's resolutions, to correct anomalies and to reflect any changes to the law, such amendments will be reported for information.

Information Management

- C2A.4 To act as the officer responsible for all matters relating to information governance including Freedom of Information, Data Protection, Regulation

of Investigatory Powers and Surveillance which will include reviewing decisions made on requests made under the Freedom of Information Act

C2A.5 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, to sign or authorise any other officer to sign for the purposes of authentication, unless:

- (a) any enactment otherwise authorises or requires; or
- (b) the Council has given requisite authority to some other person to authenticate.

C2A.6 To witness the affixing of the Common Seal of the Council in any circumstances where that function has not been delegated under C2B.9

C2A.7 To make decisions as detailed in the Council's Contract and Procurement Procedure Rules.

C2A.8 To determine applications for the temporary exclusion of traffic from streets under Section 21 of the Town Police Clauses Act 1847.

C2A.9 To determine reviews against decisions on:

- (a) homelessness decisions under Section 202 Housing Act 1996;
- (b) the termination or extension of Introductory Tenancies;
- (c) the termination of a tenancy on absolute grounds under Section 85ZA of the Housing Act 1985;

as part of a panel involving one Member of the Audit and Standard Committee who has received appropriate training.

C2B – Head of Legal Services

Please note that authority for all matters formerly delegated to the Head of Legal Services has now been delegated to the Borough Solicitor at Tewkesbury Borough Council (One Legal) by virtue of a Section 101 Agreement dated the 30th September 2020

Legal Proceedings and Advice

C2B.1 Authority to prosecute in the Magistrates' Court or to initiate proceedings in the County Court.

C2B.2 After consultation with the Chief Executive and Section 151 Officer to initiate any action in the High Court.

C2B.3 To defend all actions brought against the Council in any court or tribunal.

C2B.4 To instruct Counsel.

- C2B.5 To authorise the appearance of non-admitted legal staff within the section in the Magistrates' Court under section 223 of the Local Government Act 1972.
- C2B.6 To settle disputes and litigious actions subject (if time constraints permit) in prior consultation with the Chief Executive and Section 151 Officer where such actions are in the High Court.
- C2B.7 To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal Services considers that such action is necessary to protect the Council's interests and is satisfied as to the available evidence.

Common Seal of the Council

- C2B.8 To witness the affixing of the Common Seal of the Council for which the following are relevant:
- (a) The seal will be kept in a safe place in the custody of the Borough Solicitor Tewkesbury Borough Council;
 - (b) A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision;
 - (c) The seal may be affixed to contracts over £100,000, to deeds and such other documents which, in the opinion of the Head of Legal Services should be sealed; and
 - (d) The Head of Legal Services may authorise other persons to affix the seal.
- C2B.9 To undertake decisions delegated to the Chief Executive where such decisions are required to be dealt with by a Solicitor of the Supreme Court.

C2C Head of Property Services

Corporate Property Officer

- C2C.1 To act as the Council's Corporate Property Officer as defined in the Corporate Asset Management Strategy.
- C2C.2 To purchase and dispose of land and property (including the release of restrictive covenants) up to an open market value of £250,000 PROVIDED THAT:
- (a) in the case of purchases the Head of Property Services and Section 151 Officer are both satisfied that there is a robust business case for the acquisition); and
 - (b) such is in accordance with approved policy and budget

AND FURTHER SUBJECT TO consultation with:

- (c) The relevant Ward Member(s);
- (d) The relevant Committee Chair; and
- (e) Strategic Director of Communities in the case of HRA assets.

C2C.3 In the case of HRA assets with an open market value above £250,000 and up to £500,000, to purchase and dispose of land and property PROVIDED THAT:

- (a) in the case of purchases the Head of Property Services and Section 151 Officer are both satisfied that there is a robust business case for the acquisition); and
- (b) such is in accordance with approved policy and budget

AND FURTHER SUBJECT TO consultation with:

- (c) The relevant Ward Member(s);
- (d) The relevant Committee Chair; and
- (e) The Strategic Director Communities

C2C.4 To authorise appropriately qualified and experienced staff (namely Members of the Royal Institution of Chartered Surveyors) to negotiate proposed acquisitions or disposals of land and/or buildings or release of restrictive covenants and grant of easements.

C2C.5 To acquire, grant, renew or terminate wayleaves, licences, easements and leases subject to the maximum considerations specified below:

- Wayleaves and licences - £20,000 per annum or the capitalised equivalent
- Easements - £20,000 per annum or the capitalised equivalent
- Leases - £40,000 per annum or the capitalised equivalent

C2C.6 To approve the assignment or subletting of leases.

C2C7 To make decision in connection with the general management and control of all Council property assets except where such property consists of houses, flats or garages falling within the Housing Revenue Account.

C2C.8 To act in the Council's best interests in relation to any proposed alteration to the valuation list subject to the prior approval of the Strategic Director Resources.

Housing Revenue Account Disposals

C2C.9 To approve the sale of houses and flats pursuant to the Right to Buy (RTB) legislation.

C2C.10 To determine whether the Council's right to reclaim discount on a RTB sale should take priority over a legal charge in favour of a third party.

- C2C.11 To approve the partial or complete waiver of repayments of RTB discounts in consultation with the Section 151 Officer and Chair of Housing Committee.

Former Council Houses

- C2C.12 To determine applications from the owners of former Council dwellings for any consent required under covenants contained in any conveyance or transfer.
- C2C.13 To determine applications for the variation or release of covenants in consultation with:
- (a) The Chair of the Housing Committee;
 - (b) The Ward members; and
 - (c) The Tenancy Manager.
- C2C.14 To determine applications in respect of covenants which relate to using the property as a single private dwelling house and/or preventing the erection of buildings, alterations or extensions, including hard standings

Former Council Houses in the Cotswolds AONB

- C2C.15 To decide applications to purchase a former Council property where the applicant(s):
- (a) Has / have between 2 and 3 years residency or employment in Gloucestershire;
 - (b) Has / have lived in Gloucestershire for at least 3 years;
 - (c) Is / are member(s) of the Armed Forces and have lived in Gloucestershire for at least 2 years; or
 - (d) Is a Registered Proprietor of social housing which proposes to purchase under the Government's Mortgage Rescue subject to consultation with the Chair of the Housing Committee.

Housing Development and Regeneration

- C2C.16 To advise the Homes and Communities Agency of Social Housing Projects which meet priorities identified in strategies of both the Council and the Homes and Communities Agency.
- C2C.17 To commit payment of Social Housing Grants from within the approved Capital Programmes for new projects being developed by Registered Providers of Social Housing.
- C2C.18 To undertake such ancillary duties, within the terms of the approved capital programme, as will facilitate the provision of social housing in the District.

- C2C.19 To procure contracts or additional works as appropriate to services for which Head of Property Services is responsible subject to such being within approved budget and policy.

C2D Head of IT

- C2D.1 To invite tenders and accept tenders where provision has been made in the budget subject to both the Contract and Procurement and Financial Procedure Rules.
- C2D.2 To ensure procedures are in place (and communicated) to protect Council ICT assets from any inappropriate activity, use, loss or removal. This will include adhering to all appropriate legislation and Council rules regarding the acquiring, use, retention and removal/destruction of all Council ICT assets (including information).
- C2D.3 To procure contracts, additional goods, works and services as appropriate which fall within this area of responsibility subject to such being within approved budget and not contrary to policy.

C3 Strategic Director of Communities

Tenant Services

- C3.1 To determine all matters in connection with the general management and control of all property falling within the Housing Revenue Account subject to such being within approved budget and not contrary to policy.
- C3.2 To procure contracts or additional works as appropriate to services which fall within his area of responsibility subject to such being within approved budget and not contrary to policy.
- C3.3 To determine whether the Council's right to reclaim discount on a RTB sale should take priority over a legal charge in favour of a third party.

Housing / Homelessness

- C3.4 To approve minor amendments to the Housing Allocation Policy.
- C3.5 To make decisions on the allocation or transfer of Council House tenancies.
- C3.6 To make decisions in respect of the provision of accommodation for homeless persons, subject to the review of any refusal decision by the Housing Appeals Panel.
- C3.7 To agree temporary tenancies for either staff or persons displaced by renovation grant works.

- C3.8 To make nominations of prospective tenants to registered social landlords or other bodies.

Cultural Services

- C3.9 To set and vary fees and charges in relation to:-

- (a) Use of Council facilities at:

- Ebley Mill;
- Joint Use Centres;
- Stratford Park Leisure Centre (wet side only);
- Shambles Market; Cornhill Market;
- Dursley Pool and Sports Centre;
- Museum in the Park; and
- Council public spaces.

- (b) Food and Beverage vending machines at Council premises;

- (c) Incentives/concessions/offers in line with approved business / service plans;

- (d) Food and beverages, splits with promoters on performances and other incentives / concessions/ offers, exhibition and general hire prices in line with the business/service plan at:

- Museum in the Park

- (e) Specific events at Stratford Park / Court.

Community Safety

- C3.10 To set charges for the removal/disposal of abandoned/scrap vehicles.

Off Street Car Parks

- C3.11 To propose and make changes in respect of off street parking and consider any objections to and implement changes (as appropriate) to the Stroud District Council (Off Street Parking Places) (Consolidation) Order 2010 (as amended from time to time), in consultation with:

- a) The Chair of the Community Services and Licensing Committee; and
The Head of Property Services.

Ubico

- C3.12 To act as the Council's nominated director on the board or authorise an appropriate officer to act in that role in his / her stead.

C3A Head of Housing Services

Council House Tenancies

C3A.1 To determine:

- (a) All matters relating to transfer applications (including cases where there are rent arrears and special circumstances);
- (b) Applications for mutual exchanges;
- (c) All matters regarding garage tenancies;
- (d) Applications from tenants wishing to use their dwellings for business purposes.

C3A.2 To make offers of accommodation and to commence tenancies of Council dwellings.

Breach of Tenancy Conditions

C3A.3 To take action in respect of:

- (a) the recovery of rent arrears and/or other breach of tenancy conditions;
- (b) to sign and serve of Notices to Extend Introductory Tenancies, Notice of Proceedings for Possession, Notice of Seeking Possession, Notices Seeking Demotion of Tenancy and Notices to Quit;
- (c) in consultation with the Head of Legal Services to:
 - preserve the individual and collective rights of tenants to quiet enjoyment of their properties;
 - seek injunctions in connection housing tenancy enforcement.

C3A.4 To determine proposals for the settlement, deferment or variation of arrangements in connection with outstanding rent arrears.

C3A.5 In consultation with the Head of Legal Services to take action against trespassers in council housing or other housing related land.

C3A.6 To procure contracts or additional works as appropriate to services for which the Head of Contract Services is responsible subject to such being within approved budget and policy.

Grants to Tenants' Groups

C3A.7 To allocate grants for specific projects within agreed budgets pertinent to tenants' groups.

C3B Head of Contract Services

Housing Development and Regeneration

C3B.1 To advise the Homes and Communities Agency of Social Housing Projects which meet priorities identified in strategies of both the Council and the Homes and Communities Agency.

- C3B.2 To commit payment of Social Housing Grants from within the approved Capital Programmes for new projects being developed by Registered Providers of Social Housing.
- C3B.3 To undertake such ancillary duties, within the terms of the approved capital programme, as will facilitate the provision of social housing in the District.
- C3B.4 To procure contracts or additional works as appropriate to services for which Head of Contract Services is responsible subject to such being within approved budget and policy.

C4 Strategic Director of Place

General

- C4.1 To take all actions and make decisions relating to the Council's regulatory and permissive functions under relevant legislation and associated regulations in respect of:
- (a) environmental crimes;
 - (b) anti-social behaviour;
 - (c) serving of fixed penalties in connection with services for which the Strategic Director of Place is responsible;
 - (d) operation of all civil parking enforcement; and
 - (e) waste fly tipping.

Grant Funding

- C4.2. To agree, maintain and renew all core grant funding agreements with voluntary and community organisations within the criteria set by committee subject to:
- (a) consultation with the relevant committee's members; and
 - (b) none of the consulted committee members requiring the decision to be referred to committee for determination.

Debts

- C4.3 The write off Council Tax, Non-Domestic Rates and other bad debts owed to the Council.
- C4.4 In consultation with the relevant Committee Chair to determine the operation and award of all expenditure to relevant organisations from the Regeneration Service Budgets.
- C4.5 To determine the operation and award of all expenditure for relevant projects funded from the Carbon Management Programme budgets.

- C4.6 To agree and when necessary, present responses to both statutory and non-statutory consultations relevant to Development Services on behalf of the Council.
- C4.7 With the exception of substantive changes to the Council's adopted Charging Schedule or the Regulation 123 List or the allocation of funds, to determine all community infrastructure levy matters in accordance with the Charging Schedule, the Regulation 123 List and other associated policies and practices affecting the Council.
[NB. Delegation C4.7 may also be exercised by the Planning Strategy Manager]
- C4.8 To name and number new streets, to rename streets and to set fees in respect thereof unless statutorily prescribed.
- C4.9 To set fees for all Local Land Charges matters except where such fees are statutorily prescribed.

C4A Planning Manager, Building Control Manager and Planning Strategy Manager

Development Control and Related Applications

- C4A.1 To determine all planning and related applications in accordance with the operational arrangements specified in Appendix A to the Scheme of Delegations Part C.
- C4A.2 To set and subsequently adjust as necessary the scale and scope of charges for planning submissions in consultation with the Section 151 Officer and the relevant Committee Chair.
- C4A.3 In consultation with the Head of Legal Services to determine the content of Section 106 Deeds, variations and releases and to execute such deeds in the name of the Council.
- C4A.4 To refuse planning and related applications on such terms as s/he considers appropriate where the relevant application has been:
- (a) superseded by events;
 - (b) where information requested has not been received; or
 - (c) which have been considered by the Development Control Committee but the applicants or their appointed agents have not made reasonable attempts to complete a Section 106 Deed which is acceptable to the Planning Manager within one month of the resolution by Development Control Committee.

Article 4 Directions

C4A.5 In consultation with the Head of Legal Services to make Directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 removing or restricting permitted development rights from land and property.

Listed Buildings

C4A.6 To issue and serve:

- (a) Building Preservation Notices;
- (b) Listed Building Enforcement Notices.

C4A.7 To undertake works to secure compliance with any listed building enforcement or allied notice.

C4A.8 To authorise the execution of any urgent work considered necessary to preserve an unoccupied listed building.

C4A.9 To apply for injunctions to restrain breaches of Building Preservation Notices or Listed Building legislation.

C4A.10 To prosecute for any breach of Listed Building Control.

Planning Enforcement

C4A.11 Unless consideration is reserved to Development Control Committee under Appendix B to the Scheme of Delegations Part C to take enforcement action (including but not limited to):

- (a) issue and/or service of Enforcement Notices and Breach of Condition Notices;
- (b) issue and/or service of Stop Notices (including temporary Stop Notices);
- (c) undertake works to secure compliance with any enforcement or allied Notice;
- (d) apply for injunctions to restrain breaches of planning control;
- (e) prosecute for any breach of planning control;
- (f) require information about activities on land;
- (g) require proper maintenance of land and to take appropriate action in the event of non-compliance with any notice;

Subject to (in the case of all such delegations) consultation with the Development Control Committee Chair (or in his absence the Vice Chair)

Protection of Trees and Hedges

C4A.12 To make Provisional (Emergency) Tree Preservation Orders.

C4A.13 To revoke or vary Tree Preservation Orders.

C4A.14 To confirm Tree Preservation or related Orders unless there is any sustained objection.

C4A.15 To serve notices requiring the replacement of trees.

C4A.16 To apply for injunctions to restrain actual or threatened damage to protected tree(s).

C4A.17 To prosecute for any offence relating to trees.

C4A.18 To respond to notifications to fell or lop trees which are in Conservation Areas.

C4A.19 To determine applications to fell or lop trees the subject of a confirmed Tree Preservation Order.

C4A.20 To take action in relation to dangerous trees.

C4A.21 To take action to protect important hedgerows.

Advertisements

C4A.22 To require the removal of the unauthorised display of advertisements.

C4A.23 To authorise the removal or obliteration of unauthorised placards or posters.

C4A.24 To prosecute for any offence relating to the display of advertisements.

Localism

C4A.25 To confirm a parish council's designation as a 'neighbourhood' and any associated issues, subject to their being no objections to a notification.

C4A.26 To determine nominations for land and property as Assets of Community Value.

Building Control

C4A.27 To pass or reject plans submitted to the Council under Building Regulations.

C4A.28 To determine applications made to the Council for dispensations from or relaxations of Building Regulations.

C4A.29 To issue or serve any appropriate notices under the Building Act 1984, including Notices in respect of dangerous structures.

C4A.30 In consultation with the Head of Legal Services, to prosecute or take other appropriate legal proceedings to secure compliance with the Building Act 1984 and under the Building Regulations.

C4A.31 To set charges for all Building Regulation purposes together with power to vary such charges where it is considered to be in the Council's interests to do so.

C4A.32 To participate in the Partner Authority Scheme whereby local Building Control bodies aid each other in providing a coordinated delivery mechanism to applicants.

C4A.33 To issue completion certificates for works carried out under a Building Regulations and those requested in respect of premises designated under the Fire Precautions Act 1971.

C4A.34 To act as "appropriate officer" for the purposes of the Party Walls etc. Act 1996.

Housing Enabling

C4A.35 To advise the Homes and Communities Agency of Social Housing Projects which meet priorities identified in strategies of both the Council and the Homes and Communities Agency.

C4A.36 To commit payment of Social Housing Grants from within the approved Capital Programmes for new projects being developed by registered Social Landlords.

C4A.37 To undertake such ancillary duties, within the terms of the approved capital programme, as will facilitate the provision of social housing in the District.

Miscellaneous

C4A.38 To lodge formal objections to good vehicles operator licences.

C4A.39 To authorise officers to enter land or premises for enforcement and other purposes in exercise of the Councils functions as local planning authority.

C4A.40 To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

C4A.41 To serve service remedial notices regarding high hedges pursuant to Anti-Social Behaviour Act 2003

C.4B Head of Health and Wellbeing

General

C4B.1 Subject to paragraph C4B.5 below, take all actions and make all decisions relating to the Council's regulatory and permissive functions under relevant legislation and associated regulations in respect of the following:

- a. Animals and animal establishments
- b. Caravan sites
- c. Cinemas
- d. Contaminated Land
- e. Control of Pollution
- f. Control of smoking in enclosed spaces
- g. Environmental crimes, anti-social behaviour and serving of fixed penalties
- h. Environmental Protection
- i. Face to face fundraising activities
- j. Flood prevention
- k. Food safety and hygiene
- l. Gambling (except where under Council policy or statute a matter must be determined by the Council or by the Licensing Committee)
- m. Game and Game dealers
- n. Hackney carriages and drivers (except where under Council policy or statute a matter must be determined by the Council or by the Licensing Committee)
- o. Health and Safety
- p. Health and Wellbeing
- q. House to House collections
- r. Infectious diseases
- s. Land Drainage and foul drainage
- t. Licensing (except where under Council policy or statute a matter must be determined by the Council or by the Community Services and Licensing Committee)
- u. Lotteries
- v. Motor salvage operators
- w. Noise and other statutory nuisances
- x. Port Health
- y. Pest control
- z. Private Hire vehicles (drivers and operators) (except where under Council policy or statute a matter must be determined by the Council or by the Licensing Committee)
- aa. Private Sector Housing
- bb. Private Water supplies
- cc. Public Health
- dd. Public Safety
- ee. Public space and clean neighbours' enforcement
- ff. Regulation of charitable collections
- gg. Scrap metal dealers

- hh. Street collections
- ii. Street trading
- jj. Sunday trading

C4B.2 To appoint officers and inspectors to undertake work (including service of notices) relating to the Council's regulatory and permissive functions to which paragraph 4B.1 refers;

Licensing

C4B.3 To authorise the Principal Licensing Officer and the Licensing Officer to determine:

- (a) applications made under the Licensing Act 2003 and the Gambling Act 2005 and associated regulations except where objections or representations have been received;
- (b) minor variation applications including occasions where any relevant representation is received;
- (c) applications relating to taxis and private hire operators, private hire vehicles and drivers and to suspend licences; and
- (d) applications for house to house and street collections.

C4B.4 To review and amend fees and charges for matters relevant to functions in paragraph C4B.1, in line with inflation or other changes in charges to which the Council is subject.

Court Proceedings

C4B.5 To institute court proceedings in connection with the discharge of the functions delegated to him, subject to consultation with the Head of Legal Services.

Appendix A

EXCEPTIONS TO DELEGATIONS REGARDING DEVELOPMENT CONTROL (PARA C4A.1 OF THE SCHEME OF DELEGATIONS)

- I. The delegation shall not apply to an application where the Chair of Development Control Committee (“DCC”) (or in his absence the Vice Chair of the Committee) having:

- (a) consulted the Planning Manager or the Development Manager; and
- (b) being satisfied that the application is a matter which should be considered by committee taking account of paragraphs 1 to 4 below

requires that the application first be referred to DCC for consideration before determination.

II. Requirements for reference of items to DCC

1. Requests for items to be placed before the DCC may only be made to the Planning Manager, the Development Manager or the Chair of the DCC by:
 - (a) the Parish or Town Council in which the application site is located, or
 - (b) a Ward Councillor within whose ward the application site is located.
2. An application which the Planning Manager or Development Manager would otherwise consider it appropriate to determine pursuant to their delegation, should only be referred to committee where it has:
 - (a) generated significant public interest which has given rise to contradictory views as to whether the application should be approved or refused; and
 - (b) such interest is based upon material planning considerations
3. Any request for an application to be referred to committee must:
 - (a) be made in writing (or by email);
 - (b) include a summary of the reasons why it is considered the matter should be referred to committee;
 - (c) be copied to the Planning Manager and the Development Manager;
 - (d) be received by the Planning Manager and the Development Manager before the consideration of the proposal by the panel of planning officers who make recommendations to the said managers to ensure that the application is not determined prior to receipt of such request. (Applications will not be placed before the panel until the expiry of the consultation period being at least 21 days after the relevant weekly list of applications).
4. An application may not be referred to committee pursuant to this Appendix if it concerns a matter of technical appraisal, fact or legal opinion; or is an application with fixed determination periods (e.g. notifications, approval of details reserved by conditions and minor amendments).

Appendix B

DELEGATION OF DECISIONS ON ENFORCEMENT ACTION OPERATIONAL ARRANGEMENTS (PARA C4A.11 SCHEME OF DELEGATIONS)

- I. This Appendix sets out operational arrangements relevant to the planning enforcement decisions in paragraph C5A.11 of the Scheme of Delegations.

II. Use of the Weekly List

A list will be added to the back of the weekly list, setting out breaches of planning control that have been investigated. For each case the list will set out the action which officers intend to pursue.

III. Evaluation Period

No further action will be taken on any of the cases listed until the date specified at the bottom of the list, which will be 2 weeks after the publication of the list unless in the officer to whom authority is delegated in consultation with the Chair of Development Control Committee ("DCC") considers the action needs to be taken sooner.

IV. The withdrawal of an enforcement decision

Prospective enforcement decisions will be referred to the DCC if:

- (a) The request complies with Appendix A paragraphs 2 to 4 so far as relevant to the case; and
- (b) The relevant manager to whom the decision would otherwise be delegated does not consider the delay will prejudice the success of the action.

V. Information reporting to committee

Where the Strategic Director of Place considers it is appropriate to take action against a breach of planning control where that action could result in the demolition of a building of over 100m² floor space, or an extension to a dwelling house of over 100m² floor space and the case is not referred to DCC for consideration as to whether action should be taken, the case will be reported to the DCC for information.

VI. Further action

Where the delegated decision is to take enforcement action, the delegation includes authority to take any further action to secure a cessation of the breach.

PART D: DESIGNATION OF PROPER OFFICERS

D.1 Chief Executive

In the absence of the above, any of the Strategic Directors will be the Council's Proper Officer for any of the below purposes.

Legislation	Detail
Local Government and Housing Act 1989	
Section 4	Officer designated as Head of the Council's Paid Service.
Sections 15 - 17 and associated Regulations	Officer responsible for the purposes of legislation relating to political groups and balance on Committees etc.
Section 18 and associated Regulations	Officer responsible for the purposes of the Council's Members' Allowance Scheme.
Section 19 and associated Regulations	Officer to whom general notices of interests shall be given and who shall maintain records which are open to public inspection
Local Government Act 1972	
Section 13(3)	Officer who, in appropriate circumstances, shall, with the Chair of the Parish Meeting, constitute the "Parish Trustees".
Section 83	Officer to whom declarations of acceptance of office shall be delivered.
Section 84	Officer to whom written notice of resignation may be delivered.
Section 88	Officer who may convene a meeting for the election of Chair of Council following a casual vacancy in that office.
Section 89	Officer to whom notice of a casual vacancy may be given.
Section 210(6) and (7)	Officer in whom shall vest any power with respect to a Charity and who shall be included as a Trustee of any charity within the meaning of the Section.

Section 225(1)	Officer responsible for receiving any document on behalf of the Council and for carrying out the duties relating thereto as required by the Section.
Schedule 12	Officer who shall sign summonses to Council meetings and receive notices of addresses to which summonses are to be sent.
Other	To be the Proper Officer of the Council in relation to any reference in any enactment which is to be interpreted as a reference to a Proper Officer of a local authority where the Council has not appointed another officer to be its Proper Officer and also excepting any such reference which is within the direct remit of one of the Council's Strategic Directors or which implies that Council's the Monitoring Officer or the Section 151 Officer shall be so designated.
Representation of the People Act 1983	
Section 8	Officer appointed as the Registration Officer for any constituency or part of a constituency within Stroud District.
Section 35	Officer appointed to be the Returning Officer for elections of Councillors of the Stroud District and for elections of Councillors of parishes within the District.

D.2 Section 151 Officer

In the absence of the above, the Deputy Section 151 Officer will be the Council's Proper Officer for any of the below matters.

Local Government Act 1972	
Section 115(2)	Officer to whom all money due from every officer employed by the Council shall be paid.
Section 146(1)(a)	Officer authorised to make statutory declarations and issue certificates relating to the transfer of securities on the alteration of areas etc.
Section 151	Officer responsible for the administration of the Council's financial affairs. (Section 114 of the 1988 Act places a specific duty on this officer to make a public report in specified cases of actual or anticipated financial misconduct).
Section 191(2)	Officer to whom applications under S1 Ordnance Survey Act 1841 shall be sent.
Section 228(3)	Officer responsible for making "Proper Officer" accounts open to inspection by members of the authority.

D.3 Monitoring Officer

In the absence of the above, the Borough Solicitor or her nominee may act as Proper Officer in respect of any of the below matters provided always that any person appointed "Deputy Monitoring Officer" shall assume the role of Monitoring Officer.

Local Government Act 1972	
Section 100(B)	Officer to decide which exempt items shall be excluded from those made available to the public before a meeting.
Section 100(C)	Officer to make a written summary of proceedings where exclusion is necessary of parts of minutes which would reveal exempt information.
Section 100(F)	Officer to decide that documents relating to the business of the Council, which contain exempt information under paragraphs 1-6, 9, 11, 12 and 14 of Part 1 of Schedule 12A, are not required to be open for inspection by all members of Council.

Section 236 (9) and (10)	Officer responsible for sending a copy of every by-law made by the Council to Parish Councils, Town Councils and Parish Meetings within the District and to the County Council.
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Local Government (Miscellaneous Provisions) Act 1976

Section 41	Officer who shall certify copies of resolutions and minutes of proceedings of the Authority.
Data Protection Act 2018	Officer designated as the Council's Data Protection Officer.
Freedom of Information Act 2000	Officer responsible for Access to Information.

.3A

Head
of

Local Government and Housing Act 1989

Section 5	Officer designated as the Council's Monitoring Officer.
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Legal Services

Section 223 (1)	Officer authorised to prosecute or defend or to appear on the Council's behalf.
Section 238	Officer who shall certify a copy of a by-law made by the Council for evidence purposes.

D.4 Strategic Director of Place

In the absence of the above, any of the Strategic Directors shall be the Council's Proper Officer for any of the below purpose.

Local Authorities Cemeteries Order 1977	Officer responsible for the registration of burials and for the storage of appropriate records and the operational management of cemeteries.
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In respect of matters arising under the Building Act 1984, the Council's Building Control Manager shall be its Proper Officer. In respect of all other matters, the Strategic Director of Development Services or the relevant manager responsible for dealing with the matter in question shall be the Proper Officer of the Council.

Building Act 1984	
Section 61	Officer who shall be permitted to have free access to works of repair etc to drains.
Section 78	Officer who may exercise the powers of Sub-Section (1) relating to emergency measures necessary in respect of dangerous buildings or structures.
Other	Officer authorised to serve any notice in respect of matters within his/her area of responsibility where such service is to be undertaken by an Officer designated by the Authority.

Stroud Port Health Authority Order 1979	Officer designated as Proper Officer for the purposes of this Order and any related legislation. To be the appointed Registered Medical Practitioner for the purposes of this Order and any related legislation.
Public Health (Control of Disease) Act 1984	To be the Proper Officer of the Authority for all purposes under this Act other than those for which any other officer is specifically so designated.

D.5 Strategic Director Communities

In the absence of the above, the Head of Housing Management shall be the Council's Proper Officer for any of the below purpose.

Rent Act 1977	Officer authorised to sign certificates on behalf of the Council, as the Local Housing Authority.
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D.8 Generic

The Chief Executive, the Strategic Directors and the Monitoring Officer are designated “Proper Officer” in respect of the following functions in so far as the matter relates to their respective areas of responsibility. In the absence of a Strategic Director, the relevant Service Head or manager, responsible for dealing with the matter in question shall be the “Proper Officer” of the Council.

Local Government Act 1972	
Section 229(5)	Officer responsible for certifying a photographic copy, as being a copy of an original document.
Section 234	Officer authorised to authenticate documents which require such authentication.
Section 100D	Officer responsible for the identification and listing of background papers in his/her name or joint reports where his/her name is the first shown.
Regulation of Investigatory Powers Act 2000	Such officer or officers who may be designated to grant authorisation for the carrying out of intrusive surveillance under Sections 28 and 29 of Regulation of Investigatory Powers Act 2000 which as at October 2020 is the Head of Health and Wellbeing and Strategic Director of Place.

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