



STROUD DISTRICT COUNCIL

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CONSTITUTION

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Stroud District Council

Articles of the Constitution

Section 1 - Articles of the Constitution

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1. Article 1 – The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

This document and appendices is called the Constitution of Stroud District Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- (a) Enable the Council to provide clear leadership to the community in partnership with residents, businesses, third sector and other organisations.
- (b) Support the active involvement of residents in the process of local authority decision-making.
- (c) Help councillors represent their constituents more effectively and to serve those who live, work and visit Stroud District.
- (d) Enable decisions to be taken efficiently and effectively and in an open and transparent manner.
- (e) Create a powerful and effective means of holding decision-makers to public account and that no one will review or scrutinise a decision in which they were directly involved.
- (f) Ensure that those responsible for decision-making are clearly identifiable to residents and that they explain the reasons for decisions.
- (g) Ensure that high standards of probity and ethics are evident in decision-making and all activities of the Council.
- (h) Provide a means of improving the delivery of services to residents; and
- (i) Provide a means of supporting the Council to deliver its Corporate Plan as adopted for the current municipal year.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks best applies the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

2. Article 2 - Members of the Council

2.1 Composition and eligibility

- (a) **Composition** - The Council will comprise 51 members for 28 wards, otherwise called Councillors who are elected by voters of each electoral ward in accordance with the Local Government Boundary Commission for England.

(b) Eligibility - Only registered voters of Stroud District or those living or working there will be eligible to hold the office of Councillor.

2.2 Election and terms of Councillors

Under normal circumstances, the ordinary election of all Councillors will be held on the first Thursday in May every four years. The terms of office of Councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later. Vacancies arising during the four-year term are filled by holding a by-election. Due to the Covid Pandemic, the elections in 2020 were postponed until 2021 and as such, this term will run until 2024 which is a three-year term.

2.3 Roles and functions of all Councillors

Role profiles for Councillors are set out in Section 16

(a) Key roles - All Councillors will:

- (i) collectively be the ultimate policymakers and carry out a number of strategic and corporate management functions.
- (ii) be democratically accountable and contribute to the good governance of the area, actively encouraging community participation and resident involvement in decision making.
- (iii) represent their communities providing community leadership and bring their views into the Council's decision-making process.
- (iv) be the advocate of and for their communities.
- (v) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances.
- (vi) balance different interests within the ward and represent the ward as a whole.
- (vii) be involved in decision-making and participate in the governance and management of the Council.
- (viii) be available to represent the Council on other bodies.
- (ix) maintain the highest standards of conduct and ethics.
- (x) take part in member development and training ensuring that they have the necessary skills to undertake the role of councillor.

(b) Rights and duties

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

- (iii) All councillors must comply with any data protection legislation including the requirements of the General Data Protection Regulation (GDPR).
- (iv) Ward councillors have additional rights to information regarding activities in their Ward as covered in the Access to Information Rules.
- (v) Councillor Call for Action (CCfA) - Councillors, can, if they so wish, make use of the Councillor Call for Action powers in accordance with the protocol within this constitution.
- (vi) Ward councillors will be copied into Council initiated town or parish council communications within their ward whenever appropriate.
- (vii) For these purposes, “confidential” and “exempt” information is defined in the Access to Information Rules in Section 3 of this Constitution.
- (viii) No councillor can issue an order or make a contract or any other arrangement binding the Council for works or good or services.
- (ix) Councillors do not have the right to inspect or enter any land unless specifically authorised to do so by the Council.

2.4 Decision Making

All decisions of the Council, its committees and officers will be made in accordance with the following principles:

- (a) the action must be proportionate to the desired outcome.
- (b) after due consultation paying due regard to professional advice from officers.
- (c) with respect for human rights.
- (d) with a presumption in favour of openness.
- (e) with clarity of aims and desired outcomes.
- (f) after due consideration of all objections; and
- (g) after explaining what options were considered and giving the reasons for the decision.

2.5 Conduct

Councillors will at all times observe the Members’ Code of Conduct, the Arrangements for investigating complaints under the Code, the Protocol on Member/Officer Relations and the related Protocols and Codes set out in Sections 7 & 12 of this Constitution.

2.6 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Section 17 of this Constitution.

2.7 Attendance

In accordance with Section 85 of the Local Government Act 1972 a member will automatically be disqualified from being a Councillor if they fail to attend a meeting of the authority for a continuous period of 6 months, unless the authority has agreed to an extension of that period prior to its expiry. The authority considers that the following constitutes attendance for this purpose:

- Attendance at Full Council

- Attendance at a Committee whether as a member of the committee or observer
- Attendance at any working group or task and finish group whether as a member of the committee or observer
- Attendance at member training events
- Attendance at any other events/meetings which the Monitoring Officer, after taken into account all the relevant circumstances, determines as constituting 'attendance' for the purposes of section 85 of the Local Government Act 1972

3. Article 3 – Residents and the Council

3.1 Residents Rights

The Council welcomes participation by all residents in its work. Stroud District Council has a commitment to consult with the Youth Council which has representatives from the secondary schools within the district and acts as a representative voice for the 10,000 young people aged between 11 and 18 years in the area.

Members of the public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Rules.

(a) Voting - Residents registered to vote are actively encouraged to exercise their vote, as part of their commitment to citizenship and local democracy.

(b) Information - Residents have the right to:

- attend meetings of the Council, its Committees and Sub-Committees (if in existence), except where confidential or exempt information is likely to be disclosed and the meeting is therefore held in private. This does not extend to informal working groups or task and finish groups which will be held in private.
- see reports and background papers, and any records of decisions made by the Council and its Committees.
- obtain a copy of the Constitution which is available online or in hard copy for payment of a reasonable fee.
- inspect the Council's accounts and make their views known to the external auditor.
- request disclosure of information which is not exempt or confidential which is held by the Council (Freedom of Information Act 2000).

(c) Participation - Citizens may:

- speak or ask a question at meetings of the Council and its committees according to the Council Standing Orders.
- participate in consultations; and
- submit petitions to Councillors or officers about matters that are of local concern according to Council Standing Orders.
- attend and record meetings in accordance with the Openness of Local Government Bodies Regulations 2014.

(d) Residents Responsibilities - Residents are expected to conduct themselves in an appropriate and respectful manner and not to indulge in violent, abusive or threatening behaviour or language to anyone, including Members and Officers of the Council. This is particularly important when attending or addressing meetings where there are likely to be a wide range of views strongly held by different sections of the community where emotions will run high.

Residents' rights of participation are dependent upon:

- (i) refraining from causing damage to property.
- (ii) respecting the diversity and equality of all sections of the community.
- (iii) respecting the integrity of the roles that Members and professional officers of the Council are required to undertake; and
- (iv) avoiding language, making statements or behaviours that are racist, derogatory or offensive, such conduct can amount to a criminal offence and may also amount to slander or libel.

(e) Complaints - Residents have the right to complain to:

- (i) the Council itself under its complaints scheme.
- (ii) the Ombudsman after exhausting the Council's own complaints scheme.
- (iii) the Monitoring Officer about a breach of the Councillors' Code of Conduct.

4. Article 4 – The Council

4.1 Composition

The Council is made up of the 51 elected Members.

4.2 Council Meetings

There are four types of Council meeting:

- (a) The Annual Meeting
- (b) Ordinary meetings
- (c) Budget Meeting
- (d) Extraordinary meetings

Meetings will be conducted in accordance with the Council Standing Orders.

4.3 Functions and Powers

(a) Functions – Council has a number of specific functions allocated to it by statute. These include:

- approving the Council's Policy Framework
- approving the Council's Budget
- adopting and amending the Constitution

- subject to the urgency procedure contained in the Scheme of Delegation to Officers, making decisions about any matter which is covered by the policy framework or the budget where the decision would be contrary to the policy framework or contrary to or not wholly in accordance with the budget
 - appointing and removing the Leader of the Council
 - appointing and removing the Deputy Leader of the Council
 - establishing, agreeing and amending the terms of reference for committees, deciding on their composition, appointing and removing Members to and from them and appointing their chairs and vice-chairs unless the appointment and removal of members of committees has been delegated by the Council
 - adopting an allowances scheme under Section 17
 - creation of sub-committees is reserved to Council
 - adopting the Pay Statement
 - appointing the Head of Paid Service
 - adopting the Members Allowances Scheme
 - appointing Independent Persons
 - all other matters which, by law, must be referred to Council
- (b) The following plans and strategies where adoption or approval is required by law to be reserved to a meeting of full Council, which will take into account the recommendation of the Policy and Resources Committee or relevant Policy and Service Committee:
- Development Plan Documents (Section 15 of the Planning and Compulsory Purchase Act 2004(3))
 - Licensing Authority Policy Statement (Section 349 of the Gambling Act 2005(4))
 - Plans and alterations which together comprise the Development Plan (the Local Plan) (Part 2 of, and Schedule 8 to, the Planning and Compulsory Purchase Act 2004(6))
- (c) Any plans and strategies where the Strategy and Resources Committee has recommended that adoption or approval should be determined only by a meeting of full Council.
- (d) Budget – The approval or adoption of a plan or strategy for the control of the local authority’s borrowing, investments or capital expenditure, or for determining the authority’s minimum revenue provision, which meaning will include:
- the allocation of financial resources to different services and projects,
 - proposed contingency funds
 - the Council tax base
 - setting the Council tax

- decisions relating to the control of the Council's borrowing requirement
- treasury management functions
- the control of its capital expenditure and
- the setting of virement limits

4.4 Responsibility for Functions

Section 3 of this Constitution sets out those and other responsibilities for the Council's functions, both those above that are reserved to Full Council and those that are delegated to Committees and Sub-Committees, to an officer or to another local authority.

The Council will maintain Section 3 of this Constitution setting out the responsibilities for the Council's functions which are the responsibility of Committees of the Council.

4.5 Rules of Political Balance

Where the Council is comprised of more than one Political Group the rules of political balance set out in the Local Government and Housing Act 1989 and Regulations made under it shall apply to membership of all Committees appointed by the Council.

5. Article 5 – The Chair of Council

5.1 Role and Function of the Chair

The Chair and Vice-Chair will be elected by the Council annually. The Chair and, in his/her absence, the Vice-Chair will have the following responsibilities:

- (a) to uphold and promote the purposes of the Constitution and the values of the Council, and to interpret the Constitution when necessary.
- (b) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and a place at which Members are able to ask questions of the Leader and the Chairs of Committees and are able to hold each other to account.
- (d) to promote public involvement in the Council's activities; and
- (e) to act as the District's first citizen and to attend such civic and ceremonial functions as appropriate.

6. Article 6 – Leader, Deputy Leader and Group Leaders of The Council

6.1 Introduction

As the Council operates a Committee System, no formal legal powers and duties are vested in the Leader or Deputy Leader under the Local Government Act 1972 or the Local Government Act 2000. In practice, however, all local authorities need to appoint

a councillor to hold the most significant elected Member role within the Council, to be seen as the political head of the Council and to provide a focal point for political leadership and strategic direction for the Council, both within the Authority but also to outside organisations, partners, governmental bodies and the community at large.

Likewise, there are several other roles that involve political leadership and representation of the Council, beyond civic or formal functions and the role of a councillor as Member of the Authority (which are described in Article 2 above) and are set out below.

6.2 Appointment of Leader and Deputy Leader

- (a) At the Annual Meeting of Council, it will appoint a Leader of the Council who shall act as Chair of the Strategy and Resources Committee.
- (b) At the Annual Meeting of Council, it will appoint a Deputy Leader of the Council who shall act as Vice-Chair of the Strategy and Resources Committee.
- (c) Once appointed, the Leader and the Deputy Leader will hold office until the next Annual Meeting unless they: -
 - (i) resigns from the office
 - (ii) is no longer a member of the Council or
 - (iii) is removed from office by resolution of the Council
- (d) The process of appointment is set out in the Council's Standing Orders

6.3 Role and Function of the Leader

- (a) The Leader shall be:
 - (i) the Chair of the Strategy and Resources Committee.
 - (ii) entitled to attend all meetings of the Council's functional committees in an ex officio capacity.
- (b) The Leader will:
 - (i) provide a focal point for political leadership and strategic direction for the Council.
 - (ii) represent the interests of the Council in circumstances where that is necessary; and
 - (iii) ensure effective Corporate Governance and ethical conduct throughout the Council.

6.4 Key Responsibilities of the Leader

The Leader will:

- (a) Be the political (rather than ceremonial) leader of the Council, for the benefit of all the District's communities - its residents, taxpayers, businesses, public bodies and other public authorities.
- (b) Represent and pursue the interests of the Council in the community and at international, national and regional levels.

- (c) Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners), and internally for the Council's Chief Officers.
- (d) Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council as a whole to the media.
- (e) Promote the long-term financial, business and economic stability of the Council and the District.
- (f) Meet regularly to progress the Council's objectives with Committee Chairs, the Chief Officers, Group Leaders, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament, etc.
- (g) Promote high standards of corporate governance and ethical conduct throughout the Council including working with all political groups to seek to achieve, where possible, cross party co-operation.
- (h) Promote and maintain professional working relationships and mutual respect between all Members and officers.
- (i) Work across the Council, particularly with the Chairs and Vice-Chairs of its Committees and Sub-Committees, and to be responsible for the development and implementation of the Council's strategic vision for the future, policy framework, budgets and other strategies.

6.5 Role and Function of the Deputy Leader

- (a) The Deputy Leader shall be the Vice-Chair of the Strategy and Resources Committee
- (b) The Deputy Leader will:
 - (i) assist the Leader of the Council in representing the Council to its residents, stakeholders, and partners and in providing political leadership for the Council and the District.
 - (ii) assist the Leader in carrying out the key responsibilities associated with the role of Leader (as set out at 6.4 above);
 - (iii) work with the Leader and Committee Chairs on budget and policy development; and
 - (iv) undertake the responsibilities of the Leader in their absence.

6.6 Political Group Leaders

- (a) Political groups, and the leader (and any deputy group leader) of a political group, have a formal role under the provisions of the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990 in respect of political balance of committees and appointments of the Council.

- (b) The Council acknowledges the key leadership role played by the leaders of all political groups on the Council and the importance of their commitment to cross-party working.
- (c) The role and responsibilities of Political Group Leaders are:
 - (i) To provide the leadership of a political group.
 - (ii) To be the principal political spokesperson for the political group.
 - (iii) To nominate members of their Group to serve on Committees, Working Groups, outside bodies, etc.
 - (iv) To be a representative voice in dealings with government agencies, local authority associations etc.
 - (v) To encourage the highest standards of conduct by members of the group and to work with the Monitoring Officer to resolve complaints informally where appropriate.
 - (vi) To appoint group spokespersons and allocate other responsibilities to group members as appropriate.
 - (vii) To assist in ensuring appropriate levels of attendance are maintained by group members.
 - (viii) To encourage a culture of learning and development among members, including the active participation of group members in briefings, seminars and other learning and development processes.
 - (ix) To maintain effective liaison with the other group leaders, including being a member of an informal Group Leaders' meeting, attending Group Leaders' briefings and so forth.
 - (x) To establish and maintain effective working relationships with the Chief Officers and other senior officers and to meet regularly them in order to keep fully apprised of relevant service issues.

7. Article 7 – Audit and Standards Committee

- 7.1 The purpose of the Audit and Standards Committee is to provide independent assurance to our members of the adequacy of the risk management framework and the internal control environment. The Audit and Standards Committee shall work in co-operation with the Council's statutory officers on corporate governance issues. The Audit and Standards Committee provides independent review of the Council's governance and is responsible for risk management and control frameworks and oversees the financial management and annual governance processes. It oversees internal and external audit, helping to ensure efficient and effective assurance arrangements are in place.
- 7.2 All Councillors are eligible to be Members of the Audit and Standards Committee. The size of the Audit and Standards Committee shall be determined from time to time by the Council. The Audit and Standards Committee may recommend to Council the appointment of one other person with particular skills that will be useful to the

committee as a non-voting co-optee and may co-opt a person, who is not a councillor, to be an independent member of the Audit and Standards Committee.

7.3 The Council has a sub-committee of the Audit and Standards Committee called the Standards Sub-Committee which will have responsibility to consider allegations under the Code of Conduct in respect of District, Town and Parish Councils. It will also consider what sanctions, if any, to impose where allegations are proven.

7.4 The Standards Sub-Committee will consist of three councillors who are not leaders of political groups, one Independent Person appointed by the Council for that purpose and, where the allegation is against a Town or Parish Councillor, one Town or Parish Councillor within Stroud District.

8. Article 8 – Statutory, Regulatory and Other Committees

8.1 Background to Committees

(a) **Power to appoint** - Unless legislation directs otherwise, the Council may appoint a committee or sub-committee of the authority, or the Council with one or more other local authorities may appoint a joint committee of those authorities, and any such committee may appoint one or more sub-committees, for the discharge of any of the Council's functions.

(b) **Form and functions** - The law requires that certain committees must be established and must operate in a particular manner. Those and other committees, where established, are required by law to discharge particular functions and to discharge their functions in particular ways. Council is otherwise free to decide on the size, terms of reference and level of delegation of each committee or sub-committee it establishes. The Council will establish a number of standing committees in order to undertake its functions in a more efficient way or as required. The Committees are grouped accordingly.

(c) **Statutory, Regulatory and Other Committees** - These committees regulate the conduct of the Council's business and make decisions in relation to regulatory, administrative and corporate governance matters. A summary of the functions of each Committee is shown below.

8.2 Statutory Committees

The Council is obliged to establish the following standing Statutory Committees. A summary of the functions of each Committee is shown in the third column of the table below.

<i>Function</i>	<i>Name of Parent Committee</i>	<i>Summary of Purpose</i>
Licensing Act Committee	Community Services and Licensing Committee (See 8.4 below)	This statutory committee is established under the Licensing Act 2003, responsible for discharging the Council's functions as licensing authority under the Licensing Act 2003 and Gambling Act 2005
	Licensing Sub Committee	This Sub-Committees meets to consider individual applications and determinations

8.3 Regulatory Committees

The Council has currently agreed to establish the following standing Regulatory Committees. A summary of the functions of each Committee is shown in the third column of the table below. The detailed terms of reference, functions and powers delegated to each of these committees are more particularly set out in Section 3.

<i>Name of Committee</i>	<i>Name of Sub-Committee</i>	<i>Summary of Purpose</i>
Development Control Committee (Planning)		This committee is responsible for making decisions on planning applications and similar regulatory matters including public rights of way

8.4 Other Committees

The Council has currently agreed to establish the following standing Other Committees. A summary of the functions of each Committee is shown in the third column of the table below.

<i>Name of Committee</i>	<i>Name of Sub-Committee</i>	<i>Summary of Purpose</i>
Strategy and Resources		<p>This is the 'executive' committee of the Council and consists of the Leader and Deputy Leader of the Council, the leader of all political groups and the Chairs of Community Services & Licensing and Housing Committees. It has responsibility for:</p> <ul style="list-style-type: none"> • Resources and finance including the development of budget recommendations to Council. • Liaison with external partners. • Economic development. • Asset management; • Jobs and growth; • Functions in relation pay policy and senior appointments and remuneration.
Audit and Standards Committee		This Committee is responsible for discharging the Council's function to review and approve the annual statement of accounts and to provide independent assurance of the adequacy of the risk management framework and the associated control environment.
	Standards Sub Committee	This Sub-Committee considers individual allegations of a failure to observe the members Code of Conduct
Environment Committee		This Committee is responsible for all matters relating to the following broad areas

<i>Name of Committee</i>	<i>Name of Sub-Committee</i>	<i>Summary of Purpose</i>
		<ul style="list-style-type: none"> • Strategic planning of the Local Plan; • Statutory Building Control; • Matters requiring member decisions relating to public rights of way, traffic orders, street lighting, street naming and numbering and dangerous land (as defined in the Highways Act 1980); • Waste and recycling; • Environmental health; • Canal; • Carbon management.
Housing Committee		This committee is responsible for public and private housing issues relating to the Council's statutory roles and development of Housing Policy.
Community Services and Licensing Committee		<p>The broad portfolio of the committee covers the following functions with the exception of those matters delegated to officers.</p> <ul style="list-style-type: none"> • Licensing • Community Safety • Cultural Services • Public Spaces • Revenues and Benefits • Health & Wellbeing • To undertake the statutory scrutiny function of the Stroud District Community Safety Partnership. <p>In respect to its key function of licensing, the committee has responsibility for:</p> <ul style="list-style-type: none"> • All the licensing functions of the Council including the power to hear and determine on behalf of the Council, any appeal by any person aggrieved by a decision of an officer where the initial right of appeal is to the Council through a Licensing Panel. • To consider and recommend to Council on all matters concerning licensing.

9. Article 9 – Committee Chairs, Vice-Chairs Role and Responsibilities

9.1 Introduction

Some formal powers are vested in the Chair of a committee under the Local Government Act 1972 and a number of powers lie with the Chair under the Council's Standing Orders or the common law, all in relation to the calling of a meeting and the procedure during it. In practice, however, the chairs of committees in a local authority bear a wider responsibility of influence and undertake a wider leadership role on behalf of their committee's remit. The Committee Chair is widely seen as the political focal

point for the functions of the committee, the services they deliver and the business of the committee as a whole.

9.2 Appointment of Committee Chairs and Vice-Chairs

- (a) The Annual Meeting of the Council will agree the appointment of members to committees and the appointment of Chairs and Vice-Chairs to such committees as are provided for, unless the Council decides in any instance not to do so, in which case the chair is appointed at the first meeting of a committee in the municipal year.
- (b) The appointment of a Member as Chair of a Committee shall not take effect unless and until that Member has undergone such training as may be determined by the Council (in the absence of which shall be such training as may be determined by the Monitoring Officer).
- (c) The process of appointment is set out in the Council's Standing Orders.

9.3 Role and Function of Committee Chairs

- (a) The Chair of a Committee shall:
 - (i) lead the work of the committee and make sure it carries out its business effectively and efficiently, lawfully and within its terms of reference;
 - (ii) chair meetings of the committee impartially and in such a way as to facilitate open discussion, obtain valid contributions from members and produce sound decisions;
 - (iii) assist the public and press in terms of their rights of access; and
 - (iv) ensure respectful engagement between the committee, its officers, guests and the public and maintain ethical conduct throughout the meeting.
- (b) The Chair of a Committee will:
 - (i) lead an agenda management process for the Committee in association with the Vice-Chair and Group Spokespersons; and
 - (ii) act as consultee and spokesperson for their Committee in instances of exercise of delegated authority by an officer, where that delegation is subject to being in consultation with the Chair of the Committee or where otherwise requested by a Chief Officer.

9.4 Key Responsibilities of Committee Chairs

- (a) The Chair of a Committee will undertake:
 - (i) To have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair.
 - (ii) To lead in the development of the work of the Committee which they chair in association with the Vice-Chair and Group Spokespersons, including the agenda management process, also taking into account the wider vision, such as corporate, cross-service and partnership issues.

- (iii) To lead in consideration and review of service delivery, policy development and in the implementation of policies approved by the Council where these relate to the Committee which they chair.
- (iv) To be the Council's lead spokesperson in respect of the Committee's activities and act in liaison with the Leader and Deputy Leader in matters of Council policy.
- (v) To establish effective working relationships with the Group Spokespersons on the Committee and with other Committee Chairs and the Leader and Deputy Leader of the Council.
- (vi) To establish effective working relationships with the Chief Officers, and other key officers.
- (vii) To represent and pursue the interests of the Committee which they chair in the community and at regional and national levels.
- (viii) To ensure that meetings of the Committee which they chair are properly conducted and reports of proceedings are forwarded on as necessary, for example to full Council.
- (ix) To promote and uphold high standards of ethical conduct by the Council's Members and officers.

9.5 Role and Responsibilities of Committee Vice-Chairs

The Vice Chair will:

- (a) assist the Chair in carrying out their role and responsibilities as set out at 9.3 and 9.4 above; and
- (b) undertake the responsibilities of the Chair in their absence.

10. Article 10 – Joint Arrangements

10.1 Arrangements to Promote Wellbeing

The Council, in order to take the reasonable action needed 'for the benefit of the authority, its area or persons resident or present in its area' may:

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

10.2 Joint Arrangements

The Council may establish joint arrangements with one or more local authorities to exercise functions and any such arrangements may involve the appointment of a joint committee with these other local authorities.

10.3 Access to Information

The Access to Information Procedure Rules in Section 3 of this Constitution apply.

10.4 Delegation to and from other Local Authorities

- (a) The Council may delegate functions to another local authority.
- (b) Other local authorities may delegate functions to the Council and the decision whether or not to accept such a delegation from another local authority shall be reserved to the relevant Committee of Council.

11. Article 11 – Officers

11.1 Management Structure

- (a) **General** - The Council engages such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers** - The full Council will engage persons who will be designated chief officers (referred to as Statutory Officers and Strategic Directors). Chief Officer appointments are made by Members of the Council in accordance with the Officer Employment Procedure Rules set out at Section 11, which shall include:
 - (i) the statutory chief officers, being the Head of Paid Service - known as the Chief Executive, Chief Finance (s.151) Officer, Monitoring Officer, and
 - (ii) such other chief officers and deputy chief officers as are considered necessary by the authority for the co-ordination and discharge of its different functions.
- (c) **Structure** - The Chief Executive will determine and publicise a description of the overall directorate structure of the Council, showing the management structure and deployment of officers. This is set out on the [website here](#).

11.2 Functions of Chief Officers – known as Strategic Directors

- (a) **Definition** – For these and all other purposes, a Chief Officer of the Council is defined in Part 1 of the Localism Act 2011 and includes each of the following—
 - (i) the head of its paid service designated under section 4(1) of the Local Government and Housing Act 1989
 - (ii) its monitoring officer designated under section 5(1) of that Act
 - (iii) a statutory chief officer mentioned in section 2(6) of that Act
 - (iv) a non-statutory chief officer mentioned in section 2(7) of that Act and
 - (v) a deputy chief officer mentioned in section 2(8) of that Acteach of whom will be subject to specific duties in respect of the legislation related to their post, some of which are described further below.
- (b) **General Role** - Strategic Directors are the Authority's most senior post-holders who are responsible for the day-to-day managerial and operational decisions within the Council and provide support to all Members in their several roles. The generic role of Strategic Directors is to:
 - (i) to support and advise the Council and its Committees on policy and service delivery in order that Members' decisions are based on appropriate advice and information that is both legally and financially sound;

- (ii) to ensure that the policies and decisions of the Council are formulated and implemented effectively and efficiently;
- (iii) to provide strong managerial leadership and direction, foster cross directorate working and implement organisational improvement;
- (iv) to set high standards and drive up the performance, effectiveness and reputation of the Council;
- (v) to work with outside bodies and access additional funds and resources in order to support the Council's programmes of work;
- (vi) to recruit, develop, motivate and inspire staff; and
- (vii) to ensure that the Council's staff work in an ethical environment in accordance with the Council's Officer Code of Conduct and the principles of public life (sometimes referred to as the Nolan principles).

11.3 Statutory Officers

(a) The Council will designate the following posts as shown:

<i>Post</i>	<i>Designation</i>	<i>Legislation</i>
Chief Executive	Head of Paid Service	Section 4, Local Government and Housing Act 1989
Monitoring Officer	Monitoring Officer	Section 5, Local Government and Housing Act 1989
Strategic Director of Resources	Chief Finance (s.151) Officer	Section 151, Local Government Act 1972 & s.114 Local Government Finance Act 1988

Such posts will have the functions described below

(b) Functions of the Head of Paid Service

- (i) **Discharge of functions by the Council** - The Head of Paid Service where They consider it appropriate to do so will report to the authority on:
 - (1) the manner in which the discharge of the Council's functions is co-ordinated;
 - (2) the number and grade of officers required for the discharge of functions;
 - (3) the organisation of officers; and
 - (4) the appointment and proper management of the authority's staff.

in accordance with section 4 of the Local Government and Housing Act 1989
- (ii) **Restrictions on functions** - The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

(c) Functions of the Monitoring Officer

- (i) Maintaining the Constitution** - The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for inspection by Members, officers and the public.
- (ii) Ensuring lawfulness and fairness of decision making** - After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Full Council, or to any relevant committee, if they consider that any proposal, decision or omission would give, is likely to give, or has given, rise to a contravention of any enactment or rule of law, or any maladministration. Such a report has the effect of stopping the proposal or decision being implemented until the report has been considered.
- (iii) Supporting the authority's duty to promote and maintain high standards of conduct** - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Committee with responsibility for standards. The Monitoring Officer will establish and maintain the Register of Members' Interests and ensure it is kept up to date and made publicly available.
- (iv) Conducting Investigations** - The Monitoring Officer will conduct, or arrange to have conducted, investigations in relation to allegations that member or co-opted member of the authority has failed to comply with the Members' Code of Conduct and in relation to public interest disclosures (whistleblowing) complaints in accordance with the authority's adopted procedures, policies and protocols.
- (v) Proper Officer for Access to Information** - The Monitoring Officer will ensure that the decisions of Council and its committees, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (vi) Contributing to corporate management** - The Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of professional administrative legal advice.
- (vii) Providing advice** - The Monitoring Officer will provide advice on issues concerning the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and whether decisions made under delegated authority are in accordance with the terms of delegation established by the Council (the Budget and Policy Framework) to all Members and will support and advise Members and officers in their respective roles.
- (viii) Personal duty** - The duties of the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 shall be performed by them personally or, where they are unable to act owing to absence or illness, personally by such member of his or her staff as have for the time being been nominated by the monitoring officer as his or her deputy for the purposes of this legislation.

(ix) **Restrictions on functions** - The Monitoring Officer may not hold the post of Head of Paid Service nor the post of Chief Finance Officer.

(x) **Monitoring Officer Protocol** - Set out at Section 19 of this Constitution is a protocol which explains the role and function of the Monitoring Officer and the arrangements established for ensuring the role is effectively carried out.

(d) Functions of the Chief Finance Officer

(i) **Ensuring lawfulness and financial prudence of decision making** - After consulting with the Head of Paid Service and Monitoring Officer, the Chief Finance Officer will report to the Full Council, or to any relevant committee, and to the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency, or if the Council is about to enter an item of account unlawfully.

(ii) **Administration of financial affairs** - The Chief Finance Officer will have responsibility for the proper administration of the financial affairs of the Council.

(iii) **Public financial information** - The Chief Finance Officer will provide financial information about the Council to Members of the Council, the media, members of the public and the community.

(iv) **Internal Audit** - The Chief Finance Officer will ensure there is maintained an adequate and effective internal audit function.

(v) **Contributing to corporate management** - The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(vi) **Providing advice** - The Chief Finance Officer will provide advice on issues concerning the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and whether decisions made under delegated authority are in accordance with the terms of delegation established by the Council (the Budget and Policy Framework) to all Members and will support and advise Members and officers in their respective roles.

(vii) **Personal duty** - The duties of the Chief Finance Officer under Section 114 of the Local Government Finance Act 1988 shall be performed by them personally or, where they are unable to act owing to absence or illness, personally by such member of his or her staff as have for the time being been nominated by the chief finance officer for these purposes under sub-section 114(6) of that Act.

(viii) **Restrictions on functions** - The Chief Finance Officer may not hold the post of Monitoring officer and should not hold the post of Head of Paid Service.

(e) Duty to provide sufficient resources

The Council is under a duty to provide the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer with such staff, accommodation and other

resources as are, in that officer's opinion, sufficient to allow their respective legal duties (as described above) to be performed.

11.4 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Member and Officer Relations set out in Section 7 & 12 of this Constitution.

11.5 Employment

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Section 11 of this Constitution.

12. Article 12 – Decision Making

12.1 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Section 4 of this Constitution.

12.2 Principles of Decision Making

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

- (a) Actions should be proportionate to the desired outcome.
- (b) Appropriate consultation will be carried out and decisions will take account of its results.
- (c) Decisions will be taken following receipt of due professional advice from officers.
- (d) Decisions will reflect the spirit and requirements of Human Rights legislation.
- (e) A presumption in favour of openness.
- (f) Decisions will be clear about what they aim to achieve and the results that can be expected.
- (g) Decisions will seek to be sound in terms of Wednesbury reasonableness (i.e. the decision shall not be so unreasonable that no reasonable Council could have reached it, having taken into account all relevant considerations, and having ignored irrelevant considerations).

12.3 Decision Making

Subject to Article 12.4 below, the procedure for decision making will follow at or by:

- (a) **Full Council** - Meetings of the Full Council are to follow the Council Standing Orders set out at Section 3 of this Constitution, except where non-mandatory standing orders are waived by resolution and will follow the applicable procedure rules contained elsewhere within Section 3 of this Constitution.
- (b) **Other Council Committees** – All Committees will follow those parts of the Council Standing Orders and rules of procedure that apply to them set out at Section 3 of this Constitution.
- (c) **Officers** – Decisions made by officers shall adhere to the principles set out at 12.2 above and, in relation to the taking of a decision that, would otherwise have been

taken by the Full Council, a committee or sub-committee of the Council, but has been delegated to an officer either—

- (i) under a specific express authorisation; or
- (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to:
 - (1) grant a permission or licence;
 - (2) affect the rights of an individual; or
 - (3) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position, which is taken to mean expenditure in excess of **£100,000**.

A written record must be produced as soon as reasonably practicable after the decision-making officer has made the decision (called an officer decision notice).

12.4 Decision Making by Council Bodies Acting as Tribunals

- (a) Fair Hearing** - The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person shall follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
- (b) Decision making in private** - Subject to any statutory rules or procedures detailed elsewhere in the Constitution, a body acting as a tribunal is permitted, when all evidence has been submitted and speakers (if any) have finished, will hold discussion in the presence of the speakers and, as appropriate and in compliance with the Access to Information Procedure Rules (Section 4), the public and press, and the decision making may thereafter be taken in private adjournment. Decisions will then normally be announced to those present and remaining post-adjournment, at least in summary form, before a decision is issued in writing.

13. Article 13 – Finance, Contracts and Legal Matters

13.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Section 5 of this Constitution.

13.2 Contracts

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Section 6 of this Constitution.

13.3 Legal proceedings

Unless delegated to Tewkesbury Council (One Legal), the Monitoring Officer, or in their absence or acting under delegated authority, the Deputy Monitoring Officer, is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where they consider that such action is necessary to protect the Councils interests.

13.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Monitoring Officer, or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding the amount as specified in the Contract Standing Orders is entered into on behalf of the local authority shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least one officer.

13.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Director of One Legal. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer and/or the Director of One Legal should be sealed. The affixing of the Common Seal will be attested by the Director of One Legal or person nominated by them or the Monitoring Officer or some other person authorised by them.

14. Article 14 – Review and Revision of The Constitution

14.1 Duty to Monitor and Review the Constitution

The Constitution Working Group set up by Strategy and Resources Committee and the Monitoring Officer shall monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

14.2 Protocol for Monitoring and Review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

- (a) Observe meetings of different parts of the member and officer structure.
- (b) Undertake an audit trail of a sample of decisions.
- (c) Record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
- (d) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.

14.3 Changes to the Constitution

- (a) **Approval** - Changes to this Constitution will only be approved by the Full Council after consideration of the proposal by the Constitution Committee following receipt of a written report of the Monitoring Officer, except that:

- (i) changes to the Articles of this Constitution will only take effect from the meeting of Council following the meeting that determines the approval (unless legal advice is received from the Monitoring Officer requiring earlier implementation); and
- (ii) minor and consequential changes, such as those:
 - (1) to factual references.
 - (2) as are required by legislative or legal changes and developments.
 - (3) to reflect changes in procedures and protocols adopted by Committees; and
 - (4) to reflect revised arrangements for the distribution of responsibilities and the delegation of powers to officers in accordance with decisions taken by the appropriate committee or chief officer authorised to take such action may be made by the Monitoring Officer.

(b) Change from a Committee form of governance to an executive or alternative form of governance, or vice versa. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

15. Article 15 – Suspension, Interpretation and Publication Of The Constitution

15.1 Suspension of the Constitution

- (a) Limit to Suspension** - The Articles of this Constitution may not be suspended. The rules of the Council contained in Section 3 may be suspended by the Full Council to the extent permitted within those Rules and the law.
- (b) Procedure to Suspend** - A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of serving Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

15.2 Interpretation

The ruling of the Chair of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

15.3 Publication

- (a) Members** - The Monitoring Officer will ensure that the Constitution is brought to the attention of each Member upon delivery to him/her of their individual's declaration of acceptance of office on first being elected to the Council and shall also provide a printed copy to that Member upon request.

- (b) **Public and press** - The Monitoring Officer will ensure that the Constitution will be available electronically on the Council's website and that copies can be purchased by members of the local press and the public on payment of a reasonable fee.



Stroud District Council

Meetings of the Council

This section of the Constitution provides a summary of the Council bodies and the detailed terms of reference for each of those bodies. The terms of reference explain the areas of work that will be considered by each body.

Summary of Council Bodies

Meeting	Number of Councillors	Notes
Council	All 51 members	
Strategy and Resources	13	<p>The chair of this committee is the Leader of Council. The vice-chair of this committee is the Deputy Leader of Council.</p> <p>The Chair of the Community Services, Environment and Housing committees will each have seats on the Committee as will the leaders of each political group.</p> <p>A member of the Committee will be appointed to chair the Council's District Planning Review Body which shall consider issues affecting the delivery of the Council's strategic planning policies; review planning appeal decisions which have key implications for the Council's strategic planning policy or planning performance; and where appropriate make recommendations on the above matters to the Strategy & Resources Committee to promote the continuous improvement in planning performance and planning policy strategy.</p>
Community Services and Licensing	12	<p>This committee has a sub-committee known as the Licensing Panel which determines relevant licensing applications. The Panel comprises 3 Councillors who are trained on licensing matters and who are members of the committee.</p> <p>No Councillor whose employment or business involves dealing with licensing matters within the district should be a member of the Licensing Panel. All Councillors and their appropriate Group Leaders must consider the appropriateness of their involvement in the Panel. They are required to make a reasonable assessment of whether their professional interests would preclude them from sitting on the Panel and / or committee. Advice should be sought from the Monitoring Officer in advance of any appointments. It is anticipated that a cautious (whilst practical) approach in the interests of the Council should generally be taken.</p>
Environment	12	
Housing	12 + up to 2 Co-opted members	The two co-opted members act as representatives of the Council tenants and are entitled to speak (but not vote) on matters concerning Council housing. The Committee also holds a variety of events which seek to maximize tenant engagement and effective consultation by the Council on issues affecting its housing.
Audit and Standards	11	In addition to this committee, the Council has a Standards Panel which is comprised of the Chair of Council (or in their absence the Vice-Chair), two Parish / Town Councillors and independent members who are co-opted to the

		Council to determine reports that district or Parish / Town Councilors have breached their Members' Codes of Conduct in accordance with the procedures set out in this constitution.
Development Control	12	No Councillor whose employment or business involves dealing with planning matters within the district should be a member of the Development Control Committee.

Terms of Reference

FULL COUNCIL

The full Council primarily undertakes the following work, although it ultimately responsible for all functions of the Council:

1. Adopting and making substantive changes to the Constitution;
2. Approving or adopting the Annual Budget and setting the Council Tax;
3. Any application to the Secretary of State in respect of any Housing Land Transfer;
4. Agreeing and/or amending the terms of reference for committees, deciding on their composition and appointing chairmen and vice chairmen to them⁴;
5. Decisions relating to the creation of sub committees are reserved to Council and shall not be undertaken by committees themselves;
6. Adopting a members' allowances scheme;
7. Confirming the appointment, dismissal or retirement of the Head of Paid Service;
8. Approving the proposals for salary packages or severance payments of £100,000 or more;
9. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
10. All other matters which by law must be reserved to Council including but not restricted to the approval of the Local Plan;
11. Approving joint arrangements as necessary, with one or more local authorities to carry out such functions as it considers appropriate, including the appointment of a Joint Committee.

COMMITTEES ⁴

The terms of reference of committees are not an exhaustive list and should be interpreted broadly. Generally, committees are tasked with undertaking all functions associated with their broad purpose and terms of reference. This may include dealing with strategies, policies and performance monitoring as opposed to the detail of service delivery.

The terms of reference of committees need to be balanced with the delegations to officers. The expectation is that officers will be able to take decisions to further the objectives, policies and strategies set by committees.

With the exception of those matters delegated to officers and the Development Control Committee which has a quasi judicial role, all committees will have responsibility for the following as relevant to their functions:

- All strategies and policies associated with their functions that are not reserved for Council;

- Over-viewing and scrutinising the outcomes of projects with reference to the effective delivery of the Council's Corporate Delivery Plan, including its Jobs and Growth Strategy (and / or other key corporate policies / strategies as may be adopted from time to time);
- Setting of fees and charges, monitoring budget and performance management;
- Engagement with the business, statutory, voluntary and community sectors;
- Establish ad hoc task and finish groups to consider matters and report to committee;
- Appointments to outside bodies pertinent to their other terms of reference.

With the exception of the Development Control Committee, at the commencement of each civic year, each committee will produce a work plan report to help promote the committee's scrutiny work.

Performance Reporting Arrangements

Any two members of each committee will meet on quarterly basis with senior management teams in non decision making informal meetings. These members will then report back to committees on an exception basis to report highs and lows.

Strategy and Resources Committee ^{2,3}:

The broad portfolio of the committee covers the following functions with the exception of those matters delegated to officers.

- Resources and finance including the development of budget recommendations to Council;
- Liaison with external partners;
- Economic development;
- Overview in reviewing the Local Plan;
- Asset management;
- Jobs and growth;
- Functions in relation to fair pay policy and senior appointments, including the ability to establish an appointments and employment panel to deal with:
 - The recruitment of the Chief Executive and other Chief Officers;
 - Variation of the terms and conditions of employment of the Head of Paid Service;
 - Recommendation to Council on the appointment or dismissal of the Chief Executive (Head of Paid Service) and in relation to dismissal only following the report of a Designated Independent Person;
 - To appoint a panel and consider the report of the same pursuant to Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015/881 on disciplinary action in relation to the Chief Executive, Monitoring Officer or Chief Financial Officer.

Community Services and Licensing Committee ^{1,2,3}:

The broad portfolio of the committee covers the following functions with the exception of those matters delegated to officers.

- Licensing¹;
- Community safety;

- Cultural services;
- Public spaces;
- Revenues and benefits;
- Health and well being;
- To undertake the statutory scrutiny function of the Stroud District Community Safety Partnership.

In respect to its key function of licensing, the committee has responsibility for:

- All the licensing functions of the Council including the power to hear and determine on behalf of the Council, any appeal by any person aggrieved by a decision of an officer where the initial right of appeal is to the Council through a Licensing Panel.
- To consider and recommend to Council on all matters concerning licensing.

Each Member of the committee is required to complete in full an induction programme; undertake regular training; and attend development updates in relation to the licensing function. Any Member not undertaking these training activities will be unable to serve on the Licensing Panel until such time that the full training requirement has been met.

Environment Committee ^{2,3}:

The broad portfolio of the committee covers the following functions with the exception of those matters delegated to officers:

- Strategic planning of the Local Plan;
- Statutory Building Control;
- Matters requiring member decisions relating to public rights of way, traffic orders, street lighting, street naming and numbering and dangerous land (as defined in the Highways Act 1980);
- Waste and recycling;
- Environmental health;
- Canal;
- Carbon management.

Housing Committee ^{2,3}:

Since the 1st December 2016, the broad portfolio of the committee covers the following functions with the exception of those matters delegated to officers:

- Public and private housing issues affecting the Council's housing authority roles; and
- Housing Policy.

Development Control Committee^{1,2,3}:

The committee has responsibility for discharging the following functions:

- Statutory development and planning control and public rights of way;
- Consider and report on such matters as referred by Council or the Environment Committee.

All Members and officers involved in the Development Control Committee and the planning process will have due regard to, and abide by, the member protocol on planning.

Members must attend DC training annually. New Members must attend induction training before they can sit on the Committee. Any Member not undertaking these training activities will be unable to serve on the Committee until such time that the full training requirement has been met.

Audit and Standards Committee

The Chair of the Audit and Standards Committee to be drawn from outside the group or groups forming the administration.

To include an Independent Member who is not a Councillor or an officer of the Council.

Quorum of 5.

(1) Statement of Purpose

- The Audit and Standards Committee is a key component in the Council's corporate governance structure ensuring compliance and maintenance of high ethical standards. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- The purpose of the Committee is to provide independent assurance to Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of the council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

(2) Governance, Risk and Control

- To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local Code of Corporate Governance.
- To review and approve the Annual Governance Statement (AGS) and consider whether it properly reflects the risk environment, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To consider the adequacy of Council's framework of assurance i.e. the Three Lines of Defence model.
- Undertaking regular monitoring of the Council's treasury management policies and practices.
- To monitor the effective development and operation of risk management in the Council and to monitor progress in addressing risk-related issues reported to the committee.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To review the governance and assurance arrangements for significant partnerships or collaborations.

(3) Ethical Governance / Conduct

- To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- To monitor the counter-fraud strategy, actions and resources.
- To be responsible, in consultation with the Monitoring Officer, for all matters relating to the Members Code of Conduct
- Keeping under review a Code of Conduct to promote high ethical standards amongst Officers and to promote and maintain high standards of conduct by Officers.
- Keeping under review the Council's 'whistle-blowing' policy.
- Keeping under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman.
- To promote, maintain and assist the achievement of high standards of conduct by Councillors and co-opted members in accordance with the Council's Code of Conduct for Members.
- To monitor the operation of the Code of Conduct for Members and be responsible for dealing with any matters referred to the Committee by the Monitoring Officer.
- To advise the Council on any amendment or revision of the Code.
- To secure mandatory training of Councillors and co-opted Members on the Code of Conduct for Members.
- To keep under review the Register of Members' Interests maintained by the Monitoring Officer.
- To keep under review the Register of Gifts and Hospitality maintained by the Monitoring Officer
- To establish a Sub-Committee to hear allegations that Members have failed to comply with the Authority's Code of Conduct.
- To assess and review allegations of Member misconduct and to determine allegations of Member misconduct.

(4) Internal Audit

- To approve the Internal Audit Charter and Code of Ethics.
- To review proposals made in relation to the appointment of external providers of internal audit services.
- To review and approve the risk-based internal audit plan.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements, including significant consulting services not already included in the audit plan, prior to acceptance of the engagement, if this materially impacts on core assurance activity.
- To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.
- To contribute to the Quality Assurance and Improvement Programme (QAIP) and to the external quality assessment of internal audit that takes place at least once every five years.

- To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services.
- To consider the Head of Internal Audit's annual report and the opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the AGS.
- To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- To provide free and unfettered access to the committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the Committee.

(5) External Audit

- To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments Ltd (PSAA) or the authority's auditor panel as appropriate.
- To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- To monitor management's response to the External Auditor's findings and the implementation of External Audit recommendations.
- To commission work from internal and external audit.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

(6) Financial Reporting

- To review and approve the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

(7) Accountability Arrangements

- To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- To report to full council on a regular basis on the Committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

	<ul style="list-style-type: none"> • To publish an annual report on the work of the Committee. <p>Note: The Committee has the right to require the attendance of any council officers or members in order to respond directly to any issue under consideration. In addition, the Committee has clear rights of access to other committees/functions, for example service committees, risk management group and other strategic groups.</p>
<p>Sub-Committee</p> <p>5 Councillors proportional to the political composition of the Council. Two Independent Persons</p> <p>Quorum of 3 present for its duration which must include at least one Independent Person</p>	<ol style="list-style-type: none"> 1. To receive reports referred from the Monitoring Officer following investigations into complaints against District and Parish Councillors and other steps associated with that function. 2. To conduct standards hearings and all other steps associated with that function in relation to the District and Parish Councils, including the imposition of sanctions for District Councillors and making recommendations on sanctions to Parish Councils taking into account the advice of the Independent Person. 3. If the panel determines that a breach of the Authority's Code of Conduct has occurred, the panel can impose one or more of the following if appropriate: <ol style="list-style-type: none"> a) Censure; b) Report to Council; c) Recommend actions to the Leader of the Council; d) Recommend actions to Group Leader; e) Removal from Outside Bodies; f) Withdrawal of facilities, such as Council email/website/internet access; g) Exclusion from the Council offices or other premises with the exception of meeting rooms as necessary for attending Council, Committees or Sub-Committees and/or nominating a single point of contact; and/or h) Requesting the Member to undertake actions deemed appropriate e.g. training, issue of an apology. 4. To set-up when necessary an interview panel comprising of the lead members of each party to shortlist and interview candidates for the role of Independent Person. 5. To recommend successful candidates to the Council to be chosen by a majority of Councillors.

Notes:

1. Whipping

Within the context of the quasi-judicial functions of the Council undertaken by the Development Control Committee, the Audit and Standards Committee and the Licensing Committee, the whip must not be applied by any of the political groups on their Members when they are undertaking such functions. No political meetings of the committee shall consider any such quasi-judicial business of these committees. For the avoidance of doubt, all members of these committee are required to act in

accordance with the specific protocols and guidance that the Council may issues from time to time in connection with such quasi-judicial functions.

2. Task and Finish Groups

The Strategy and Resources, Community Services and Licensing, Environment and Housing Committees have the ability to establish task and finish groups to consider matters and report to committee, normally with a maximum life of three months.

3. Joint Meetings

Joint meetings of committees may take place when required to consider a matter that crosses two committee areas.

4. Procedure when a Councillor resigns from a committee or stops being a Councillor

A Councillor can resign from a committee by notifying the Chief Executive or Monitoring Officer in writing. If someone stops being a Councillor or resigns from a committee, the Group Leader of the relevant political group (if any) or in their absence their deputy) can nominate a replacement committee member who will fill the vacancy immediately. The replacement member's appointment will be confirmed at the next Council meeting.



Stroud District Council

Council Procedure

Rules

These procedure rules apply to meetings of the full Council (when all members attend as voting members) and committee meetings; and states any exceptions which apply to some of these rules for certain meetings.

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Procedure Rules Applying to all Meetings (unless otherwise specified under the exceptions below)

1. Exceptions Of Rules to Certain Meetings

Meetings	Exceptions
Audit and Standards Committee	No motions No limit on number of questions from members No restriction on the number of times a member can speak during debate
Development Control Committee	No restriction on length of meeting No written questions or motions Public speaking permitted on the planning schedule in accordance with operational details agreed between the Head of Planning and the Chair of Development Control Committee No limit on number of questions from members No restriction on the number of times a member can speak during debate
Service Committees	No limit on number of questions from members No restriction on the number of times a member can speak during debate
Licensing Panel	No Public/Member Questions No Motions

2. Full Council Meetings

There are four types of Council meeting:

- Annual Meeting
- Ordinary meetings
- Extraordinary meetings
- Budget and Council Tax Setting meetings

2.1. Annual Meeting

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days immediately following the day of retirement of the Councillors. In any other year, the annual meeting will take place on such date in May as the Council may fix.

2.1.1. At the annual meeting the Council will:

- (a) Elect the Chair of Council
- (b) Elect the Vice-Chair of Council
- (c) Elect a person to preside if the Chair and Vice-Chair of council are not present
- (d) In an election year, receive a report on the outcome of District elections
- (e) Elect the Leader of the Council (Chair of Strategy & Resources)
- (f) Elect the Deputy Leader of the Council (Vice Chair of Strategy & Resources)
- (g) Receive any declarations of interest from Members
- (h) Approve the Minutes of the last meeting
- (i) Receive any announcements from the Chair of Council and / or the Chief Executive
- (j) Agree any changes to and affirm the Constitution
- (k) Appoint to committees, in that the annual meeting will:
 - appoint such committees as are required or the Council considers appropriate for the municipal year (noting that Council may decide at subsequent meetings to dissolve committees, alter their terms of reference or to appoint new committees).
 - decide the allocation of seats to political groups in accordance with the rules on political balance
 - receive nominations of Members to serve on each committee
 - appoint to those committees (except where appointment to those bodies has been delegated by the Council)
 - appoint the Chairs and Vice-Chairs of those Committees.
- (c) appoint Members to such panels, advisory committees, working parties and miscellaneous other bodies and appoint Members (and/or other individuals) to outside bodies and organisations, unless otherwise delegated; and
- (d) Agree the initial proposals for municipal diary of meetings for the year (if not previously approved by Council at an ordinary meeting)
- (e) Receive details of the civic fund expenditure for the previous municipal year
- (f) Consider any business set out in the notice convening the meeting.

Unless otherwise determined by statute, the Chair may vary the order of the agenda at their absolute discretion and may allocate or reallocate an appropriate time for the transaction of each item.

2.2 Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided by the Council and will:

- (a) Elect a person to preside if the Chair and Vice-Chair are not present
- (b) Receive any declarations of interest from Members
- (c) Approve the Minutes of the last meeting(s) of Council
- (d) Receive any announcements from the Chair, Leader, or the Chief Executive
- (e) Receive questions from, and provide answers to the public in relation to matters which in the opinion of the Chair at the meeting are relevant to the business of the Council in accordance with Standing Order 8 below
- (f) Receive any reports from the Council's Committees for consideration and receive questions and answers on any of those reports
- (g) Receive questions on notice from, and provide answers to, Members in accordance with Standing Order 9 below
- (h) Consider motions on notice in accordance with Standing Order 10
- (i) Consider any other business specified in the summons to the meeting.

2.3 Budget and Council Tax Setting Meetings

A Budget Meeting of the Council will take place in accordance with a programme decided by the Council and will:

- (a) Elect a person to preside if the Chair and Vice-Chair are not present
- (b) Receive any declarations of interest from Members
- (c) Set the Budget and any other financial matters as advised by the Section 151 Officer
- (d) Receive any budget reports from Committees
- (e) The business to be conducted at a budget and council tax setting meeting shall be restricted to reports of a financial nature and there shall be no consideration of motions, questions etc. except that the Chair (or person presiding) may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

2.4 Extraordinary Meetings

2.4.1. Calling extraordinary meetings.

Those listed below may convene extraordinary Council meetings in addition to ordinary meetings:

- (a) the Council by resolution
- (b) the Chair of the Council
- (c) the Chief Executive, Monitoring Officer or Chief Financial Officer; or

- (d) any five Members of the Council if they have signed a requisition presented to the Chair of the Council and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

2.4.2. The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes, motions, questions or reports from committees etc. except that the Chair (or person presiding) may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

2.4.3. At extraordinary meetings the Council will:

- (a) Elect a person to preside if the Chair and Vice-Chair are not present
- (b) Receive any declarations of interest from Members
- (c) Receive a report about the subject of the extraordinary meeting.

3. Time and Place of Meetings

3.1. The time and place of meeting will be determined by the Chief Executive and notified in the summons.

4. Notice of and Summons to Meetings

4.1. The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting, the Proper Officer will send a signed summons to every member of the Council. The summons will normally be sent via electronic means. The summons will give the date, time and place of each meeting and specify the business to be transacted at the meeting (the agenda) together with accompanying reports.

5. Chair of Meeting

5.1. The person presiding at the meeting may exercise any power or duty of the Chair of Council. Where these rules apply to committee meetings, references to the Chair of Council also include the Chair of Committees.

5.2. Members can only speak when invited by the Chair and must stop speaking if directed by the Chair.

5.3. The Chair of the meeting may allow urgent items which have arisen since the dispatch of the agenda in consultation with the Council's Monitoring Officer. The reason for urgency must be explained to the meeting and recorded in the minutes.

6. Quorum

6.1. The quorum for meetings of the Council and its committees shall be 50% of the total membership of each of those bodies. For the avoidance of doubt when calculating the

quorum any fractional figures will be rounded up (with the exception of the Audit and Standards Committee due to a Council Motion on 14/12/23).

- 6.2. The quorum for any Licensing Panel of the Community Services and Licensing Committee consisting of three Members shall be 100%.
- 6.3. If at the end of 15 minutes after the time at which any meeting of the Council is scheduled to start or at any later point during any meeting, the Chair declares that there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting. If there is any urgent business requiring decision the matter should be referred to the Chief Executive.

7. Duration Of Meeting

- 7.1. **(This rule does not apply to meetings of a quasi-judicial or regulatory nature)**
The Chair may adjourn the meeting at any point but will in any event adjourn the meeting for a period of ten minutes at a convenient point after one and a half hours.
- 7.2. At the first convenient point after three hours have elapsed since the commencement of any meeting (and in the case of an extraordinary meeting of Council when two hours have elapsed since the commencement of the meeting) the Chair shall ask the members whether the meeting shall continue. Unless the majority of members present vote for the meeting to continue, the meeting shall then dispose of the item then under consideration as if the motion '*That the question be now put*' had been carried (i.e., the debate shall be concluded by the seconder and by the Member who has the right of reply and the vote will then be taken without further discussion), and the Chair will then declare the meeting closed.
- 7.3. Any remaining business of the meeting will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, the remaining business will be considered at the next ordinary meeting unless an extraordinary meeting is convened for that purpose.
- 7.4. If a recorded vote is called for during this process it will be taken immediately
- 7.5. This rule will not apply to meetings of a quasi-judicial or regulatory nature.

8. Questions from the Public

Members of the public who are residents of the District or are representatives of a local firm or organisation may ask questions of the Leader or Deputy Leader of the Council, or the Chair of any Service Committee at ordinary meetings of Council. A question may only be asked if notice has been given in accordance with Standing Order 8.2.

8.1. Order of questions

- 8.1.1. Questions will be asked in the order they were received, except that the Chair may group together similar questions.
- 8.1.2. If the questioner has asked a question at a previous meeting, the Chair shall have the right to change the order of questions or to reject questions which are repetitive.

8.2. Notice of questions

- 8.2.1. A question may only be asked if notice has been given by sending it no later than 12 noon, 3 clear working days before the day of the meeting. Such notice must be in writing or by electronic mail to the Chief Executive c/o:
- Democratic Services,
Ebley Mill,
Ebley Wharf,
Stroud,
Glos, GL5 4UB
- e-mail, democratic.services@stroud.gov.uk
- 8.2.2. Each question must give the name and address of the questioner and must identify the relevant Member to whom it is to be put. Democratic Services staff will help in identifying the relevant Member if required.

8.3. Number of questions

- 8.3.1. A person or organisation may submit a maximum of 3 questions to each meeting.

8.4. Scope of questions from the public

- 8.4.1. The Chief Executive may reject a question if it:
- is not about a matter for which the local authority or committee to which it is addressed has a responsibility; or
 - is illegal, improper, defamatory, frivolous or offensive; or
 - is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - requires the disclosure of confidential or exempt information; or
 - is related to confidential staffing matters; or
 - relates to something that is or should be the subject of alternative recognised procedures for example, staffing issues, complaints, Licensing or Development Control matters
- 8.4.2. Questions may be edited as necessary by the Chief Executive, in consultation with the Chair, to bring them into proper form and to ensure brevity.

8.5. Record of questions

- 8.5.1. The Chief Executive will send a copy of the question to the Member to whom it is to be put within 24 hours of its receipt. Rejected questions will include reasons for rejection.

8.5.2. Copies of all questions and answers will be circulated to all Members and will be made available to the public attending the meeting. In exceptional circumstances an oral answer may be provided at the meeting which will be recorded in the minutes.

8.6. Asking the question at the meeting

8.6.1 The Chair will invite the questioner to put the question to the Member named in the notice. A short preamble to the question may be permitted at the discretion of the Chair. If a questioner who has submitted a written question is unable to be present, the Chair may, at their discretion ask the question on the questioner's behalf, indicate that a written reply will be given, or decide that the question will not be dealt with.

8.7. Supplementary question

8.7.1. A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds set out in Standing Order 8.4.

8.8. Answers

8.8.1. Every question shall be put and answered without discussion, but the person to whom the question has been put may decline to answer. An answer may take the form of:

- (a) a direct oral answer, for which two minutes are allowed for answering a question and two minutes are allowed for answering a supplementary question;
- (b) where the information requested is contained in a publication of the Council, a reference to that publication; or
- (c) a written answer to be provided later to the questioner, where the reply cannot conveniently be given orally, in which circumstance the councillor questioned will arrange for the written response to be provided to the questioner and circulated to all members within 10 working days thereafter.

8.9. Reference of question to a Committee

8.9.1. Unless the Chair decides otherwise, no discussion will take place on any question. At a Council meeting the Chair or another member may move that a matter raised by a question be referred to an appropriate Committee. Once seconded, such a motion will be voted on without discussion.

9. Written Questions by Members (Not Applicable to Licensing Panel or Development Control Committee)

Written questions from members should not be asked at Council or committees in relation to service or performance issues unless a request for information to the appropriate Head of Service has been unsuccessful.

9.1. Questions Without Notice

9.1.1. At a Council meeting a member may ask up to 3 questions about a matter on the agenda without giving notice. The 3 question limit includes any supplementary questions. At Council meetings, the questions would be put to the person presenting the report which would normally be a committee chair. There is no limit to the number of questions at committee meetings.

9.2. Questions Requiring Notice

9.2.1. Other than under the provisions under Standing order 9.1 above, a Member may only ask a question if they have given written notice of it to the Chief Executive by noon at least 3 clear working days before the meeting or the question relates to urgent matters and they have the consent of the Chair of Council, the Leader or, in the case of a Council meeting, the Chair of the committee to whom the question is to be put.

9.2.2. Copies of all written questions and answers will be circulated to all Members and will be made available to the public attending the meeting, and recorded in the Minutes.

9.3. Scope of written questions from Members

9.3.1. The Chief Executive may reject a question if it:

- is not about a matter for which the local authority or committee to which it is addressed has a responsibility; or
- is illegal, improper, defamatory, frivolous or offensive; or
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information; or
- is related to confidential staffing matters; or
- is contrary to the Constitution; or
- is relating to the personal affairs or conduct of individual Members. Complaints about members should be made using the standards system complaints process which is set out in the Constitution.

9.3.2. Questions may be edited as necessary by the Chief Executive, in consultation with the Chair, to bring them into proper form and to ensure brevity.

9.4. Response

9.4.1. An answer will be recorded in the minutes and may take the form of:

- (a) a direct oral answer; or
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner within a reasonable time.

9.5. Supplementary question

9.5.1. A Member asking a question under the provisions requiring notice may ask one supplementary question, without notice, of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

10. Motions on Notice (Not Applicable to Audit and Standards, Licensing Panel or Development Control Committee)

10.1. Notice

10.1.1. Except for motions which can be moved without notice under Standing Order 11.2 written notice of every motion, signed by at least 2 Members, must be delivered to Chief Executive not later than noon, 10 clear working days before the date of the meeting.

10.1.2. Where a motion is submitted by email, an indication of support signed by another Member must also be received – this may also be by email. No Member may propose or second more than 3 motions at a single meeting. If the meeting is not specified, then the Chief Executive shall decide which meeting it shall be addressed to.

10.2. Motion set out in agenda

10.2.1. Motions for which notice has been given will be listed on the agenda, with the names of the proposer and seconder, in the order in which they were received, unless the Member giving notice withdraws it in writing prior to the agenda dispatch. If the motion relates to a matter already on the agenda, they will appear alongside that matter.

10.3. Scope of Motions

10.3.1. The following will be determined by the Chief Executive in consultation with the relevant committee Chair, and Motions must:

- (i) be about matters which are related to the responsibilities of the Council or which affect the Council or the District.
- (ii) not relate to the personal affairs or conduct of individual Members.
- (iii) not be substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (iv) not require the disclosure of confidential or exempt information
- (v) avoid inappropriate or inflammatory language.

11. Motions Not Moved

11.1. If a motion which is specified in the summons is not moved by the Member who has submitted it, or, in their absence by some other Member on their behalf, then, unless postponed by consent of the Council, it will be treated as abandoned, and a fresh motion will have to be submitted.

11.2. Motions Without Notice

11.2.1 The following motions may be moved without notice:

- (a) to appoint a Chair of the meeting if the usual Chair and Vice-Chair are not present at the meeting;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 3 hours in duration;
- (n) to exclude the public in accordance with the law regarding public access to information;
- (o) to not hear further a Member named under the relevant rule or to exclude them from the meeting under the relevant rule;
- (p) to give the consent of the Council where its consent is required by this Constitution;
- (q) To suspend standing orders within the Constitution.

11.3. Motions of No Confidence (applicable to full Council meetings only)

11.3.1 The following procedure shall apply at a meeting of full Council, if a motion of no confidence is proposed in the Chair of Council or a Chair of Committee:

- (i) A written motion proposing 'no confidence' shall be delivered in person to the Chair of Council (or in their absence the Chief Executive) at least 12 clear working days before the meeting of the Council at which it is proposed to be debated. Motions may be supplied by electronic means.
- (ii) No such motion shall be inserted in the summons for a meeting of the Council unless it is signed by at least 20 Members of the Council, sets out in full to whom the motion is directed and gives details of the reason(s) why the motion is to be proposed.
- (iii) If moved and seconded at Council, the motion shall be properly debated and a simple majority of the whole Council shall suffice to carry the motion.
- (iv) If the motion is carried it shall have the effect of removing the person or persons against whom it is directed from their position as Chair.
- (v) Following such a removal, the meeting of the Council shall be adjourned for such period of time as the Chair (or Vice Chair if the Chair has been removed) shall determine in order to allow the election of a replacement person or persons to fill the vacated post(s).

12. Motions and Previous Decisions

12.1. Motion to rescind a previous decision

12.1.1 A motion or amendment to rescind a decision made at a meeting of Council or a committee within the past six months cannot be moved unless the written notice of motion is signed by at least five Members.

12.2. Motion similar to one previously rejected

12.2.1 A motion or amendment in similar terms to one that has been rejected at a meeting of Council or a committee in the past six months cannot be moved, unless the notice is signed by at least five Members of the committee. If such a motion or amendment is considered then no-one can propose a similar motion or amendment for a further six months.

12.3 Reconsideration during the meeting

12.3.1 No resolution or recommendation (other than a procedural resolution) made by a committee during a meeting shall be rescinded or amended by the committee during the same meeting or any adjournment of it unless there are reasonable grounds for believing that all of the material information was not available at the time that the resolution or recommendation was passed.

13. Rules of Debate

13.1. No speeches until motion seconded

13.1.1 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

13.2. Right to require a motion or amendment in writing

13.2.1 Unless notice of the motion or amendment has already been given, the Chair will normally require it to be written down and handed to them before it is discussed.

13.3. Secunder's speech

13.3.1 When seconding a motion or amendment, a Member may reserve their speech until later in the debate which will normally be immediately prior to the reply by the mover of the original motion. Where the seconder opts to speak later in the debate, no further ordinary speeches shall be made after the seconder has spoken

13.4. Questions

13.4.1 When the motion has been moved and seconded, Members may ask questions at the discretion of the Chair

13.5. Content and length of speeches

13.5.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order. The proposer of a motion may speak for up to 5 minutes when introducing a motion. No other speech may exceed 3 minutes without the consent of the Chair.

13.6. When a Member may speak again

13.6.1 At a committee meeting there is no limit on the number of times a member may speak during debate. At a Council meeting a Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since s/he last spoke;
- (c) if their first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried);
- (d) in exercise of a right of reply (as described below);
- (e) on a point of order; or
- (f) by way of personal explanation.

13.7. Amendments to motions

- (a) An amendment to a motion must be relevant to the motion and must be seconded and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

13.7.1 Provided that the effect of (ii) to (iv) is not to negate the motion (negatory motion).

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of;
- (c) If an amendment is not carried, other amendments to the original motion may be moved;
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion upon which any further amendments may be moved;
- (e) After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments. If there are none and no further debate, the Chair will put it to the vote.

13.8. Alteration of motion

13.8.1. A Member may alter a motion which they have given notice with the consent of the meeting (referred to as a friendly amendment). The meetings consent will be signified without discussion.

13.8.2. The alteration must be one which could have been moved as an amendment and should not propose to substantially amend the intent of the written notice of motion.

13.9. Withdrawal of motion

13.9.1 A Member may withdraw a motion which s/he has moved with the consent of with the consent of both the meeting and the seconder. No Member may speak on the motion after the mover has asked permission to for it to be withdrawn unless permission to withdraw is refused.

13.10 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on their amendment.

13.11 Motions which may be moved during debate

13.11.1 When a motion is under debate, no other motion may be moved except the following procedural motions:

- to withdraw a motion;
- to amend a motion;
- to proceed to the next business;
- that the question be now put;
- to adjourn a debate
- that the meeting continues beyond 3 hours in duration (2 in the case of an extraordinary meeting)
- to exclude the public and press in accordance with the Access to Information Rules; and to not hear further a member named under Standing Order 18.3 or to exclude them from the meeting.

13.12 Closure motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
 - (i) to proceed to the next business;
 - (ii) that the question be put;
 - (iii) to adjourn a debate; or

(iv) to adjourn a meeting.

- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, s/he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

If the vote on this procedural motion is successful then the item falls and will not be voted on and the meeting will move to the next item of business.

- (c) If a motion that the question be put is seconded and the Chair thinks the item has been sufficiently discussed, s/he will put the procedural motion to the vote. If it is passed s/he will give the mover of the original motion a right of reply before putting their motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair considers the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, s/he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.13. Point of order

13.13.1 A Member may raise a point of order at any time. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law and the Member must indicate the rule with reference to the specific Council Procedure Rule or law and the way in which s/he considers it has been broken prior to making any other comment. Where a valid point of order has been raised, the Chair will hear it immediately and their ruling on the matter will be final.

13.14. Personal explanation

13.14.1 A Member may, only with the consent of the Chair, make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the Member which appears to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

13.15 Debates affecting Persons employed by the Council

13.15.1 No matters concerning the conduct of any person employed by the Council shall be discussed at a meeting of Council or committee unless properly constituted for that purpose.

14. Voting

14.1 Majority

14.1.1 Unless legislation or this Constitution provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

14.2 Chair's casting vote

- 14.2.1 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote, i.e. they are not bound to vote the same way as previously.

14.3 Vote

- 14.3.1 Unless legislation requires otherwise or a recorded vote is requested under the relevant rules, the Chair will take the vote by show of hands or by electronic means, or if there is no dissent, by the affirmation of the meeting, i.e. no dissentients.

14.4 Recorded vote

- 14.4.1 If legislation requires, or at least 10% of Members present at the meeting request it immediately prior to the vote being taken, the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes.

14.5 Right to require individual vote to be recorded

- 14.5.1 Where any Member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against or abstained from voting.

15. Minutes

15.1 Signing the Minutes

- 15.1.1 The Chair will sign the Minutes of the proceedings at the next suitable meeting. The Chair will ask if the meeting agrees that the Minutes of the previous meeting be signed as a correct record and will ask the meeting to affirm this. The only aspect of the Minutes that can be discussed is their accuracy.

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

- 15.2.1 Minutes from a previous meeting will not be signed at an extraordinary meeting of Council but will be carried over to the next ordinary meeting.

16. Exclusion of Public and Media

- 16.1 Members of the public and media may only be excluded in accordance with the law concerning public access to information or Council rules regarding disturbance by the public as set out in this Standing Order.

17. Members' Conduct

17.1 Standing to speak (applicable to full Council meetings only)

- 17.1.1 When a Member speaks at full Council they must stand and address the meeting through the Chair. Other Members must remain seated whilst a Member is speaking, unless they wish to make a point of order or a point of personal explanation in

accordance with relevant rules. The Chair will have discretion to allow Members to remain seated where a request is made.

17.2 Chair Standing

17.2.1 When the Chair stands during a debate, any Member speaking at the time must stop and sit down immediately. All other attendees must also be silent.

17.3 Disturbance

17.3.1 The Chair decides who is permitted to speak and when someone must stop speaking. The Chair also has the power to ask someone to stop undertaking a particular action if it is causing a disturbance to the meeting. These powers apply to any person present at the meeting.

17.3.2 If anyone present at the meeting by words or actions causes disturbance or annoyance to proceedings making orderly business impossible, the Chair will warn the person concerned in the first instance. If the disturbance or annoyance continues the Chair may ask the person to leave the room. If the person refuses to leave the Chair may order the removal of the person and / or:

- may order that the room or part of the room be cleared; and / or
- may adjourn the meeting for as long as s/he thinks necessary.

18. Suspension and Amendment of Council Procedure Rules

18.1 Suspension

18.1.1 The right of an individual Member to have their vote recorded and the requirement to sign the Minutes at the next suitable meeting may not be suspended.

18.2 Amendment

18.2.1 Any motion to add to, vary or revoke the Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Constitution Working Group.

18.3 Questions as to procedure or propriety

18.3.1 All questions as to procedure or the propriety of any action or matter in Council or a committee shall be determined by the Chair of the meeting whose decision shall be final.

19. Meetings of Council / Committees

19.1 The dates of meetings for the municipal year will normally be approved no later than the Annual General Meeting of the Council but may, if required, be varied with the consent of the Chair and Vice Chair of the relevant meeting.

20. Attendance of Other Members at Committee Meetings

20.1 A Member may be present at any meeting of a committee of which they are not a Member and may participate as specified for in the provisions for invited guests and non-committee members. If they are attending in relation to matters within their Ward, they may speak only once on any one issue but may not vote.

21. Access to Information Procedure Rules

21.1 Scope

21.1.1 These rules apply to all meetings of the Council and its committees.

21.2 Additional Rights to Information

21.2.1 These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

21.3 Right to Attend Meetings

21.3.1 Members of the public may attend all formal meetings of the Council and its Committees subject only to the exceptions in these rules.

21.4 Notice of Meeting

21.4.1 The Council will give at least 5 clear working days notice of any meeting of the Council and its committees by posting details of the meeting at the Council Offices, Ebley Mill, Ebley Wharf, Stroud and on the Council's website.

21.5 Access to Agenda and Reports Before the Meeting

21.5.1 The Council will make copies of the agendas and reports open to the public available for inspection at its Offices at least 5 clear days before the meeting. If an item is added to the agenda later, the revised agenda and any report will be available for public inspection as soon as practicable.

21.5.2 All agendas, reports, decision notices and minutes which are open to public inspection will be made available on the Council's web site (www.stroud.gov.uk).

21.6 Supply of Copies

21.6.1 For 6 years after the meeting subject to reasonable charges for photocopying and postage the Council will supply copies of:

- (a) any agenda and reports which are open to public inspection.
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda.

21.7 Webcast Record

21.7.1 Copies of webcast meetings will be retained for 6 years and will be available to members and officers for that period, after which they will be archived.

22. Background Papers

22.1 List of background papers

In every report a list will be included of those documents (called background papers) relating to the subject matter of the report which in the author's opinion:

(a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) which have been relied on to a material extent in preparing the report

but does not include published works, legislation, previous reports in the public domain, or those which disclose exempt or confidential information as provided for by law.

22.2 Public inspection of background papers

The Council will make available for public inspection for 6 years after the date of the meeting one copy of each of the documents on the list of background papers.

23. Exclusion of Access by The Public to Meetings

23.1 Confidential information – requirement to exclude public and press

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

23.1.2 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

23.2 Exempt information – discretion to exclude public and press

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

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

23.2.3 To be exempt, the information must fall within the following categories (subject to any condition) AND it must be considered that the information should be excluded in the PUBLIC INTEREST:

Category	Relevant condition for the category
1. Information relating to any individual.	Information is not exempt information unless it relates to any individual.
2. Information which is likely to reveal the identity of an individual.	Information is not exempt information unless it would reveal the identity of an individual.

<p>3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>Information is not exempt information unless it relates to the financial or business affairs of any person, including the body holding that information.</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>Information within paragraph 4 is only exempt if and for so long as its disclosure to the public would prejudice the authority in those or any other consultations or negotiations in connection with a labour relations matter. "Labour relations matters" are as specified in paragraphs (a) to (g) of section 29(1) of the Trade Unions and Labour Relations Act 1974 i.e. matters which may be the subject of a trade dispute.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	<p>Information is not exempt information unless, in view of the Legal Services Manager, legal privilege could be maintained in legal proceedings.</p>
<p>6. Information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.</p>	<p>Information within paragraph 6 is exempt only if and so long as disclosure to the public might afford an opportunity to a person affected by the notice, order or direction to defeat the purpose or one of the purposes for which the notice, order or direction is to be given or made.</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Information is not exempt information unless it relates to action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>

23.2.4 Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

23.3 Exclusion of Access by the Public and Press to Reports

23.3.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public and press to reports which in their opinion relate to items during which the meeting is likely

not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

- 23.3.2 The final decision on whether an item should be considered in exempt session is that of Council or the Committee.

24. Invited Guests and Non Committee Members Attending Committees

- 24.1 Committees have the ability to invite guests to committee meetings. These are likely to be expert witnesses or interested parties whom the committee considers will be able to contribute to its work. The committee will determine the length of the appointment which may be for one meeting or longer but it should only be for as long as the person is likely to contribute to the business of the committee.
- 24.2 The person will not be a co-optee of the committee and will have no voting rights. They will have the ability to speak and participate in the debate at the discretion of the Chair. Members will at all times treat invited guests with respect and will acknowledge their voluntary contribution in asking questions appropriately.
- 24.3 The invited guest will be afforded webcast and microphone provision and will be recognised in the minutes.
- 24.4 In accordance with CPR 22, Members of the Council who are in attendance but are not members of the committee will be treated the same as invited guests.

25. Petitions

- 25.1 Petitions cannot be submitted directly to committee or Council meetings, but may be submitted to the Council by delivering them to:
- Ebley Mill,
Ebley Wharf,
Stroud, GL5 4UB
for the attention of the Corporate Policy and Governance Manager.
- 25.2 If the petition has less than 1100 signatures, it will be referred to the appropriate Strategic Director for a response to be provided to the lead petitioner.
- 25.3 If the petition has 1100 or more signatures and concerns a committee matter, the petition will be referred to the Chair of the appropriate committee and the Chair of Council who will consult the relevant Strategic Director or Head of Service and decide if a response by the service or reference to committee or Council for debate is appropriate.
- 25.4 If the petition has 1100 or more signatures and relates to a matter which Council rather than a committee would be responsible, the petition will be referred to the Chair of Council and the Leader of Council to determine in consultation with the relevant Strategic Director or Head of Service whether the matter should be responded to by the Strategic Director or Head of Service; or referred to Council for debate.

- 25.5 If the item is to be debated at a committee or Council meeting, the lead petitioner will be given 3 minutes to present the petition to the meeting. The committee or Council may debate the item for up to 15 minutes.

NB – there is currently no legal ability to hold formal meetings remotely, but in the event of a change in the law, the following Council Procedure Rule will apply to remote and or hybrid meetings.

In addition, depending on what the legislation says, adjustments may have to be made to this rule.

26. Procedure Rules for The Regulation of Remote Meetings

26.1 General

- 26.1.1 This Procedure Rule applies to remote and / or hybrid meetings, i.e. a meeting where not all members are physically present at a place at the same time. (Hereafter referred to as remote meetings) Remote meetings may be held through electronic, digital, virtual locations, live webcast, live interactive streaming, video and telephone conferencing. The Council uses Zoom as its preferred platform for this purpose, but reserves its ability to use a different platform if it considers that necessary.
- 26.1.2 The Procedure Rules in this Constitution apply to remote meetings in the same way as they do for other meetings of the Council except where they conflict, in which case this Procedure Rule takes precedence in relation to the governance of remote meetings.
- 26.1.3 The Chair, following consultation with the Chief Executive may alter the frequency move or cancel a remote meeting without notice.
- 26.1.4 The Council will endeavour to enable the public to participate in meetings in accordance with legal requirements where possible in terms of asking questions at Council and Committee meetings and making representations at regulatory meetings (Development Control Committee and Licensing) However, this may be restricted to the parties taking part in the meeting depending on the circumstances existing at the time. Other members of the public and press will be able to view the meeting as it will be streamed at a remote location which will be advised in the meeting notice.
- 26.1.5 For the avoidance of doubt, neither the press nor members of the public will be able to access remote meetings which will consider exempt information and those meetings will not be webcast nor will the meeting access arrangements be made available other than to members of the Council.
- 26.1.6 If during a remote meeting a matter which could be considered exempt arises, the Chair in consultation with the Monitoring Officer or the Democratic Services Officer, will move that the item should be considered in private session and, if that motion is approved, will move the item to the end of the meeting agenda and the press and public will be excluded from that item. Members of the public and press can either leave the meeting or will be moved to the waiting room and the live stream will be cut.

26.2 Access to Information

- 26.2.1 In terms of public and press access, requisite notice of the time of the meeting, the agenda and all agenda papers, together with details of how to view the meeting will be made available on the Council's website.
- 26.2.2 Elected Members and members of the public who wish to speak at a Council or Committee meeting and those who wish to make representations at regulatory meetings will be notified of a remote meeting by email which will provide them with the joining details.
- 26.2.3 For all purposes, the terms "notice", "summons", "agenda", "report", "written record" and "background papers" when referred to as being a document that is:
- (a) "open to inspection" shall include for these and all other purposes as being published on the website of the council; and
 - (b) to be published, posted or made available at offices of the Council shall include publication on the website of the Council.

26.3 Remote Access to Meetings

- 26.3.1 For all purposes the term "meeting" is not limited in meaning to a meeting of persons who are present in the same place. Any reference to:
- (i) "place" is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. (The meeting may also be held in a meeting room or Chamber with a proportion of the membership and any participating public additionally attending remotely.)
 - (ii) "open to the public" includes access to the meeting being through remote means including (but not limited to) video conferencing, teleconference, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- 26.3.2 If the Chair is made aware that the meeting is not accessible to the public through remote means due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately for the connection to be restored. If the provision of access through remote means cannot be restored within fifteen minutes, the remaining business will be considered at a time and date fixed by the Chair. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

26.4 Members in Remote Attendance

- 26.4.1 A member in remote attendance is present and attends the meeting, including for the purposes of the quorum, if at any time both of the following conditions are satisfied, those conditions being that the member in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be heard and, where practicable, be seen by, the other members in attendance.
- (ii) to be heard and, where practicable, be seen by any other members of the public attending the meeting.

26.4.2 Attendance at the meeting will be recorded by a Democratic Services Officer and a member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained above are not met.

26.5 Questions and Representations by members of the public

26.5.1 There will be speaking rights for members of the public or their representatives at remote meetings in accordance with the provisions of the Council Standing Orders.

26.5.2 Members of the public will be able to participate in remote meetings in the following ways:

- Questions, representations and petitions should be submitted in advance of the meeting and will be made available to all members of the remote meeting by Democratic Services.
- Questions for Council and Committees (with the exception of Development Control Committee and Licensing Panel must be received by no later than 12 noon, 2 clear working days before the day of the meeting. Such notice must be by electronic mail to democratic.services@stroud.gov.uk.
- Representations for Development Control Committee should be received by 12 noon 1 clear working day before the day of the meeting, exceptionally, the Council will consider late representations if appropriate.
- Representations for Licensing Panel may be submitted prior to the meeting, but applicants and their representatives will make oral submissions to the committee at their election.
- Members of the public or their representatives will be able to present their questions, or petitions to Council and Committees (with the exception of Development Control Committee and Licensing Panel) in the remote meeting.
- Public questions will, where appropriate, receive a response in the meeting. One Supplementary question will be permitted.
- Public petitions not referred to an officer in accordance with Council Standing Orders will be received by the Chair of the meeting without debate and sent to the relevant committee or council officer for a response.

26.6 Process at remote meetings

26.6.1 The Chair will confirm at the outset and at any reconvening of a committee meeting that they can see and hear all participating members by carrying out a roll call of members present.

- 26.6.2 Unless the member has declared an interest which precludes them from taking part, their attendance at the meeting must be continuous throughout the item and will be monitored and recorded by the Democratic Services Officer.
- 26.6.3 The normal quorum requirements for meetings as set out in Council Procedure Rule 9 will also apply to a remote meeting. In the event of any apparent failure of the video, telephone or conferencing connection, the Chair should immediately determine if the meeting is still quorate and (Subject to Paragraph 29.21):
- if it is, then the business of the meeting will continue; or
 - if there is no quorum, then the meeting shall adjourn for a period specified by the Chair, expected to be a maximum of fifteen minutes, to allow the connection to be re-established after which time the meeting will be abandoned and any remaining items adjourned to the next meeting.
- 26.6.4 If there is a disruption to any members' attendance due to the quality of internet connection, the Chair will, initially, pause the meeting for up to five minutes to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate.
- 26.6.5 In the event of a connection failure, the member(s) will be deemed to have left the meeting at the point of failure. If the connection is successfully re-established, then the remote member(s) will be deemed to have returned at the point of re-establishment.
- 26.6.6 If a connection to the Chair is lost, the Vice Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within five minutes, the Vice Chair will proceed with the meeting in the absence of the Chair. If the connection to both the Chair and Vice Chair is lost, the committee will wait for a period of five minutes and, if the meeting is still quorate, will elect a Chair Pro Tem. If connection to the Chair or Vice Chair is restored, they will take control of the meeting at the end of the item then being discussed.
- 26.6.7 If a connection to a member is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within five minutes, subject to the meeting being quorate, the meeting will proceed, but any member who has been disconnected will not be able to vote on the matter then under discussion as they would not have heard all the facts.
- 26.6.8 The Chair will follow the normal rules set out in the Constitution when determining who may speak, as well as the order and priority of speakers and the content of speeches in the normal way.
- 26.6.9 Members will be able to indicate to the Chair that they wish to ask a question or speak in the debate on an item by raising their hand physically, by using the raise hand function or by sending a message via the chat facility.

26.6.10 In respect of large committees, it will assist the meeting if those members who wish to speak on a particular item could indicate their wish to speak to the Chair and to the Democratic Services Officer in advance of the start of the meeting. Political groups are also encouraged to co-ordinate this activity wherever possible.

26.7 Meeting Etiquette

26.7.1 Members are asked to adhere to the following etiquette during remote attendance at a meeting:

- Committee members are asked to join the meeting no later than fifteen minutes before the start to allow themselves and the Democratic Services Officer the opportunity to test the equipment.
- Elected members and any members of the public who are to speak at the meeting will initially enter the waiting room and will be admitted to the meeting by the Chair.
- All entrant microphones will be muted on entry.
- Any video-feed should show a non-descript background with no background noise where possible.
- Members should be careful not to allow exempt or confidential papers to be seen in the video-feed.
- To enable identification for the public in the remote meeting and to gain access from the 'waiting room', members must log in using the username provided to them by Democratic Services.
- All members should have microphones muted when not talking unless they have joined with audio only (e.g. telephone).
- Members will unmute their microphone when the Chair invites them to speak and then mute their microphone when they have finished speaking.
- The chat facility must not be used for private conversations between members and will be mindful that if they select 'everyone' all participants in the meeting will be able to see what they write.
- Members should only speak when invited to by the Chair and only one person may speak at any one time.
- For the benefit of anyone listening to an audio feed, anyone speaking should state their name before making a comment.
- When referring to a specific report, page, or slide, members should mention the report, page, or slide so that all members have a clear understanding of what is being discussed at all times.

26.7.2 The Chair and / or the Democratic Services Officer may:

- Pause (adjourn) the meeting by taking down the stream (live feed) from public viewing and then resume it when needed and / or placing everyone in the waiting room.
- Switch on each active participant's microphone when they are invited to speak and switch them off afterwards.
- Mute someone speaking at any time.

- Mute everyone speaking except themselves at any time.
- Allocate different levels of access to people logging in based upon whether they are a councillor, an officer, or a member of the public or press who is an observer of the meeting.
- Switch some observers off or move observers to a 'waiting room', so they are paused and have neither 'live' visual or audio feed whilst the committee deliberates in private or an officer present gives the committee advice. By taking down the live feed content from the public and just displaying a holding slide, decision makers may hold a separate meeting. The live stream can then be resumed when needed.

26.8 Voting

26.8.1 When the Chair is satisfied that there has been sufficient debate and there is a proposer and seconder, who will indicate by showing their hand on the video or speaking if on an audio feed, for the item being discussed the Chair will progress to a decision.

26.8.2 The method of voting may be one of the following methods:

- A vote by electronic means or
- A role call where the Chair or Democratic Services Officer will call out the name of each member present with members stating 'for', 'against', or 'abstain' to indicate their vote when their name is called.
- By a show of hands providing the Chair can see all members at the same time

26.8.3 At the conclusion of the voting the Chair shall announce the numbers of votes cast for, against and abstentions and announce whether the motion has been passed or lost.

26.8.4 Details of how members voted will not be minuted unless a Recorded Vote is called. Where a Recorded Vote is requested the Chair will ask members in turn to signify verbally whether or not they support that request. A recording of the meeting will be kept and be available on the Council's website for a period of 6 years after which it will be archived.

26.9 Declaration of Interests

26.9.1 Members will declare interests in the normal way at the appropriate point in the meeting, or if they realise that they have an interest in the item under discussion.

26.9.2 Any member participating in a remote meeting who declares a disclosable pecuniary interest, or other declarable interest, in any item of business that would normally require them to leave the room, must also leave the remote meeting.

26.9.3 Democratic Services will place the member into the waiting room whilst the matter is considered who will confirm that this has been done before progressing with the item of business. The Chair will then allow the member to re-enter the meeting from the waiting room when the matter has been determined and before moving onto the next item of business.



Stroud District Council

Financial Regulations



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A FINANCIAL MANAGEMENT

A1 Financial Management Standards

Why is this important?

All staff (including temporary and contract staff and consultants) and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Financial Regulations do not cover every eventuality or circumstance but the principles outlined should always be applied.

- A1.1 The Strategic Director of Resources has overall responsibility for ensuring the proper administration of the financial affairs of the Council, as required by Section 151 of the Local Government Act 1972, and by Section 114 of the Local Government Finance Act 1988. Their nominated deputy is the Accountancy Manager who fulfills all the functions of the Section 151 Officer in the event of their absence.
- A1.2 The Strategic Director of Resources is responsible for maintaining a continuous review of Financial Regulations which shall provide for the supervision and control of finances, accounts, expenditure, income and assets.
- A1.3 Any changes to Financial Regulations will be subject to the approval of the full Council.
- A1.4 The Financial Regulations provide the framework for managing the Council's financial affairs. They apply to every elected member and all staff of the Council.
- A1.5 All elected members and staff have a general responsibility for taking reasonable action to provide for the security of assets under their control, and for ensuring that the use of assets and resources is legal, properly authorised, provides value for money and achieves best value.
- A1.6 Members of the Strategic Leadership Team, and the Leadership and Management Team are responsible for ensuring that all staff in their service areas are aware of the existence and content of Financial Regulations and other internal regulatory and procedure documents, and that they comply with them.
- A1.7 Should an instance of non-compliance with these rules be discovered the Strategic Director of Resources may, after consultation with the Chief Executive, make a report to the Leader, Full Council and/or Audit & Standards Committee, as appropriate. Non-compliance with financial rules may also lead to disciplinary action being taken.

A2 Scheme of Virement

Why is this important?

The scheme of virement is intended to enable the Policy Committees, Members of the Strategic Leadership Team and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the full Council, and therefore to optimise the use of resources.

- A2.1 A Strategic Leadership Team Member, Strategic Director or Head of Service may exercise virement on budgets under their control for amounts up to £25,000 on any one

budget head during the current financial year only, following agreement with the Strategic Director of Resources and subject to the conditions in paragraph A2.4 below.

- A2.2 Virements of amounts greater than £25,000 but less than £75,000 require the approval of the appropriate committee, following a joint report by the Strategic Director of Resources and the Strategic Leadership Team Member, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year.
- A2.3 Virement of amounts greater than £75,000 requires the approval of Strategy and Resources committee, following a joint report by the Strategic Director of Resources and the Strategic Leadership Team Member, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year.
- A2.4 Virement between pay and non-pay must be approved by the Strategic Director of Resources.
- A2.5 The Strategic Director of Resources may authorise additional expenditure funded from additional income arising up to a level of £100,000. Any such authorisation must be reported in the next budget report to Strategy and Resources Committee.
- A2.6 Virement that is likely to impact on the level of service activity of another Strategic Leadership Team Member or Head of Service should be implemented only after agreement with that officer.
- A2.7 Where an approved budget is a lump-sum budget, reserve contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:
- (i) The amount is used in accordance with the purposes for which it has been established;
 - (ii) Strategy and Resources has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Committee.
 - (iii) The Strategic Director of Resources has approved the usage.
- A2.8 Budget adjustments within the Housing Repairs and Improvements Programme will be subject to separate arrangements in agreement with the relevant budget holder and the Strategic Director of Resources or Accountancy Manager, as set out below:
- (i) Virement on budgets within the Housing Repairs and Improvements Programme for amounts up to £50,000 are subject to agreement with the relevant budget holder and the Strategic Head (Finance and Business Services);
 - (ii) Virement of amounts greater than £50,000 but less than £250,000 require the approval of the Housing Committee;
 - (iii) Virement of amounts greater than £250,000 requires the approval of the appropriate Strategy and Resources committee.

A3 Treatment of Year-End Balances

Why is this important?

The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry forward.

- A3.1 Normally, only specifically designated accounting reserves and provisions may be carried forward from one accounting year to the next.
- A3.2 The Section 151 Officer may agree carry forward of resources from one financial year to the next, if they are satisfied that the expenditure will be incurred in the new financial year on the same purpose as originally intended.
- A3.3 The level of approved carry forwards will be reported to Strategy and Resources Committee as part of the annual Outturn Report.

A4 Accounting Policies

Why is this important?

The Strategic Director of Resources is responsible for the preparation of the Council's statement of accounts, in accordance with proper accounting practices as currently in force, for each financial year ending 31 March.

- A4.1 The Strategic Director of Resources is responsible for selecting suitable accounting policies and for ensuring that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year. Such policies should comply with the proper accounting practices currently in force.

A5 Accounting Records and Returns

Why is this important?

Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

- A5.1 The Strategic Director of Resources shall determine the accounting procedures and records of the Council.
- A5.2 The Strategic Director of Resources shall arrange for the proper administration of all accounts and accounting records.
- A5.3 Wherever possible, the following principles shall be complied with when allocating financial duties:
 - (i) separating the duties of providing information about sums due to or from the authority and calculating, checking and recording these sums from the duty of collecting or disbursing them.

- (ii) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

A5.4 The Strategic Director of Resources must be consulted on and approve any changes to accounting records and procedures.

A5.5 All staff and members must maintain adequate records to provide an audit trail leading from the source of income/expenditure through to the accounting statements.

A6 The Annual Statement of Accounts

Why is this important?

The Council has a statutory responsibility to prepare its own accounts to present a true and fair view of its operations during the year. The Audit and Standards Committee full Council is responsible for approving the statutory annual statement of accounts.

Relevant legislation determines the format and deadlines.

A6.1 The Strategic Director of Resources shall sign and date the statement of accounts, stating that it presents a true and fair view of the financial position of the Council at the accounting date and its income and expenditure for the year ended 31 March each year.

A6.2 The Strategic Director of Resources shall draw up a timetable for final accounts preparation and advise staff and external auditors accordingly.

A6.3 Staff and members shall comply with accounting guidance provided by the Strategic Director of Resources and supply the Strategic Director of Resources promptly with any information required for the preparation of the statement of accounts.

A6.4 The Strategic Director of Resources shall ensure that the Statement of Accounts is audited in line with government requirements and the results of the audit are reported back to the Audit and Standards Committee.

B FINANCIAL PLANNING

B1 Revenue Budget Preparation, Monitoring and Control

Why is this important?

Budget management ensures that once the budget has been approved by the full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget. By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual budget limit, approved when setting the overall budget. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the budget allocated to it.

B1.1 The Strategic Director of Resources shall, in consultation with Members of the Strategic Leadership Team and Heads of Service, prepare and submit annually to the appropriate committee budget estimates of income and expenditure.

- B1.2 The estimates presented to committees shall be accompanied by a report from the Strategic Director of Resources drawing attention to any provision made for a new service or the material alteration or extension of an existing service.
- B1.3 After consideration by the committees, the Budget shall be presented to Strategy and Resources Committee and then full Council, together with a report by the Strategic Director of Resources with a recommendation relating to setting the rate of Council Tax.
- B1.4 The Strategic Director of Resources is responsible for determining the format and timetable of the budget setting process, and for providing guidance to Officers on the process of preparing estimates.
- B1.5 Heads of Service are ultimately responsible for the preparation of a budget for their own service area.
- B1.6 The full Council's approval of the Budget shall authorise the incurring of expenditure and the collection of income within the approved budget estimates. The decisions to be made each February will include;
- The allocation of resources and approval of income targets for both the General Fund and Housing Revenue Account
 - The Capital Programme
 - The Medium-Term Financial Plan
 - Any indicators as required by "The Prudential Code", including the borrowing limit
 - The Capital Strategy
 - A list of fees and charges as agreed by Policy Committees
 - The Council Tax Base
 - The rate of B and D Council Tax
- B1.7 The Strategic Director of Resources shall establish and maintain an appropriate framework of budgetary management and control which ensures that:
- (i) budgets remain within the approved estimates unless the full Council agrees otherwise.
 - (ii) each budget holder has available timely and accurate information on income and expenditure on each budget which is sufficiently detailed to enable them to fulfil their budgetary management responsibilities.
 - (iii) expenditure is only committed against an approved budget head.
 - (iv) all officers responsible for committing expenditure comply with relevant guidance, Contract and Procurement & Procedure Rules and Financial Regulations.
 - (v) budget responsibility is aligned as closely as possible to the decision making process that commits expenditure.
 - (vi) significant variances from approved budget estimates are investigated promptly and explained by budget holders.
- B1.8 Members of the Strategic Leadership Team, Heads of Service and nominated budget holders are responsible for maintaining budgetary control within their service areas in adherence to the principles in B1.6 and for ensuring that all income and expenditure is properly recorded and accounted for.

- B1.9 Members of the Strategic Leadership Team, Heads of Service and nominated budget holders should ensure that spending remains within each of their service areas overall budget limits, and that individual budget heads are not overspent, by monitoring budgets and taking appropriate corrective action where significant variations from the approved budget estimates are forecast. The Strategic Director of Resources must be informed of all estimated variances over £20,000 as soon as is practicable after they are identified.
- B1.10 Budget monitoring reports will be presented to Policy Committees at least three times in each financial year and include analysis of variances above £20,000.
- B1.11 Members of the Strategic Leadership Team, Heads of Service and nominated budget holders should ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and that this is operating effectively.

B2 Budgets and Medium-Term Planning

Why is this important?

The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. Medium-term planning (or a three to five year planning system) involves a planning cycle in which managers develop their own plans and these are consolidated into an overall strategic plan for the Council. The Medium-Term Plan is the financial representation of the strategic objectives as set out in the overarching Council Plan. As each year passes, another future year will be added to the medium-term plan. This ensures that the Council is always preparing for events in advance.

- B2.1 The Strategic Director of Resources shall arrange for the preparation of a Medium Term Financial Plan, covering a four year period, which shall be updated at least annually to reflect changes in anticipated budget outturns, levels of funding and expenditure, and other prudent financial projections.
- B2.2 Members of the Strategic Leadership Team, Heads of Service and Managers should inform the Strategic Director of Resources promptly of any known or anticipated service, legislative or other changes which may have significant financial impacts within the next four years.

B3 Resource Allocation

Why is this important?

A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

- B3.1 The Strategic Director of Resources shall advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

- B3.2 Members of the Strategic Leadership Team, Heads of Service and Managers shall work within budget limits and shall utilise resources in the most efficient, effective and economic way.
- B3.3 Members of the Strategic Leadership Team, Heads of Service and managers shall seek to identify opportunities for efficiency savings where it is possible to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.
- B3.4 If required by the Strategic Leadership Team, Heads of Service and Managers, shall present options to meet any saving targets required by the Medium Term Financial Plan.

B4 Capital Programme

Why is this important?

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. The Council must operate within the prudential framework as set out by the Chartered Institute of Public Finance and Accountancy. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

- B4.1 The Strategic Director of Resources shall present an annual four year capital plan, together with details of the funding estimated to be available, to Strategy and Resources committee. The Strategy and Resources committee will make recommendations on the capital plan and on any associated financing requirements to the full Council.
- B4.2 The Strategic Director of Resources shall issue guidance concerning capital schemes and controls, for example, on project management techniques. The Strategic Director of Resources is responsible for determining whether expenditure is classed as capital or revenue, having regard to government regulations and accounting requirements.
- B4.3 The procedures for establishing and monitoring the Capital Programme are set out in the “Capital Strategy” to be approved annually by Full Council and include such guidance as required by B4.2.
- B4.4 The inclusion of any capital proposal in the programme does not commit the Council to such expenditure.
- B4.5 No action shall be taken to commit the Council to capital expenditure until the relevant Strategic Leadership Team Member has determined whether it is necessary to undertake a feasibility study.
- B4.6 Any procurement of goods, services and works relating to the Capital Programme must be carried out in accordance with the Council’s Contract and Procurement Procedure Rules.

B5 Maintenance of Reserves

Why is this important?

The Council must decide the level of general reserves it wishes to maintain before it can decide the level of council tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

- B5.1 The Strategic Director of Resources shall advise the Strategy and Resources committee and/or the full Council on prudent levels of reserves for the Council and shall take account of the advice of the external auditors in this matter.
- B5.2 The Strategic Director of Resources will allocate funds to reserves as part of the year-end financial closedown process and report their decisions to the Strategy and Resources Committee.
- B5.3 Members of the Strategic Leadership Team, Heads of Service and nominated budget holders should ensure that reserves are used only for the purposes for which they were intended.
- B5.4 The Strategic Director of Resources can approve allocations from reserves on the purposes for which they were established, in consultation with the Chief Executive and relevant Committee Chair.
- B5.5 Strategy and Resources Committee can approve the use of the capital reserve, and the Major Repairs Reserve for the HRA, for variation on capital schemes subject to there being sufficient funds available in the reserve and a limit per scheme of £250,000 and is no more than 50% of the original capital scheme budget. A joint report by the Strategic Director of Resources and the Strategic Leadership Team Member must specify the proposed additional expenditure and must explain the implications in the current and future financial year.

C RISK MANAGEMENT AND CONTROL OF RESOURCES

C1 Risk Management and Insurance

Why is this important?

All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the Council and to ensure its continued financial stability and good reputation. In essence it is, therefore, an integral part of good business practice.

- C1.1 The Strategic Head (Finance and Business Services), in consultation with the other Members of the Strategic Leadership Team, shall prepare and promote the Council's risk management policy statement, and develop risk management controls.

- C1.2 The Strategic Leadership Team is responsible for maintaining a Strategic Risk Register with each Head of Service, or Service Manager being responsible for maintaining their own service based risk register.
- C1.3 The Audit and Standards Committee is responsible for oversight of risk management arrangements, including approval of the Risk Management Framework.
- C1.4 The Strategic Director of Resources shall include all appropriate employees of the Council in a suitable fidelity guarantee insurance.
- C1.5 The Strategic Director of Resources shall effect corporate insurance cover, through external insurance and internal funding, and negotiate all claims, in consultation with other officers where necessary.
- C1.6 Staff and elected members shall notify the Strategic Director of Resources immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Strategic Director of Resources or the Council's insurers.
- C1.7 Staff and elected members shall take responsibility for risk management where appropriate, having regard to advice from the Strategic Director of Resources and other specialists (e.g. crime prevention, fire safety and prevention, and health and safety).
- C1.8 The Strategic Leadership Team and Heads of Service shall ensure that there are regular reviews of risk within their service areas. This should include any risks associated with the operation and expiry of contracts within their service areas to ensure continued or appropriate service delivery without interruptions or additional costs. They must also ensure that all employees;
- are aware of their responsibilities for risk management and insurance
 - receive adequate support and training to carry out their responsibilities
 - comply with the council's standards of financial management
 - are personally protected from risk
- C1.9 The Strategic Director of Resources must be notified promptly of all new risks requiring insurance, new properties and vehicles, and of any alterations affecting existing insurances.
- C1.10 Staff and elected members should not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

C2 Internal Controls

Why is this important?

The Council requires internal controls to manage and monitor progress towards its strategic objectives. The Council also has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations. Additionally, the Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

- C2.1 The Strategic Director of Resources shall advise on the establishment of an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- C2.2 Members of the Strategic Leadership Team and Heads of Service shall establish formal processes to check at least annually that established controls in their service areas are being adhered to and to evaluate their effectiveness, in order to be confident of the proper use of resources, achievement of objectives and management of risks.
- C2.3 Members of the Strategic Leadership Team and Heads of Service shall review existing controls in the light of changes affecting the Council and establish and implement new ones in line with guidance from the Strategic Director of Resources. They are also responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication. In such cases the Strategic Director of Resources must be consulted before removing any controls.
- C2.4 Members of the Strategic Leadership Team and Heads of Service shall ensure that staff have a clear understanding of the internal controls which they are required to operate and comply with, and appreciate the consequences of a lack of control.
- C2.5 Internal Audit shall be informed immediately if any officer or elected member believes that there has been or may be a breach of internal controls.

C3 Internal Audit

Why is this important?

The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations more specifically require that a “relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance”.

- C3.1 Internal Audit shall have the authority to:
- (i) access all Council premises at reasonable times
 - (ii) access all assets, records, documents, correspondence and control systems
 - (iii) receive any information and explanation from any officer or elected member of the Council considered necessary concerning any matter under consideration
 - (iv) require any employee or elected member of the Council to account for cash, stores or any other Council asset under their control
 - (v) access records belonging to third parties, such as contractors, when required
 - (vi) directly access the Chief Executive, and any Committee of the Council.
- C3.2 The internal audit function should operate in accordance with the CIPFA’s Code of Practice for Internal Audit in Local Government in the United Kingdom, the Chartered Institute of Internal Auditors (UK and Ireland) Standards for the Professional Practice of Internal Auditing, and with any other statutory obligations and regulations

- C3.3 Internal Audit shall provide an independent, objective, assurance and consulting activity for the review of the council's system of internal control.
- C3.4 The Head of Internal Audit is responsible for providing a written report to those charged with governance, which includes an opinion on the adequacy and effectiveness of the council's control environment
- C3.5 The Strategic Director of Resources, in consultation with Members of the Strategic Leadership Team and the Audit and Standards Committee, shall approve the risk based Internal Audit Annual Plan prepared by the Internal Audit Manager..
- C3.6 The Head of Internal Audit shall ensure that effective procedures are in place to investigate promptly any alleged fraud or irregularity.
- C3.7 Members of the Strategic Leadership Team and Heads of Service shall:
- (i) consider and respond promptly to recommendations in Internal Audit reports
 - (ii) ensure that any agreed actions arising from Internal Audit recommendations are carried out in a timely and efficient fashion
 - (iii) notify Internal Audit immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources
 - (iv) ensure that new systems for maintaining financial records or records of assets, or changes to such systems, are discussed with and agreed by the Internal Audit Manager prior to implementation.

C4 External Audit

Why is this important?

The external auditor has a statutory responsibility for providing an opinion on the Statement of Accounts and the Value for Money opinion of the Council.

- C4.1 External auditors shall be given access at all reasonable times to premises, personnel, documents and assets that they consider necessary for the purposes of their work.
- C4.2 Staff should ensure that all records and systems are up to date and available for inspection by external audit if required.

C5 Preventing Fraud and Corruption

Why is it this important?

The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether internal or external. The Council's expectation of propriety and accountability is that elected members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices. The Council also expects that individuals and organisations (eg. suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

- C5.1 The Internal Audit Manager shall maintain and keep up to date the Council's anti-fraud and corruption policy.

- C5.2 The Monitoring Officer shall maintain and keep up to date the Council's whistle-blowing policy.
- C5.3 Staff and elected members shall report any suspected irregularities immediately to Internal Audit.
- C5.4 Should any irregularity reported to Internal Audit be thought to warrant police involvement, the police shall be contacted by the Head of Internal Audit after consulting with the Chief Executive and/or the Strategic Director of Resources.
- C5.5 Staff and elected members shall comply with the requirements of the relevant Codes of Conduct relating to making declarations of gifts and hospitality, and private interests.

C6 Security

Why is this important?

The Council holds assets in the form of land, property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

- C6.1 The Strategic Director of Resources shall ensure that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of £20,000. The function of the asset register is to provide the authority with information about fixed assets so that they are:
 - (i) safeguarded
 - (ii) used efficiently and effectively
 - (iii) adequately maintained.
- C6.2 Any use of Council property or equipment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- C6.3 One Legal shall hold and provide for the safe custody of all deeds, leases and similar documents relating to the ownership of land and buildings.
- C6.4 Staff and elected members shall not use any Council asset or item of equipment for personal use without proper authority.
- C6.5 Staff and elected members shall ensure the safe custody of monies, vehicles, equipment, furniture, inventories and other property belonging to the Council.
- C6.6 The Strategic Leadership Team and Heads of Service shall ensure that their service areas maintain a register of moveable assets and equipment in accordance with arrangements defined by the Strategic Director of Resources.
- C6.7 The Strategic Leadership Team and Heads of Service shall ensure that assets and equipment are identified, their location recorded and that they are appropriately marked as Council property and insured.
- C6.8 The Strategic Director of Resources shall be consulted in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

- C6.9 Cash holdings on premises shall be kept to a minimum.
- C6.10 Keys to safes and similar receptacles shall be carried on the person of those responsible at all times; loss of any such keys must be reported to the Strategic Director of Resources as soon as possible.
- C6.11 The disposal or part exchange of assets over £20,000 in value should normally be by public auction or open market sale.
- C6.12 Staff and elected members have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way, or may be in breach of Data Protection legislation.
- C6.13 Strategic Leadership Team, Heads of Service and Managers shall ensure that inventories are maintained at reasonable levels, are adequately recorded and safeguarded, and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- C6.14 If required for the production of the annual statement of accounts, Strategic Leadership Team and Heads of Service shall arrange for independent stock takes at the 31st March each year, and shall provided a certified stock valuation certificate to the Strategic Director of Resources in accordance with the timetable specified.
- C6.15 Heads of Service may authorise for write off or disposal redundant stocks and equipment up to a total value of £5,000 after consultation with the Strategic Director of Resources. Where any items disposed of have a financial value, appropriate measures must be taken to achieve value for money. Where the value of items to be written off or disposed of exceeds £5,000, authorisation of the appropriate Strategic Leadership Team member must be obtained, and disposal should be by competitive quotations or auction, unless, following consultation with the Strategic Director of Resources, the relevant Strategic Leadership Team member decides otherwise in a particular case.

C7 Treasury Management

Why is this important?

Many millions of pounds pass through the Council's hands each year. Treasury Management procedures aim to provide assurance that the Council's money is properly managed in a way that balances risk with return, but with overriding consideration being given to security.

- C7.1 The Strategic Director of Resources shall arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Council's treasury management policy statement and strategy.
- C7.2 The Strategic Director of Resources shall report at least twice yearly on treasury management activities to Audit and Standards Committee, as well as setting an annual Treasury Management Strategy.
- C7.3 The Strategic Director of Resources shall operate such bank accounts as are considered necessary. Opening or closing any bank account shall require the approval of the Strategic Director of Resources. All bank accounts shall be in the name of the Council.

- C7.4 The Strategic Director of Resources shall be responsible for ordering all cheques and any other instruments of payment, and shall make adequate arrangements for their safe custody.
- C7.5 All investments of money shall be made in the name of the Council or in the name of nominees approved by the full Council.
- C7.6 The Strategic Director of Resources shall effect any borrowings that may be required, which shall be in the name of the Council.
- C7.7 No loans shall be made to third parties nor any interests acquired in companies, joint ventures or other enterprises without the approval of the Strategy and Resources Committee, following consultation with the Strategic Director of Resources.
- C7.8 The Strategic Director of Resources shall arrange for all trust funds to be held, wherever possible, in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Strategic Director of Resources, unless the deed provides otherwise.
- C7.9 Where an officer of the Council becomes responsible for the safe-keeping or administration of any monies, funds or valuables which are not the property of the Council, but which, save for their employment by the Council the officer would not otherwise have responsibility for, that officer must take all reasonable steps to ensure the monies, funds or valuables involved are properly safe-guarded and accounted for. The officer should inform their line manager of the circumstances relating to any such instances.

C8 Imprest Accounts (Petty Cash)

- C8.1 The Strategic Director of Resources shall approve the provision of any petty cash imprest accounts to meet minor expenditure on behalf of the Council and shall prescribe rules for operating these accounts.
- C8.2 Officers operating a petty cash imprest account shall:
- (i) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained
 - (ii) make adequate arrangements for the safe custody of the account
 - (iii) produce upon demand by the Strategic Director of Resources or Internal Audit cash and all vouchers to the total value of the imprest amount
 - (iv) record transactions promptly
 - (v) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder
 - (vi) provide the Strategic Director of Resources with a certificate of the value of the account held at 31 March each year
 - (vii) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made

- (viii) on leaving the authority's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Strategic Director of Resources for the amount advanced to them.

D SYSTEMS AND PROCEDURES

D1 General

Why is this important?

Service areas have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. They are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly. The Strategic Director of Resources has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified of any new developments or changes.

- D1.1 The Strategic Director of Resources shall make arrangements for the proper administration of the Council's financial affairs, including:
- (i) issuing advice, guidance and procedures for officers and others acting on the Council's behalf
 - (ii) determining the accounting systems, form of accounts and supporting financial records
 - (iii) establishing arrangements for audit of the Council's financial affairs
 - (iv) approving any new financial systems to be introduced
 - (v) approving any changes to be made to existing financial systems.
- D1.2 Members of the Strategic Leadership Team, Heads of Service and Service Manager shall establish appropriate controls to ensure that, where relevant:
- (i) all input is genuine, complete, accurate, timely and not previously processed
 - (ii) all processing is carried out in an accurate, complete and timely manner
 - (iii) output from systems is complete, accurate and timely.
- D1.3 Members of the Strategic Leadership Team and Heads of Service shall ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- D1.4 Members of the Strategic Leadership Team and Heads of Service shall ensure that systems are documented and staff trained in operations.
- D1.5 Members of the Strategic Leadership Team shall, subject to approval from the Strategic Director of Resources, establish a scheme of delegation identifying officers authorised to act upon their behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority, and shall supply lists of authorised officers, delegated limits, to the Strategic Director of Resources together with any subsequent variations.

- D1.6 The Head of Technology shall ensure that effective contingency arrangements, including back-up procedures and disaster recovery, exist for computer systems.
- D1.7 All staff shall comply with Data Protection, computer misuse and copyright legislation and, in particular, shall ensure that only software legally acquired and installed by the Council is used on its computers.

D2 Income

Why is this important?

Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cashflow and also avoids the time and cost of administering debts.

- D2.1 The Strategic Director of Resources shall agree arrangements for the collection of all income due to the Council and to approve the procedures, systems and documentation for its collection.
- D2.2 The Strategic Director of Resources shall order and supply all receipt forms, books or tickets and similar items and establish the arrangements for their control.
- D2.3 The Strategic Director of Resources shall approve all debts to be written off in accordance with the authorisation limits as set out in the table below, and shall keep a record of all sums written off and will adhere to the requirements of the Accounts and Audit Regulations currently in force.

Amount/Limit	Authorisation process
Amounts not exceeding £250	Senior Accounting Technician in consultation with the Accountancy Manager.
Amounts greater than £250 but not exceeding £10,000	Strategic Director of Resources/Accountancy Manager in consultation with the relevant Strategic Leadership Team Member or Head of Service.
Amounts greater than £10,000 but not exceeding £50,000	Strategic Director of Resources in consultation with the relevant Strategic Leadership Team Member or Head of Service. Write-offs must be reported retrospectively to the relevant delegated Committee.
Amounts greater than £50,000	These should only be written-off with the approval of the Strategy and Resources Committee.

- D2.4 Where small debt or credit balances for Council Tax and Business Rates are lower than the cost of court fees to make a claim, these can be written off by a senior revenues officer and reported within an annual report summarising write-offs on the Collection Fund.
- D2.5 The Strategic Director of Resources or Accountancy Manager shall approve credit balances on closed accounts to be written off after a reasonable effort to return the credit balance.
- D2.6 The Strategic Director of Resources shall establish a fees and charges policy for the supply of goods or services, including the appropriate charging of VAT, and to review it

annually, in line with corporate policies. This shall be approved by full Council annually each February.

- D2.7 Strategic Leadership Team members and Heads of Service are responsible for recommending to the Strategic Director of Resources the fees and charges to be set for goods or services falling within their control, apart from those charges fixed on a statutory basis.
- D2.8 Members of the Strategic Leadership Team and Heads of Service must seek to recover sundry debt outstanding in accordance with Debt Recovery Policy as approved by the Strategic Director of Resources.
- D2.9 Members of the Strategic Leadership Team and Heads of Service are responsible for the collection of income within their area of responsibility shall establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- D2.10 Staff shall issue official receipts or maintain other documentation as approved by the Strategic Director of Resources for all income collected.
- D2.11 At least two employees shall be present when post is opened, and money received by post shall be properly identified and recorded.
- D2.12 All income shall be paid fully and promptly into Cashiers or to the Council's designated security collection agency. Appropriate details should be recorded on paying-in slips to provide an audit trail.
- D2.13 Income collected shall be paid in intact, and shall not be used to cash personal cheques or make payments, except where specifically permitted by the Strategic Director of Resources.
- D2.14 A record shall be kept of every transfer of money between employees of the Council. The receiving officer must sign for the transfer and the transferor must retain a copy.
- D2.15 Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- D2.16 The Strategic Director of Resources shall be notified of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Strategic Director of Resources and not later than 30 April.

D3 Ordering and Paying for Work, Goods and Services

Why is this important?

Public money should be spent with demonstrable probity and in accordance with the Council's policies. The Council has a statutory duty to achieve best value, in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements.

These procedures must be read in conjunction with the Council's Procurement and Procedure Rules relating to contracts.

- D3.1 Every officer and member of the Council has a responsibility to declare any links or personal interests that they may have with suppliers and/or contractors if they are

engaged in contractual or purchasing decisions on behalf of the Council, in accordance with the relevant Codes of Conduct.

- D3.2 Official orders must be in a form approved by the Strategic Director of Resources. Official orders must be issued for all work, goods or services to be supplied to the Council, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Strategic Director of Resources.
- D3.3 Each order must conform to the guidelines approved by the Council and the Procurement and Procedure rules.
- D3.4 Payments will be made by the Council within 30 days of the receipt, or other mutually agreed terms, of goods or services. Heads of Service must consult with the Strategic Director of Resources before agreeing any non-standard terms.
- D3.5 Apart from petty cash, Government Procurement Card, and payments made from cash advances, the normal method of payment shall be by BACS, drawn on the Council's bank account by the Strategic Director of Resources. Cheque payments will only be made in exceptional circumstances. The use of direct debit for any payment shall require the prior agreement of the Strategic Director of Resources.
- D3.6 The Strategic Director of Resources will give authorisation for an Officer to use a Government Procurement Card. When the card has been issued the Officer must follow the regulations set out in the Conditions of Use and procedures Manual. In particular a VAT invoice should be obtained for each transaction.
- D3.7 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts or purchasing arrangements.
- D3.8 The authoriser of a purchase order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the Councils approach to procurement. Value for money should always be achieved.
- D3.9 Goods and services shall be checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order.
- D3.10 Payment shall not made unless a proper VAT invoice has been received, checked, coded and certified for payment, in accordance with the procedures specified by the Strategic Director of Resources Invoices shall not be amended; if any invoice is found to be incorrect, a replacement shall be requested from the originator.
- D3.11 Payments shall not be made on photocopied or faxed invoices, statements or any documents other than the formal invoice which may be received via email.
- D3.12 The Strategic Director of Resources shall arrange for such checks and requests for explanation as are considered necessary before any payment is made. Payment may be withheld if the Strategic Director of Resources considers that to make such payment may be illegal or improper.
- D3.13 The Strategic Director of Resources shall be notified of outstanding expenditure relating to the previous financial year as soon as possible after 31 March in line with the

timetable determined by the Strategic Director of Resources and, in any case, not later than 7 April or the date specified in the Closure of Accounts Guidance.

D3.14 Where any contract exceeds £200,000 in value, details of the proposed list of contractors to be invited to tender shall be provided to Financial Services for vetting of their financial status.

D3.15 With regard to contract management and monitoring, the following requirements must be complied with:

- (i) payment to contractors shall only be made on a certificate issued by the responsible officer in accordance with the contract, which shall show the estimated value of work to date, the balance remaining, and the percentage of retention money if any,
- (ii) any variation to a contract shall be authorised by the supervising or responsible officer who shall, where possible notify the contractor in writing prior to the work being done. All verbal variations to a contract must be confirmed by a written variation order in accordance with the requirements of the contract,
- (iii) any variation shall be reported to the Strategy and Resources Committee where a substantial change in the specification of any works or additional expenditure is involved which is likely to result in exceeding the original project budget by 5% or by £50,000 (whichever is the greater),

D3.16 Nothing in these Financial Regulations shall prevent the Authority from incurring expenditure which is essential to meet any immediate needs created by a sudden emergency or which is referable to Section 138 of the Local Government Act 1972 Emergency Regulations.

D3.17 When an event is deemed to be an emergency by the County Emergency Planning Team any one of the following officers shall be permitted to authorise expenditure up to £100,000:

- Chief Executive
- Strategic Directors

In the unlikely event that none of these are available, the most senior officer present is expected to authorise such expenditure as is necessary to quickly and effectively respond to the emergency. Appropriate records and audit trails must be kept, and all expenditure must be made through the team leading the emergency response.

D4 Payments to Employees and Members

Why is this important?

Staff costs are the largest item of expenditure for most Council services. It is therefore important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members' allowances are paid in accordance with the scheme adopted by the full Council.

- D4.1 The Strategic Director of Resources shall arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to employees, in accordance with prescribed procedures, on the due date.
- D4.2 The Section 151 Officer is responsible for the maintenance of proper national insurance, income tax and other statutory pay records and for the accurate and timely payment of pension contributions and other deductions to third parties
- D4.3 No new appointments or changes to arrangements for existing employees are permitted without adequate budget provision or approval from the Strategic Director of Resources/Strategic Leadership Team. All appointments shall be made in accordance with the Council's rules and approved establishments, grades and scales of pay.
- D4.4 The Strategic Director of Resources shall make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised within the required timescales. The Strategic Director of Resources has the discretion in making payments outside of those timescales.
- D4.5 Members of the Strategic Leadership Team and Heads of Service shall ensure that appointments are made in accordance with the regulations and policies of the Council and the approved staffing establishment, grades and scale of pay and that adequate budget provision is available.
- D4.6 The Strategic Director of Resources and Human Resources shall be notified immediately of all appointments, terminations (including proposed redundancies and early retirements), or variations which may affect the pay or pension of an employee or former employee,
- D4.7 Officers authorising travel and subsistence claims and other allowances shall satisfy themselves that journeys were on Council business and expenses were properly and necessarily incurred, and that reimbursement is properly due from the Council, ensuring that cost-effective use of travel arrangements is achieved.
- D4.8 Officers authorising travel claims must satisfy themselves that the vehicles used for council business are properly insured, taxed and roadworthy.
- D4.9 Officers authorising payments shall satisfy themselves that work claimed for has actually been undertaken and/or in the case of goods that they have actually been received.
- D4.10 The Strategic Director of Resources shall be notified of the details of any benefits in kind received by employees, to enable full and complete reporting in accordance with Inland Revenue requirements.

D5 Taxation

Why is this important?

Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

- D5.1 The Strategic Director of Resources shall arrange for the correct completion and submission of all HM Revenue and Customs returns regarding PAYE.

- D5.2 The Strategic Director of resources shall arrange for the completion an accurate monthly return of VAT inputs and outputs to HM Revenue and Customs.
- D5.3 The Strategic Director of Resources shall arrange for the submission of all required details to the HM Revenue and Customs regarding the construction industry tax deduction scheme.
- D5.4 Staff shall ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs regulations, in accordance with guidance and instructions issued by the Strategic Director of Resources.
- D5.5 Staff shall ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- D5.6 Capital Schemes – There are VAT implications for de minimus exempt income calculation. There is a need to consult with the Strategic Director of Resources on VAT implications of all new schemes.
- D5.7 Under no circumstances shall an Officer or Member use the auspices of the council to purchase goods or services for their own private purposes to avoid paying VAT. To do so may result in disciplinary action.

D6 Partnerships

Why is this important?

Partnerships play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. The Council is continually working in partnership with others – public agencies, private companies, community groups and voluntary organisations, in order to mobilise investment, bid for funds, champion the needs of the area and harness the energies of local people and community organisations.

- D6.1 The main reasons for entering into a partnership are:
- (i) the desire to find new ways to share risk
 - (ii) the ability to access new resources
 - (iii) to provide new more efficient ways of delivering services
 - (iv) to forge new relationships.
- D6.2 A partner is defined as either:
- (i) an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project or
 - (ii) a body whose nature or status give it a right or obligation to support the project.
- D6.3 Partners participate in projects by:
- (i) acting as a project deliverer or sponsor, solely or in concert with others.
 - (ii) acting as a project funder or part funder.
 - (iii) being the beneficiary group of the activity undertaken in a project.

- D6.4 Partners have common responsibilities:
- (i) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organization.
 - (ii) to act in good faith at all times and in the best interests of the partnership's aims and objectives.
 - (iii) be open about any conflict of interests that might arise.
 - (iv) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors.
 - (v) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature.
 - (vi) to act wherever possible as ambassadors for the project.
- D6.5 Where the Council's total financial commitment to any partnership project in terms of funding in cash or in kind is anticipated to exceed £200,000, the following requirements must be agreed with the Strategic Director of Resources.
- (i) a scheme appraisal for financial viability in both the current and future years.
 - (ii) risk appraisal and management.
 - (iii) resourcing, including taxation issues.
 - (iv) audit, accounting, security and control requirements.
 - (v) carry-forward arrangements.
- D6.6 Partnership agreements and arrangements should not be entered into where they may impact adversely upon the services provided by the Council.
- D6.7 Partnership agreements and arrangements shall be properly documented, in a format agreed by the Strategic Director of Resources and the Monitoring Officer.
- D6.8 Where a partnership involves the procurement of goods or services, the requirements of the Council's Procurement and Procedure Rules relating to contracts and Financial Regulations must be followed in the selection of partner organisations and the workings of partnerships when Stroud District Council is the lead authority on procurement. Where the normal tendering arrangements are not appropriate the Strategic Director of Resources shall agree a Service Level Agreement between the organisations involved.
- D6.9 The Strategic Director of Resources shall be entitled to request sufficient information relating to any partnership agreement or arrangement to make entries in the Council's accounting records or any disclosure in the Council's statement of accounts which may be required.

D7 External Funding

Why is this important?

External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies such as the National Lottery and the Home Office provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

- D7.1 The Strategic Director of Resources shall be notified in advance of all funding to be received from external bodies and shall make arrangements for the proper receipt and recording of such funding in the Council's accounting records.
- D7.2 Members of the Strategic Leadership Team and Heads of Service shall ensure that bids or applications for external funding are only made where they can be justified in terms of the Council's aims and objectives, and that suitable and sufficient resources can be allocated to comply with any funding, administration and accounting requirements without adversely impacting upon the Council's existing services.
- D7.3 Heads of Service are responsible for ensuring compliance with all grant conditions placed by external funders upon grant income received. This includes appropriate liaison with Internal Audit and the relevant member of the Strategic Leadership Team, as required, to ensure sign off requirements are met.



Stroud District Council

Contract and Procurement Procedure Rules

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SECTION 1: General Compliance and Scope

1. Compliance

- 1.1. Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions and shall comply with:
 - 1.1.1. All relevant legislation, statutory guidance and codes e.g. Local Government Transparency Code;
 - 1.1.2. The relevant European procurement rules when applicable and whilst they have a direct effect in the UK (i.e. the EC Treaty, the general principles of EC law and the EC public procurement directives implemented by the UK Regulations);
 - 1.1.3. The Council's Constitution including these Contract and Procurement Procedure Rules, the Council's Financial Regulations and Scheme of Delegation;
 - 1.1.4. The Council's strategic objectives, Procurement Strategy, and relevant policies.
- 1.2. The policy of the Council, and the objective of these Contract and Procurement Procedure Rules, is to ensure that all works, supplies and services:
 - 1.2.1. Are obtained with probity and propriety to ensure the proper expenditure of public funds;
 - 1.2.2. Are appropriate for the purpose for which they are obtained;
 - 1.2.3. Ensure Best Value for Money.

2. Scope

- 2.1. These Contract and Procurement Procedure Rules apply to any arrangement made by, or on behalf of, the Council for the carrying out of works, the provision of services or the supply of supplies
- 2.2. These Contract and Procurement Procedure Rules do not apply to:
 - 2.2.1. contracts of employment which make an individual a direct employee of the Council;
 - 2.2.2. the acquisition, disposal, or transfer of land (which must only be carried out by officers with delegated authority) except where services or works are required by the Council as part of the land transaction e.g. development agreements;
 - 2.2.3. contracts relating to the placement of deposits or raising of loans under the treasury management strategy;
 - 2.2.4. purchases made at public auction; and
 - 2.2.5. the giving of grants

SECTION 2: Common Requirements

3. Calculation of Contract Values

- 3.1. Unless otherwise stated, the calculation of the estimated value of a procurement shall be based on the total amount payable in pounds sterling, inclusive of VAT, as estimated by the Council over the entire contract period, including any proposed extension to the initial contract period
- 3.2. The estimated value is to be calculated as at the date the contract is first advertised or the Bidders are contacted, whichever occurs first.

- 3.3. Contracts should be for a fixed term, but where this is not possible (e.g. hire agreements) the contract value should be calculated by multiplying the monthly value by 48.
- 3.4. Contracts must not be artificially under or over-estimated or divided into two or more separate contracts where the effect is to avoid the application of these Contract and Procurement Procedure Rules or the Regulations.

4. Authorised Officers and their Responsibilities

- 4.1. Authorised Officers are persons responsible for carrying out the procurement in question and who have received corporate training on these Contract and Procurement Procedure Rules and the Regulations.
- 4.2. The Authorised Officer must proceed with the procurement in a manner commensurate with its complexity and value, by:
 - 4.2.1. appraising the need for the expenditure and its priority;
 - 4.2.2. defining the objectives of the procurement;
 - 4.2.3. assessing the risks associated with the procurement and how to manage them;
 - 4.2.4. considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium and frameworks;
 - 4.2.5. consulting users as appropriate about the proposed procurement method, contract standards and performance and user satisfaction monitoring;
 - 4.2.6. Checking to see if a corporate contract already exists e.g. stationery contract.
 - 4.2.7. Where the procurement involves a potential change to services provided by the Council the Authorised Officer ensuring compliance with:
 - the Council 's duty to consult under Section 3 Local Government Act 1999
 - the Council 's duties under the Equality Act 2010.
 - The Public Social Value Act 2012 for contracts for services over the Threshold to ensure how the procurement might improve the economic, social and environmental well-being of the geographical area the Council serves.
 - 4.2.8. Ensuring the Budget Holder has sufficient budget to sustain the contract for the life of the contract.
 - 4.2.9. for Quotes with a value of £30,000 or less attaching the relevant standard terms and conditions to the purchase order or otherwise draw the attention of the Supplier to these standard terms and conditions;
 - 4.2.10. for Tenders with a value above £30,000, instructing the Director: One Legal in writing to draft or approve the formal written contract terms and conditions that are to apply to the proposed contract;
 - 4.2.11. ensuring that a purchase order is raised for the contract.
- 4.3. Where any procurement may result in any employee either of the Council or of a service provider being affected by any transfer arrangements, Authorised Officers must ensure that the application of the Transfer of Undertaking Protection of Employment Regulations 2006 (TUPE) is considered and obtain legal advice before proceeding with inviting Tenders or Quotes.

4.4. Any procurement that is:

- over the Threshold and TUPE applies or
- is over budget and no further budget has been identified by the S151 Officer

shall be referred to the relevant Committee or Council for decision, unless otherwise stated elsewhere in the Council's constitution.

5. Contract Values

5.1. Where the total value for a procurement is within the values in the first column below, unless the Budget holder procures via a compliant Framework Agreement, Draw Down Agreement or Dynamic Purchasing System, the award procedure in the second column must be followed:

Estimated Total Contract Value	Contract Letting Requirements & Forms of Contract
<p>£12,000 (including VAT) and below</p>	<p>The Budget Holder can purchase from the source that offers the Best Value for Money to the Council.</p> <p>This could be demonstrated by obtaining of 2 written Quotes, where this is possible. It is recommended that suppliers or contractors are approached by telephone or e-mail and prices obtained in writing. This can also be demonstrated by comparing prices on websites or catalogues.</p> <p>Contracts shall be by purchase order with the relevant standard terms and conditions attached or otherwise drawn to the attention of the Supplier.</p>
<p>£12,000 to £30,000 (including VAT)</p>	<p>At least 3 written Quotes shall be sought through the Portal using Quick Quotes.</p> <p>Contracts with a value of £30,000 or less shall be by purchase order with the relevant standard terms and conditions attached or otherwise drawn to the attention of the Supplier.</p> <p>If the lowest Quote received exceeds £30,000, the contract shall not be awarded unless the contract is below the relevant Threshold and either</p> <ul style="list-style-type: none"> • an exemption is approved in accordance with Rule 6.1 or • approval is given by the Section 151 Officer. <p>Unless an exemption or approval of the Section 151 Officer is given, a new procurement will be required which must be carried out in accordance with the Threshold below.</p>
<p>Above £30,000 to £90,000 (including VAT)</p>	<p>At least 3 written Quotes shall be sought through the Portal using the Request for Quote template</p> <p>Where a procurement opportunity with a value estimated to be £30,000 or above is Advertised, it must also be advertised on Contract Finder using the Portal (within 24 hours of any other adverts appearing) together with unrestricted and full direct internet access to relevant contract documents.</p>

	<p>A pre-qualification stage is not permitted but appropriate suitability questions may be asked in the Request for Quote.</p> <p>A formal written contract prepared or approved by the Director: One Legal must be used.</p>
<p>Above £90,000 to Threshold</p>	<p>A full competitive procurement shall be undertaken through the Council's Portal using an Invitation to Tender.</p> <p>The opportunity must be advertised on Contract Finder (within 24 hours of any other adverts appearing) together with unrestricted and full direct internet access to relevant contract documents.</p> <p>A pre-qualification stage is not permitted except for procurements of works contracts above the Threshold for supplies and services. A PAS91 pre-qualification questionnaire must be used.</p> <p>A formal written contract prepared or approved by the Director: One Legal must be used.</p> <p>If the lowest Tender received exceeds the relevant Threshold then the contract shall not be awarded. A new procurement will be required which must be carried out in accordance with the Threshold and Above procedure below.</p> <p>Where a works contract to be tendered has a total estimated value within 10% of the relevant threshold, the procedure described below should be followed. Where a supplies or services contract to be tendered has a total estimated value within 5% of the relevant threshold, the procedure described below should be followed.</p>
<p>Threshold and Above</p>	<p>A full competitive procurement shall be undertaken through the Portal using an Invitation to Tender.</p> <p>A formal written contract prepared or approved by the Director: One Legal must be used.</p> <p>Procurement opportunities shall be advertised</p> <ul style="list-style-type: none"> • Council's Procurement Portal • on the Find a Tender Service website • on Contract Finder within the time limit specified in the Regulations. <p>The Senior Policy and Governance Officer in consultation with the Director: One Legal shall advise on the most appropriate procurement procedure to be used when conducting a procurement. The Regulations set out the permitted procurement procedures; the two most common procedures are:</p> <ul style="list-style-type: none"> • Open Procedure – a one stage process where anyone can submit a tender • Restricted Procedure – a two stage process where a Selection Questionnaire is used to shortlist Bidders who are then invited to submit a tender.

	<p>The following procedures can only be used in certain circumstances following advice from the Senior Policy and Governance Officer or Director: One Legal.</p> <ul style="list-style-type: none"> • Innovation Partnership; This may be used when the Council is seeking innovative ideas where solutions are not already available on the market and there is also an intention to include both the development of the outcome and its subsequent purchase (subject to meeting agreed performance levels and maximum costs) in the procurement. A structured partnership will be established for the development of an innovative product, service or works and the subsequent purchase of the resulting supplies, services or works, provided that they correspond to the agreed performance levels and costs. • Competitive dialogue This can be used where either of the following apply: <ul style="list-style-type: none"> i. the need of the Council cannot be met without adaptation of readily available solutions; ii. they include design or innovative solutions; iii. specific circumstances related to the nature, the complexity or the legal and financial makeup or because of risks attaching to them; iv. the technical specifications cannot be established with sufficient precision with reference to a standard, European Technical Assessment, common technical specification or technical reference; v. where, in response to an open or a restricted procedure, only irregular or unacceptable tenders were submitted, provided that the Council includes in the procedure all of, and only, the Bidders that meet certain criteria and submitted tenders in accordance with the formal requirements of the failed procedure • Competitive Procedure with negotiation. This procedure can be used for the same reasons as competitive dialogue. With this procedure, the Council can negotiate with Bidders who have submitted tenders to seek improved offers. A formal written contract prepared or approved by One Legal must be used.
<p>Light Touch Regime</p>	<p>Contracts involving the following supplies and services are subject to a 'light touch' regime if the value of the contract is below the prescribed Threshold;</p> <ul style="list-style-type: none"> • Health, social and related services • Administrative social, educational, healthcare and cultural services • Compulsory social security services • Benefit services

6. Exemptions

- 6.1. Subject to the written approvals referred to in Contract Rule 6.2 below, exemptions of any of these Contract and Procurement Procedure Rules shall only be given in the following exceptional circumstances:-
- 6.1.1. Where the supplies, works or services are of a unique or specialised nature or are identical or similar to or compatible with an existing provision so as to render only one or two sources of supply appropriate, including:
- an upgrade or
 - where the contract concerns, wholly or mainly, repairs to or the supply of parts for existing proprietary machinery, plant or equipment and the repairs to or the supply of parts cannot be carried out practicably by alternative Suppliers; or
- 6.1.2. The supplies to be purchased are proprietary articles or are sold only at fixed prices; or
- 6.1.3. The price of services, or supplies to be purchased is controlled by trade organisations, or if for other reasons there would be no genuine competition; or
- 6.1.4. Where in the opinion of the Authorised Officer in consultation with the Section 151 Officer and the Director: One Legal considers that the services to be provided or the work to be executed or the supplies or materials to be purchased are urgent; or
- 6.1.5. Specialist consultants, solicitor, barrister, agents, artist or professional advisers are required and:
- There is no satisfactory alternative; or
 - Evidence indicates that there is likely to be no genuine competition; or
 - It is, in the opinion of the Authorised Officer, in the Council 's best interest to engage a particular consultant, solicitor, barrister, agent, artist or adviser;
- or
- 6.1.6. Where the Council is purchasing a property, or is taking a service back in-house, which has associated contracts and in the opinion of the Authorised Officer it is in the Council's best interests to take on those contracts; or
- 6.1.7. The works to be executed or the supplies or materials to be purchased can only be carried out or supplied by a statutory body.
- 6.2. These Contract and Procurement Procedure Rules cannot be exempted for the procurements above the relevant Threshold.
- 6.3. Where it is possible to exempt these Contract and Procurement Procedure Rules, any such exemptions must be agreed by:
- 6.3.1. Committee for contracts above £250,000 or the Chief Executive in consultation with the Leader of the Council, the Section 151 Officer and the Director: One Legal if the matter requires an urgent decision and a meeting of the Committee cannot be called; or
- 6.3.2. The Budget Holder (if authority to do so has been delegated to them), the Chief Executive or a Strategic Director, in consultation with the Section 151 Officer and the Director: One Legal if the contract does not exceed £250,000.

- 6.4. A record of the decision and the reasons for it shall be kept and the exemption itself shall be kept by the Senior Policy and Governance Officer.

SECTION 3: Tendering and Quotation Process

7. Advertising (above £30,000)

- 7.1. Adverts shall include as a minimum:

- Date and time response to be received by the Council
- How and to whom the Supplier must respond and
- Any requirements for participating in the procurement
- Specification.

- 7.2. Where adverts are placed on, Contract Finder unrestricted and full direct internet access to relevant contract documents shall be available on the Council's Portal free of charge when to the advert is placed.

- 7.3. Opportunities with a value over the relevant Threshold must also be advertised on Find a Tender Service.

8. Suitability Assessment (under Threshold) and Pre-Qualification (above Threshold only)

- 8.1. Authorised Officers are responsible for ensuring that all Bidders for a contract are suitably assessed. Financial and due diligence checks must be undertaken for all contracts where the value of the contract is above £150,000.

Under Threshold

- 8.2. As part of the tender or quotation process the Authorised Officer shall establish that the potential Bidders meet minimum requirements or minimum standards of:

- Suitability.
- Capability.
- Legal status; and
- Financial standing.

- 8.3. The assessment questions must be:

- relevant to the subject matter of the procurement and
- proportionate.

- 8.4. For works and work-related contracts above the Threshold for supplies and services) a pre-qualification stage is permitted. Officers must use form PAS91 or such other template required by Law or by the Government.

Above Threshold

- 8.5. Procurements above the Threshold can use a pre-qualification stage. Officers must use the Selection Questionnaire form issued by the Government or form PAS91 or such other templates as required by law or by the Government.

- 8.6. As any deviations the standard form must be reported to the Cabinet Office changes to the form are not permitted without the consent of the Senior Policy and Governance Officer, Section 151 Officer, Monitoring Officer and the Director: One Legal.

8.7. Any Bidder eliminated from a procurement where a pre-qualification process has been undertaken must be notified following the evaluation of that stage in the process.

9. Electronic Tendering

9.1. On 18th October 2018, electronic procurement and electronic communications became compulsory for above Threshold procurements. Except in the limited circumstances contained in the Regulations, all communication and information exchange, including electronic submission of tenders, shall be performed using electronic means of communication in accordance with the requirements of the Regulations.

9.2. Except for procurements with a value of £12,000 or below, the procurement shall be carried out through the Portal unless otherwise permitted by these Contract and Procurement Procedure Rules and the Section 151 Officer.

9.3. The procurement may, following consultation with the Senior Policy and Governance Officer and the Director: One Legal, be carried out through an electronic auction where the Authorised Officer is satisfied that it is in the interests of the Council to do so.

10. Dividing Tenders into Lots

10.1. Authorised Officers may decide to award a contract in the form of separate lots and may determine the size and subject matter of such lots.

10.2. For an above Threshold procurement, if the contract is not split into lots the main reasons for this decision shall be included in the procurement documents and the Regulation 84 Report.

10.3. Authorised Officers shall include in the notice and or tender documents whether:

- tenders can be submitted for one, for several or for all of the lots;
- if there is a limit on the numbers of lots that can be tendered for.

10.4. Where more than one lot may be awarded to the same Bidder, Awarding Officers may award contracts combining several or all lots where they have specified in the contract notice or in the invitation to tender that they reserve the possibility of doing so and indicate the lots or groups of lots that may be combined.

11. Invitation to Tender

11.1. The Invitation To Tender shall state that no Tender will be considered unless it is received by the date and time stipulated in the Invitation To Tender. Subject to Contract and Procurement Procedure Rule 11.3 below, no Tender delivered in contravention of this Contract and Procurement Procedure Rule shall be considered.

11.2. All Invitations to Tender shall be in accordance with the Contract and Procurement Procedure rules and policies.

11.3. No Tenders received after the specified date and time for receipt of Tenders shall be accepted or considered by the Council unless the Authorised Officer, after consulting the Senior Policy and Governance Officer, s151 Officer and the Director: One Legal, is satisfied that there is sufficient evidence for the Tender having been despatched in sufficient time for it to have arrived before the closing date and time.

12. Submission and Opening of Tenders and Quotes

12.1. Tenders and Quotes shall be submitted in accordance with requirements set out in the Invitation to Tender or Request for Quote.

No Tenders or Quotes received after the specified date and time for receipt shall be accepted or considered by the Council unless the Authorised Officer, after consulting

with the Senior Policy and Governance Officer, the Section 151 Officer and the Council Solicitor, is satisfied that there is sufficient evidence that either;

- The Tender or Quote was despatched in sufficient time for it to have arrived before the closing date and time
- Technical difficulties with the e-tendering system prevented the Tender or Quote from being submitted before the closing date and time.

Quotations (under £90,000)

Electronic Quotation submissions

- 12.2. Where Quotations are received through the Council's e-tendering system, the e-tendering system will automatically record the time and date the Quotations were received. All Quotations will be retained and remain unopened in the secure system until the requisite deadline for opening.
- 12.3. All Quotations will be opened by the Authorised Officer using the Council's e-tendering system. This system will formally record the date and time for audit purposes.
- 12.4. Once the Quotations have been opened, they will be stored securely in the electronic portal.
- 12.5. The successful Supplier shall be asked to provide an original signed paper copy of the quotation submission for inclusion in the contract documents.

Tenders (£90,000 and above)

Electronic tender submissions

- 12.6. Where Tenders are received through the Council's Portal, the e-tendering system will automatically record the time and date the Tenders were received. All Tenders will be retained and remain unopened in the secure system until the requisite deadline for opening.
- 12.7. All Tenders will be opened by the Authorised Officer using the Council's e-tendering system. This system will formally record the date and time of opening for audit purposes.
- 12.8. Once the tenders have been opened, they will be stored securely in the electronic portal.
- 12.9. The successful Supplier shall be asked to provide an original signed paper copy of the tender submission for inclusion in the contract documents.

13. Arithmetical Errors, Post Tender Clarification and Abnormally Low Tenders

- 13.1. Bidders can only alter their Tenders or Quotes after the date specified for their receipt (but before the formal acceptance of the Tender or Quote), where examination by the Authorised Officer reveals arithmetical errors or discrepancies which affect the Tender or Quote figure. The Bidder shall be given details in writing of such errors or discrepancies and afforded an opportunity of confirming, amending or withdrawing their offer in writing.
- 13.2. In an above threshold procurement, the Council must require Bidders to explain the price of costs proposed in the tender where the tender appears to be abnormally low in relation to the works, supplies or services.
- 13.3. All post-tender clarifications shall:
 - only be undertaken following consultation with the Senior Policy and Governance Officer and the Director: One Legal; and
 - not disclose commercially sensitive information supplied by other Bidders.

13.4. The Council does not accept qualified or conditional quotes/tenders. Where a Bidder has submitted a qualified or conditional quotation/tender Authorised Officers, in consultation with the Senior Policy and Governance Officer, must give Bidders the opportunity to withdraw the qualification or condition without amendment to the bid submitted.

14. Evaluation

14.1. Tenders and Quotes shall be evaluated in accordance with the Regulations (where applicable) and the award criteria set out in the Invitation to Tender or Request for Quote.

14.2. All contracts shall be awarded based on the offer which represents the most economically advantageous, taking into account price and/or quality, to the Council.

14.3. The award criteria shall be predetermined and listed in the Invitation to Tender or Request for Quote documentation. In addition, the criteria shall be strictly observed at all times throughout the contract award procedure by any officer involved in the tender evaluation.

14.4. For all contracts regardless of value, no person with a personal or financial interest in any of the Suppliers submitting a proposal should be involved in any way in influencing the decision as to which Supplier is to be awarded the contract. A declaration of interest form must be completed by each officer involved in the evaluation process and held on file by the Authorised Officer.

14.5. Where Authorised Officers intend to carry out site visits presentations or interviews as part of the evaluation process, this must be made clear in the invitation to tender and include whether this will be scored separately to the tender submission or used to moderate scores. If scored separately, Bidders must be informed of the evaluation criteria and weighting in the procurement documents.

15. Awarding Contracts

15.1. The Council shall only accept a tender and award a contract to the Bidder submitting the Most Economically Advantageous Tender/Quote.

15.2. Depending on what is being procured and whether or not it is an above Threshold procurement, the Most Economically Advantageous Tender/Quote can be assessed as follows;

- Price (i.e. the lowest bid)
- Cost (where the assessment is based on cost-effectiveness basis such as an asset life-cycle assessment (cost of the asset, maintenance costs, end of life costs)
- Best Price/Quality Ratio (the award criteria can include quality, including technical merit, aesthetic and functional characteristics, delivery date, delivery process, after-sales service and technical assistance as well as environmental and/or social matters and any other matters relevant to what is being procured.

The award criteria and the scoring methods must be disclosed in the Invitation to Tender or Request for Quote.

15.3. A contract may only be awarded by an Awarding Officer with the requisite delegated authority to award contracts. Prior to award, the Authorised Officer should ensure that the Budget Holder responsible for the contract has sufficient funds in place to sustain the contract.

15.4. For contracts with a value of £30,000 or above, regardless of where the contract award opportunity was advertised, a contract award notice containing the name of the Supplier,

the date the contract was entered into and the value of the contract must be published on Contract Finder no later than 90 days after contract award. If below Threshold the award notice must state whether or not Supplier is a Small and Medium-sized Enterprise (SME) or voluntary, community and social enterprise (VCSE).

15.5. For above Threshold procurements, a Contract Award Notice must be published in Find a Tender Service and Contract Finder as required by Law or the Government and the relevant standstill period observed. The contract shall not be completed or Purchase Order issued unless the standstill period passes with no challenges. The Authorised Officer shall notify the Senior Policy and Governance Officer, Monitoring Officer and the Director: One Legal immediately following receipt of a challenge.

16. Debriefing

16.1. The Authorised Officer shall provide a written debriefing to unsuccessful Bidders as required by the law.

SECTION 4: Contract Formalities

17. Execution of Contracts

17.1. All contracts not exceeding £30,000 that require execution, shall be signed by the, Strategic Director, or any other officer with delegated authority to do so unless the Director: One Legal requires that the contract be sealed.

17.2. All contracts with a value exceeding £30,000 but not exceeding £90,000 shall be signed by the Strategic Director or Head of Service unless the Director: One Legal requires that the contract be sealed.

17.3. All contracts exceeding £90,000 shall be executed as a deed by the Director: One Legal or some other person authorised by the Director: One Legal and the common seal affixed to the contract unless the Director: One Legal considers it more expedient to sign the contract.

17.4. Electronic signatures may only be permitted as a method of executing contracts with the prior consent of the Monitoring Officer having first obtained advice from One Legal.

18. Records of Quotes, Tenders and Contracts

18.1. For all procurement the Authorised Officer is responsible for keeping records of Tenders and Quotes received in such form as required by the Senior Policy and Governance Officer.

18.2. Authorised Officers must ensure that details of contracts over £6,000 are entered in the Contracts Register kept by the Council and maintained by the Senior Policy and Governance Officer.

18.3. All contracts with a value of £30,000 and above shall be kept by the Senior Policy and Governance Officer and an electronic copy retained by the Director: One Legal. All contracts below that value shall be kept securely by the Budget Holder in accordance with the Council's retention policy.

19. Bonds and Parent Company Guarantees

19.1. A Bond or Parent Company Guarantee will be required on all works contracts above £1,000,000 unless considered inappropriate by the Section 151 Officer following consultation with the Director: One Legal.

19.2. Bonds or Parent Company Guarantee may be required for any contract if considered appropriate by the relevant Strategic Director or Section 151 Officer following consultation with the Strategic Director: One Legal.

19.3. Bonds shall be a minimum of 10% of the contract value.

20. Embedded Leases and Embedded Derivatives

20.1. Prior to the award of a contract the Authorised Officer must notify the Section 151 officer where under the contract:

- the Council will have use or control of or will be paying for the use of a specific asset or group of assets; or
- contains a clause that caps the price the Council has to pay for supplies or services or there is a floor price on the price the Council has to pay for supplies or services; or
- the prices the Council has to pay under the contract, increase by more than 2 times RPI; or
- the prices the Council has to pay, increase by some other form of Indices or commodity price.

SECTION 5: Specific Types of Tendering

21. Framework Agreements and Dynamic Purchasing Systems

Framework Agreements and Dynamic Purchasing Systems set up by Other Contracting Authorities

21.1. External Framework Agreements and Dynamic Purchasing Systems (DPS), where the Council is named or identified as part of a class of permitted users, can be used where the Council wishes to contract for the sourcing of supplies, services or works without conducting a full procurement exercise.

21.2. The Framework Agreement and DPS may include within its terms a requirement for an abbreviated competitive exercise (“mini competition”) between some or all of those Suppliers who are parties to the Framework Agreements and can provide the supplies, services or works being tendered. Other Framework Agreements may allow for a direct award or the choice of either direct award or mini completion. Any purchase from a Framework Agreement or DPS shall be made in accordance with the procedure set out in the Framework Agreement.

21.3. The approval of the Senior Policy and Governance Officer or Director: One Legal shall be sought before signing up to a new Framework Agreement or DPS.

21.4. A Call-Off contract as set out in the Framework Agreement or DPS will need to be entered into. If no pre agreed contract is provided for in the Framework Agreement or DPS, a contract drafted or approved by the Director: One Legal, shall be entered into.

Framework Agreements and Dynamic Purchasing Systems set up by the Council

21.5. The Council may carry out procurement exercises to set up Framework Agreements or a DPS to allow it to choose Suppliers who meet its pre-qualification requirements. The Council can then Call-Off Suppliers from the Framework Agreement or the DPS. This could be useful where the Council has need to call on contracts urgently or often. The Council could also set up a Framework Agreement or DPS for itself, other local authorities and Town and Parish Councils within its boundary to use in order to make efficiency savings.

- 21.6. Once a Framework Agreement or DPS is established, Quotes and Tenders for contracts may be invited from Suppliers included on Framework Agreement or DPS up to the financial limit stated in the Framework Agreement or DPS.
- 21.7. The Council will need to carry out a procurement exercise to select the Suppliers to include on and set up the Framework or DPS. This procurement will need to be advertised in accordance with these Contract and Procurement Procedure Rules and the Regulations. The contract value limit referred to in rule 21.6 shall be determined by the anticipated level of spend per Framework Agreement or DPS.
- 21.8. The call off from a contract under a Framework Agreement or a DPS with a value of £30,000 or above shall be published on Contract Finder.

22. Draw Down Agreements

- 22.1. Authorised Officers may award Draw Down Agreements to individual Suppliers where services, supplies or works are required on an ad hoc basis e.g. JCT measured terms agreements. More than one Draw Down Agreement may be awarded to different Suppliers for the same services supplies or works.
- 22.2. Authorised Officer shall carry out a procurement process for the award of the Draw Down Agreement in accordance with these Contract and Procurement Procedure Rules.

23. Collaborations and Joint Procurement

- 23.1. The Authorised Officer may participate in any collaborative or joint procurement arrangements with other Local Authorities or public bodies including membership or use of a Purchasing Consortia subject to the prior approval of the relevant Strategic Director.

24. Procurement by Consultants

- 24.1. Any consultants used by the Council shall be appointed in accordance with these Contract and Procurement Procedure Rules and the Regulations. The Authorised Officer shall ensure that the consultant's performance is monitored.
- 24.2. Where the Council uses consultants to act on its behalf in relation to any procurement, then the Authorised Officer shall ensure that the consultant carries out any procurement in accordance with these Contract and Procurement Procedure Rules and Regulations.
- 24.3. Consultants may advise the Authorised Officer as to the most suitable Bidder. The Authorised Officer can use the advice given by the Consultant to make their recommendation to the Awarding Officer.
- 24.4. No Consultant shall make any decision on whether to award a contract or to whom a contract should be awarded. This decision rests with the Awarding Officer who shall sign the Tender Acceptance Form or exemption.

25. Nominated and Named Sub-Contractors

- 25.1. Tenders for sub-contracts to be performed or supplies to be provided by nominated Suppliers shall be dealt with in accordance with the provisions of these Contract and Procurement Procedure Rules.

26. Amendments to Contracts

Above Threshold Contracts

- 26.1. An above Threshold Contract, Framework Agreement or DPS can only be changed if permitted by the Regulations. Advice must be sought from the Director: One Legal before making any changes to an above Threshold Contract or Framework Agreement.

Below Threshold Contracts

26.2. In limited circumstances and having regard to the Regulations and advice from the Director: One Legal, the Awarding Officer may authorise changes to be made to contracts below Threshold.

27. Contract Management

27.1. Authorised Officers shall need to actively monitor and manage a Supplier's performance throughout the contract life to ensure milestones, KPIs, deliverables and outcomes are achieved in accordance with the councils Contract Management Framework. Risks and, where appropriate, business continuity shall be managed as detailed in the tender and Contract documentation. Management data needs to be published in accordance with the Government's Transparency Code.

27.2. Plans should be made well in advance to re-procure the contract (if applicable) and an exit strategy included in the tender, procurement documentation and the contract.

DEFINITIONS	
Advertised	As defined in Regulation 110 of the Public Contracts Regulations 2015. "An opportunity is advertised if the Authority does anything to put the opportunity in the public domain or bring the opportunity to the attention of economic operators generally or to any class or description of economic operators which is potentially open-ended, with a view to receiving responses from economic operators who wish to be considered for the award of the contract"
Authorised Officer	Authorised Officers are persons responsible for carrying out the procurement in question and who have received corporate training on these Contract and Procurement Procedure Rules.
Awarding Officer	The officer with the delegated authority to award the contract.
Best Value for Money	The best solution for the Council taking into account price, quality and deliverability.
Bond	An insurance policy: if the Supplier does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum, of money specified in the bond (often 10% of the contract value). A bond is intended to protect the Council against a level of cost arising from the Supplier's failure.
Budget holder	The officer responsible for the budget for the relevant procurement.
Bidder	Any person who may or does submit a Quote or Tender.
Call-Off Contract	Means a contract awarded to a Supplier under a Framework Agreement.
Concession Contracts	An agreement where Suppliers are given the right to exploit works or services provided for their own gain.
Consultant	Someone appointed (but not under a contract of employment) for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role.
Contracting Authorities	Bodies that are subject to the Regulations.
Director: One Legal	Means the senior legal adviser for the Council.
Draw down contract	A contract with a single Supplier where supplies, services or works are requested on an ad hoc basis.

Dynamic Purchasing System (DPS)	A DPS is a procedure available to purchase commonly used goods, works or services. It is similar to a Framework Agreement but suppliers can apply to join at any time.
Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Invitation to Tender (ITT)	Invitation to tender documents in the form required by these Contract and Procurement Procedure Rules.
Most Economically Advantageous Tender	The most economically advantageous tender will be evaluated on the basis of either: <ul style="list-style-type: none"> • Price (i.e. the lowest price) • Cost (on the basis of a cost-effectiveness approach e.g. life-cycle costing) • Best price/quality ratio.
PAS 91	Means the Publicly Available Specification 91 prequalification questionnaire published by the British Standard Institute for contracts for works and associated services and supplies (or such other document mandated for use by the Government).
Parent Company Guarantee	A contract that binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the company to do so instead.
Portal	Means the portal used by the Council to conduct procurements electronically e.g. the South West Procurement Portal (www.supplyingthesouthwest.org.uk).
Senior Policy and Governance Officer	An officer engaged by on or on behalf of the Council to provide procurement services.
Strategic Director	Means a strategic director of the Council.
Quote / Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Regulations	Means the Public Contracts Regulations 2015, Concession Contracts Regulations 2016, Utilities Contracts Regulations 2016 or any other UK legislation regulating procurements by local authorities (as may be amended, modified or replaced from time to time).
Regulation 84 Report	The report about the procurement required to be compiled under Regulation 84 of the Public Contracts Regulations 2015.

Section 151 Officer	The officer of the Council who has been designated as such pursuant to Section 151 of the Local Government Act 1972.
Substantial	<p>In relation to a change to an existing contract of framework agreement means where one of the following conditions is met:-</p> <ul style="list-style-type: none"> (a) the change renders the contract or the framework agreement materially different in character from the one initially concluded; (b) the modification introduces conditions which, had they been part of the initial procurement procedure, would have; <ul style="list-style-type: none"> (i) allowed for the admission of other bidders than those initially selected, (ii) allowed for the acceptance of a tender other than that originally accepted, or (iii) attracted additional participants in the procurement procedure; (c) the modification changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement; (d) the modification extends the scope of the contract or framework agreement considerably; (e) a new contractor replaces the one to which the contracting authority had initially awarded the contract in cases other than those provided for in Rule 28(1)(d).
Supplier	A person or body of persons providing, or seeking to provide, supplies, services or works to the Council.
Tender	A Bidder's proposal submitted in response to an Invitation to Tender.
Threshold	Means the values set by the UK Government, or such other Government or Regulatory body, which determine whether a procurement has to be carried out in accordance with the Regulations (except Part 4 of the Public Contracts Regulations which applies for procurements with a value of £25,000 and above).

Stroud District Council

Members Code of Conduct

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I. Introduction

1. This Code of Conduct (Code) is adopted pursuant to the Council's duty to promote and maintain high standards of conduct by Members of the Council

Members have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them.

II. Scope of the Code of Conduct

2. The Code applies to Members whenever acting in their official capacity as a Member of Stroud District Council, including;
 - (a) when engaged in the business of Stroud District Council including Ward business or representing the Council externally;
 - (b) when behaving so as to give a reasonable person the impression of acting as a representative of Stroud District Council.

This Code of Conduct does not seek to regulate what Members do in their purely private and personal lives.

3. The obligations set out in this Code are in addition to those which apply to all Members by virtue of the procedural and other rules of the Council and any Protocols and Policies which may be adopted from time to time by the Council.
4. Failure to comply with the requirements within this Code of Conduct which relate to disclosable pecuniary interests and which are set out in sections V and VI and Appendix A is a criminal offence.¹

III. General Principles of Members' Conduct

5. In carrying out their duties in exercising the functions of their Authority or otherwise acting as a Councillor, Members will be expected to observe the general principles of conduct set out below. These principles will be taken into consideration when any allegation is received of a breach of the provisions of the Code.
 - *Selflessness*
 - *Integrity*
 - *Objectivity*

¹ Section 34 Localism Act 2011

- *Accountability*
- *Openness*
- *Honesty*
- *Leadership*

IV. Rules of Conduct

6. Members shall base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

7. Members shall observe the following rules:-

General Requirements

- 1) **Do** treat everyone with respect.
- 2) **Do** promote equalities and **do not** discriminate unlawfully against any person.
- 3) **Do** promote and support high standards of conduct when serving in your public post by leadership and example.
- 4) **Do not** behave in a manner which brings your role or the Council into disrepute.
- 5) **Do not** bully any person.
- 6) **Do not** harass any person
- 7) **Do not** use your position improperly to confer on or secure for yourself or any other person, an advantage or disadvantage, or seek to improperly influence a decision about any matter from which you are excluded from participating or voting as a result of the requirements of Part VI of this Code.
- 8) **Do not** do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the Council.
- 9) **Do not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, unless—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

(iv) the disclosure is –

- (a) reasonable and in the public interest; and
- (b) made in good faith and in compliance with the reasonable requirements of the Council.

Before making any disclosure under (iv) above, the written advice of the Monitoring Officer must be sought and considered.

- 10) **Do not** prevent another person from gaining access to information to which that person is entitled by law.
- 11) **Do not** use knowledge gained solely as a result of your role as a Member for the advancement of your own interests.

When using the resources of the Council, or authorising the use of those resources by others:

- 12) **Do** act in accordance with the Council's requirements including the requirements of the Council's ICT Policy.
- 13) **Do** ensure that such resources are not used for political purposes (including party political purposes) unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Council or to the office to which you have been elected or appointed.
- 14) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

When making decisions on behalf of, or as part of, the Council:

- 15) **Do** ensure that decisions are made on merit, particularly when making public appointments, awarding contracts, or recommending individuals for rewards or benefits.
- 16) **Do** have regard to advice provided to you by the Council's Officers, particularly that provided by the Chief Financial Officer and Monitoring Officer where such advice is offered pursuant to their statutory duties.
- 17) **Do** be as open as possible about your own decisions and actions and those of the Council and be prepared to give reasons for those decisions and actions.
- 18) **Do** ensure that you are accountable for your decisions and co-operate fully with whatever scrutiny is appropriate to your office.

V. Registration of Interests

8. Members shall observe the following rules when registering their interests.
- 1) **Do**, within 28 days of taking office as a Member (or Co-opted Member), notify the Monitoring Officer of any disclosable pecuniary interest as defined in Appendix A and any other registrable interest as defined in Appendix B.
 - 2) **Do**, within 28 days of the date of a disclosure referred to in Paragraph 9(2) of this Code, notify the Monitoring Officer of the interest.
 - 3) **Do** notify the Monitoring Officer of any new interest (disclosable pecuniary or other registrable interest) or change to any registered interest within 28 days of the date of that change.
 - 4) **Do** approach the Monitoring Officer if you feel that your interest should be treated as sensitive because its disclosure could lead to you, or a person connected with you, being subject to violence or intimidation.

VI. Declaration of Interests and Restrictions on Participation

Members must observe the following rules:-

9. Disclosable Pecuniary Interests

Where a matter, in which you have an interest as specified in Appendix A (disclosable pecuniary interests), arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- 1) **Do** disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- 2) **Do** ensure that, if your interest is not entered in the Council's Register, you disclose the interest to the meeting as required in 9(1) above and that you notify the Monitoring Officer of the interest within 28 days in accordance with Paragraph 8(3) of this Code.
- 3) **Do** withdraw from the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting unless a dispensation has been granted.

10. Other Interests (Other Registrable Interests Appendix B and Non -registrable Interests)

Where a matter, in which

either you have an interest as specified in Appendix B (other registrable interests),
or where a decision on the matter might reasonably be regarded as affecting, to a greater extent than it would affect the majority of other Council taxpayers, ratepayers or inhabitants of the Ward affected by the decision, your well-being or financial position or the well-being or financial position of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associate,

arises at a meeting at which you are present, or where you become aware that you have such an interest in any matter to be considered or being considered at the meeting:-

- 1) **Do** ensure that you disclose the interest to the meeting. If the Monitoring Officer considers it a sensitive interest, you must declare that you have an interest but do not need to disclose the nature of the interest.
- 2) **Do** leave the meeting and **do not** vote on the matter, participate, or participate further, in any discussion of the matter at the meeting (unless a dispensation has been granted or it is an excepted function), if,
 - (a) it affects the financial position of an interest specified in Appendix B (other registrable interests)
 - (b) it affects your financial position or well-being or that of a member of your family, or any person with whom you have a close association, or who has a contractual relationship (including employment) with yourself, member of your family or close associateor
 - (c) it relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in (a) and (b) above
and a reasonable member of the public knowing the facts would reasonably regard it as so significant that it is likely to prejudice your judgement of the public interest.

The rules set out in Paragraph 10(1) above do not have the effect of precluding a Member from attending a meeting only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public

are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. The Member must, after making their submission, withdraw immediately from the meeting.

VII. Duties in respect of the Standards Panel

11. Members shall observe the following:-

- 1) **Do** undertake training on the Code of Conduct as required by the Council.
- 2) **Do** co-operate, at all stages, with any investigation into your conduct which may be carried out in accordance with the arrangements for the investigation and determination of complaints which have been put in place by the Council.
- 3) **Do not** seek to intimidate, or attempt to intimidate, any person who is, or is likely to be, a complainant, a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member has failed to comply with his or her Authority's Code of Conduct.
- 4) **Do** comply with any sanction imposed on you following a finding that you have failed to comply with the Code of Conduct.

VIII. Dispensations

12. Where a Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code, the Member may apply to the Monitoring Officer for a dispensation.

13. The Council may grant a Member a dispensation to participate in a discussion and vote on a matter at a meeting even if the Member has a disclosable pecuniary interest as described in this Code, and set out in Appendix A, or has an other registrable interest (Appendix B) or non-registrable interest which would preclude the Member's participation in the item of business as described in Paragraph 10 of this Code.

IX. Gifts and Hospitality

14. When offered gifts or hospitality in your capacity as a Member of the Council, the following rules must be observed.

- 1) **Do not** accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence to show favour from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- 2) **Do** register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt. (Appendix B).
- 3) **Do** register with the Monitoring Officer any significant gift or hospitality that you have been offered but have refused to accept.

X. Definitions

The following are definitions which apply for the purposes of this Code of Conduct.

1. Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.
2. “Close associate” means someone with whom you are in close regular contact over a period of time who is more than an acquaintance. It may be a friend, a colleague, a business associate or someone you know through general social contacts. It is someone a reasonable member of the public would think you might be prepared to favour/disadvantage (“close association” shall be construed accordingly).
3. Harassment is conduct, on at least two occasions, that causes alarm or distress or puts people in fear of violence
4. “Meeting” is a meeting of the Council, or any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Council.
5. “Member” is an elected Member or a Co-opted Member of the Authority. “Co-opted Member” is a person who is not a Member of the Council but who is either a Member of any Committee or Sub-Committee of the Council, or a Member of, and represents the Council on, any Joint Committee or Joint Sub-Committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that Committee or Sub-Committee.
6. “Member of your family” means:
 - Partner (spouse/civil partner/someone you live with as if a spouse or civil partner);

- A parent/parent-in-law, son/daughter, step-son/step-daughter, child of partner; or the partners of any of these persons;
 - A brother/sister, grandparent/grandchild, uncle/aunt, nephew/niece; or the partners of any of these persons.
7. “Monitoring Officer” is the Monitoring Officer to Stroud District Council.
 8. “Pending notification” is an interest which has been notified to the Monitoring Officer but which has not been entered in the Council’s Register in consequence of that notification.
 9. Respect means politeness and courtesy in behaviour, speech, and in the written word.
 10. “Standards Panel” is the Standards Panel of Stroud District Council.
 11. “The Act” is the Localism Act 2011.
 12. “The Council” is Stroud District Council
 13. Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
 14. “Well-being” means general sense of contentment and quality of life.
 15. Excepted functions are functions of the Council in respect of
 - (i) housing, where the Member is a tenant of the Council provided that those functions do not relate particularly to the Member’s tenancy or lease;
 - (ii) an allowance, payment or indemnity given to Members;
 - (iii) any ceremonial honour given to Members; and
 - (iv) setting Council tax or a precept under the Local Government Finance Act 1992.

Appendix A

Disclosable Pecuniary Interests

The interests set out below are “Disclosable Pecuniary Interests” in accordance with the Localism Act 2011 and Members must notify the Monitoring Officer in accordance with Paragraphs 8(1)-(3) of this Code of Conduct of any interest which is an interest of **the Member (M) or of any of the following:**

- the Member’s spouse or civil partner;
- a person with whom the Member is living as husband and wife; or
- a person with whom the Member is living as if they were civil partners;

and the Member is aware that that other person has the interest.

Subject	Disclosable Pecuniary Interest
Employment, Office, Trade, Profession or Vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a Trade Union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M’s knowledge) – (a) the landlord is the relevant authority; and

(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where –
(a) that body (to M’s knowledge) has a place of business or land in the area of the relevant authority;
and
(b) either –

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

- (a) “the Act” means the Localism Act 2011;
- (b) “body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;
- (c) “director” includes a member of the committee of management of an industrial and provident society;
- (d) “land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;
- (e) “M” means a member of a relevant authority;
- (f) “member” includes a co-opted member;
- (g) “relevant authority” means the authority of which M is a member;
- (h) “relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;
- (i) “relevant person” means M or any other person referred to in section 30(3)(b) of the Act;
- (j) “securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

Appendix B

Other Registrable Interests

The interests set out below are “other registrable interests” which must be notified to the Monitoring Officer in accordance with Paragraphs 8(1), 8(2) and 8(4) of this Code of Conduct.

A Member must notify the Monitoring Officer of any interest held by **the Member** in any of the categories set out below:-

Subject	Other Interest
Management or Control	Any body of which the Member is in a position of general control or management (including where you have been appointed or nominated by the Council.)
Public/Charitable and Other External Bodies	Any body – (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or Trade Union). of which the Member of the Council is a member or in a position of general control or management.
Employer	Any person or body who employs, or has appointed, the Member.
Gifts and Hospitality	The name of any person, organisation, company or other body from whom the Member has received, by virtue of his Office, gifts or hospitality worth an estimated value of £50 or more.



Stroud District Council

Planning Code of Conduct

This code of conduct seeks to demonstrate the Council's commitment to the highest possible standards of behaviour in its operation of the planning system.

1. Introduction

- 1.1 This Protocol sets out guidance for both officers and members when determining planning applications, specifically those which come before the Development Control Committee for determination.
- 1.2 It sets out the role of the Development Control Committee and its members, how the Committee will operate and when and how it takes decisions. It should be read in conjunction with the Code of Conduct for members.
- 1.3 Planning is not an exact science. Rather it relies on informed judgement within a firm policy context. It is often highly contentious because its decisions affect the daily lives of everyone and the private lives of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decisions). This is reinforced by the legal status of development plans and decision notices. It is essential, therefore, that the planning process is characterised by open and transparent decision-making.

2. The Development Control Committee

- 2.1 The development management role of the Development Committee is to manage development and other operations in the district, so as to provide a sustainable physical, social and economic environment for the benefit of the whole community by exercising the Council's powers under the Town and Country Planning Acts, and various legislative provisions concerned with the protection of the environment, in accordance with the approved development plan, the nation planning policy framework (NPPF), the Local Plan and the Council's relevant adopted strategies including the strategies for Climate Emergency and Green Economic growth, subject to any agreed scheme of delegation to officers. As a quasi judicial Committee members of the Committee are required to be non-partisan and to represent the entire district. The practice of political whipping has no place in the decisions of the Development Control Committee, because decisions must be made on material planning considerations.

3. Statutory Functions of the Committee

- 3.1 The Committee is responsible for those functions allocated to the Council under the statutory provisions (to include statutory instruments, government circulars and planning policy statements and guidance) for control over development as defined in section 55(1) of the Town and Country Planning Act 1990 or any replacement legislation within the district or that will have an impact on the district save those matters delegated to officers and included in the scheme of delegation Members involved in the planning process shall at all times comply with the requirements of this protocol, which are in addition to the Code of Conduct for members.

4. General Role and Conduct of Councillors and Officers

- 4.1 The successful operation of the planning system relies on ensuring that Councillors and Officers involved in its operation act in a way that is not only lawful, fair and impartial but is also clearly seen to be so. The Council acknowledges that the public is entitled to expect the highest standards of conduct and probity by all persons holding public office.

- 4.2 The overriding principle is that Councillors appointed to the Development Control Committee should not favour any individuals or groups and must represent their constituents as a body and vote in the interests of the District as a whole. Clearly Councillors will take account of all views expressed but they should not deliberately favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 4.3 When dealing with planning matters only material planning considerations should be taken into account. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 4.4 Whilst this Local Code deals primarily with planning applications, the principles it endorses apply with equal vigour to consideration of the Local Plan and associated development briefs, enforcement cases and all other planning matters.
- 4.5 Members must not put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Development Management or the relevant case officer, which may be incorporated into any committee report).
- 4.6 Members should recognise that officers are employed by the Council, not by individual Councillors. A successful relationship between Councillors and officers can only be based upon mutual trust, respect, courtesy and understanding of each others positions. This relationship, and the trust which underpins it, should never be abused or compromised.
- 4.7 Members must recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
- 4.8 Officers involved in the processing and determination of planning matters must also act impartially and in accordance with the Council's Code of Conduct for Local Government Employees (so far as is relevant). In addition those that are members of the Royal Town Planning Institute are expected to comply with the relevant sections of the Royal Town Planning Institute's Code of Professional Conduct.
- 4.9 Only Councillors and Officers of the Council who are prepared to observe this Code ought to be involved in the process of dealing with planning matters, such as determining planning applications, applications for listed building consent and applications for conservation area consent.

5. Declaration and Registration of Interests

- 5.1 Councillors will declare and register interests as required by the Council's Code of Conduct for Members at Section 5 of this Constitution.

5.2 Councillors will also need to comply with the provisions of that Code that prevent them taking part when they have an interest.

6. Development Proposals Submitted by Councillors and Officers, and Council Development

6.1 Serving Councillors of the Development Control Committee in accordance with recognised good practice should not act in any way for anyone pursuing a planning matter within the area of the District Council. No Councillor whose employment or business involves dealing with planning matters within the district should be a member of the Development Control Committee. All Councillors and their appropriate Group Leaders must consider the appropriateness of their involvement in the committee. They are required to make a reasonable assessment of whether their professional interests would preclude them from sitting on the committee. Advice should be sought from the Monitoring Officer in advance of any appointments. It is anticipated that a cautious (whilst practical) approach in the interests of the Council should generally be taken.

6.2 Notwithstanding the general requirements regarding declarations of interests if a Councillor or Officer of the Council, (or any close relative, or associate) submits their own development proposal to the Council, they should take no part in its processing. Furthermore, the relevant Councillor or Officer shall inform in writing the Head of Development Management and copy to the Monitoring Officer, all such proposals as soon as they are submitted.

6.3 All applications submitted by Councillors, or employees (with the exception of non-planning staff who are not in politically restricted posts) or which relate to land owned by a Councillor or employee (save for the exceptions listed) will be dealt with as a Committee and not under the Scheme of Delegation.

6.4 Proposals for the Council's own development (or a development involving the Council and another party) should be treated in the same way as those by private developers and in accordance with relevant statutory guidance. The same administrative process, including consultation, should be carried out in relation to the Council's own planning applications, and they should be determined against the same policy background (i.e. the Development Plan and any other material planning considerations). Decisions must be made strictly on planning merits and without regard to any financial or other gain that may accrue to the Council if the development is permitted. It is important that the Council is seen to be treating such applications on an equal footing with all other applications as well as doing so.

6.5 Applications submitted by the Council and private applications in respect of Council owned land (e.g. prior to a land sale being agreed or negotiated) must be determined on accordance with the scheme of delegation and determined by the Committee as appropriate.

7. Lobbying, Predetermination and Predisposition

7.1 If Councillors are to undertake fully their constituency roles it is inevitable that they may, or will be, subject to lobbying on planning matters and specific planning applications. Lobbying is a normal and perfectly proper part of the political process. Local concerns need to be adequately aired. However, in the context of deciding on a planning application great care is required of Councillors in order to maintain both

the Council's and the Councillor's own integrity as well as the public perception of the impartiality of the planning process.

- 7.2 As a result of the legal requirement to make planning decisions impartially, Councillors should not consciously favour, or appear to favour, any person, company, group or locality. As a matter of general principle a Councillor who fully commits themselves to a particular view on a planning application prior to its consideration at Committee should not take part in the formal decision making process. A previously declared view must raise the presumption that the Councillor has prejudiced their position, cannot objectively assess the full facts before the Committee, and is unable to contribute fully to the debate in accordance with the legal and ethical framework. Accordingly where a Councillor has publicly declared or otherwise made known a conclusive view on the planning matter or application before the meeting and whilst it is a matter for the individual councillor, they should not take part in the debate on, or vote on the issue.
- 7.3 Where a District Councillor (who is a member of the Committee) is also a Parish/Town Councillor there is a need for caution to be exercised in considering matters at the Parish/Town Council stage. This is because of the Councillor's additional responsibility as a member of the District Committee charged with making a decision on the planning application. It is important to bear in mind that Parish/Town Councils are consultees in the planning process and may be asked for their comments on an application at a time when not all the relevant material planning considerations have been received and the full implications of an application investigated. As a result it would normally be inappropriate to participate in the vote that decides the Parish/Town Council's comments and views on an application. Participating in such a vote could be construed as expressing a conclusive view on an application – contrary to the requirement mentioned in the preceding paragraph. A District Councillor's expertise as a member of the Committee can be put to its best use in advising and guiding the Parish/Town Council on the planning issues that arise from the application. When the application comes to be decided by the Local Planning Authority the views of the Parish/Town Council will be considered and taken into account.
- 7.4 Where a Councillor does vote on an application at a meeting of a Town/Parish Council they may find it helpful to make the following statement to clarify their position:
- “While I will consider this matter as a Member of this Council, I am also on the Development Control Committee of Stroud District Council and may be called upon to vote on any application that this council responds to. In the light of additional information received, I may not vote at the District Council's Development Control Committee as I will in this meeting.*
- 7.5 Where the Monitoring Officer believes that a Councillor has prejudiced their position by expressing a conclusive view on an application before its determination by the Committee, the Monitoring Officer will advise the Councillor that it would be inappropriate for them to take part in the debate, or vote on the application.
- 7.6 In order to avoid such action Councillors who will be involved in the determination of a planning matter should, prior to the meeting, listen to points of view about a planning proposal. Where an applicant requires planning or procedural advice the applicant should be referred to the appropriate officer. In most cases, particularly for matters which are likely to be controversial, Councillors should not indicate (or give the

impression of) clear support or opposition to a proposal in a manner which suggests they have a closed mind to any other views or further information which may be available at the meeting at which the planning matter is discussed. In particular Councillors should not declare their voting intention before the meeting at which a decision is to be taken. To do so without all relevant information and views would be unfair and prejudicial and may amount to maladministration. The system must be seen to be fair to all parties.

- 7.7 Accusations of partiality can be avoided if a Councillor has not openly declared before a meeting the way they intend to vote. Short of high profile lobbying for a particular outcome, it should be possible for a Councillor to indicate support to a particular body of opinion whilst waiting until the Development Control Committee and hearing all the evidence presented before making a final decision. This is important because of the Councillor's overriding duty to the whole local community.
- 7.8 Whilst Councillors involved in making decisions on planning matters will begin to form a view as more information and options become available, a decision can only be taken by the Committee when all available information is to hand and has been duly considered. Individual Councillors should reach their own conclusions on an application or other planning matter rather than follow the lead of another Councillor or their political group. No political group meetings should be held prior to a meeting of the Development Control Committee.
- 7.9 It follows that Councillors involved in the decision making on planning matters should not organise support or opposition to a proposal, lobby other Councillors, act as an advocate or put pressure on officers for a particular recommendation. However, other Councillors (who are not part of the decision making process) within a Ward can make representations and address the relevant Committee pursuant to the Council's Standing Orders.
- 7.10 Similarly Councillors involved in the determination of planning applications should take great care to maintain impartiality when attending public meetings in relation to planning matters. At such meetings it is preferable for no view on the merits or otherwise of a proposal to be given. If a view is expressed it should be made clear that this view will be reconsidered in the light of all the information at the Development Control meetings.
- 7.11 Where a member of the Development Control Committee finds themselves in a lobbying situation, the Councillor should actively take steps to explain that whilst they can listen to what is said, it prejudices their impartiality to express a firm point of view or an intention to vote one way or another.
- 7.12 If a Councillor involved in determining planning matters has responded to lobbying by openly advocating a particular course of action prior to a Committee meeting, that Councillor should declare such an interest and whilst it is a matter for the individual councillor, they should not take any part in the decision making process even if he does not have an interest under the Members' Code of Conduct. It is acknowledged that this requirement may well cause practical difficulties for Councillors. There is however the compelling requirement to ensure that a planning application is processed and determined in a transparently open and fair manner.
- 7.13 Officers involved in the processing or determination of planning matters should not attend public meetings in connection with development proposals (i.e. pre-

application) or submitted planning applications unless those meetings have been arranged by or with the express agreement of the Council or the senior planning manager has given their consent to the attendance. When attending such meetings extreme caution should be exercised in giving any views on the application. Officers should only provide information by way of explaining background or policy and give no view on the merits or otherwise of the proposal.

- 7.14 If Councillors consider that they have been exposed to undue or excessive lobbying or approaches, these should be reported to the Monitoring Officer, who will in turn advise the appropriate Officers.
- 7.15 Councillors serving on the Development Control Committee should attend, debate and vote on all the applications included on the Schedule unless the individual member decides that a conflict of interests necessitates their withdrawal from consideration of a particular item.

8. Officers' Pre-Application Discussions with Applicants

- 8.1 In any discussions on planning issues, it will always be made clear at the outset, that such discussions will not bind the Council to make a particular decision, and that any views expressed are based on the Officers provisional professional judgement but do not commit the Council to any particular decision.
- 8.2 Advice given will be consistent and based upon the Development Plan and other material considerations. Every effort will be made to ensure that there are no significant differences of interpretation of planning policies between planning officers.
- 8.3 A written note will be made of pre-application discussions where appropriate and two or more Officers will attend meetings on major planning issues. As a matter of standard good practice a follow up letter will be sent, particularly when material has been left with the Council.
- 8.4 Every effort will be made to ensure that advice is impartial.
- 8.5 To maintain impartiality it is preferable that Councillors do not take part in the officers' pre-application discussions with applicants. Should there be occasions when Councillors are involved, they will be advised by the appropriate professional officers of the Council, which will always include a senior planning officer. The involvement of Councillors in such discussions will be recorded as a written file record.

9. Officer Reports to Committee

- 9.1 Reports to Committee on planning matters must be accurate and cover all relevant points. Where a planning application is subject to a full report this will refer to the provisions of the Development Plan, all other relevant material planning considerations. Normally the report will include a full description of the site and any related planning history. It will include the substance of objections and the views of people who have been consulted.
- 9.2 All reports will have a written recommendation of action/decision, and oral reporting (other than to update an existing report) will only be used on rare occasions and carefully minuted when this does occur.

- 9.3 All reports will contain a technical appraisal which clearly justifies the stated recommendation.
- 9.4 All reasons for refusal and conditions to be attached to permissions must be clear, unambiguous and in accordance with law and policy.
- 10. The Decision Making Process and Decisions Contrary to Officer Recommendation and/or The Development Plan**
- 10.1 In determining all types of planning related applications the Council will follow the relevant government guidance and case law.
- 10.2 In discussing, and then determining, a planning application or other planning matter Councillors will confine themselves to the planning merits of the case and the reasons for making a final decision should be clear and convincing, and supported by planning evidence. If Councillors wish to refuse or grant an application against Officer advice or impose additional conditions on a permission, the reasons for refusal, grant or the additional conditions must be clearly stated at the time the propositions are moved at the meeting.
- 10.3 If a resolution is passed which is contrary to a recommendation of the relevant planning officer (whether for approval or refusal) a detailed Minute of the Committee's reasons will be made. Officers shall be given the opportunity to explain the implications of the contrary proposal immediately prior to the Chair's final statement and vote.
- 10.4 Planning decisions (unless delegated) are made when the Committee is in public session. It is expected that Councillors will conduct the business of the Committee in a fair and sensitive manner. The debate on a planning application will be confined to the planning merits of a development proposal. In addition Councillors and Officers will address one another during the debate in a proper manner and through the Chair.
- 10.5 If the Officer report recommends approval of a departure from the Development Plan, the justification for this should be included, in full, in the report.
- 10.6 Senior Legal and Planning Officers should attend meetings of the Committee to ensure that procedures have been properly followed and planning issues properly addressed.
- 10.7 Councillors with interests under the Members' Code of Conduct should withdraw from the meeting and not speak or vote in the decision making process. If they insist on so doing the decision reached by the relevant Committee may well be open to legal challenge, or result in a finding of maladministration against the Council including cases where the Ombudsman personally names the Councillor in his decision letter. Councillors are also reminded of the advice in section 4 above which covers situations other than those where interests arise pursuant to the Members' Code of Conduct.
- 10.8 Where a Councillor wishes to support the Council or an appellant in respect of any appeal against a refusal of planning permission, or in civil or criminal enforcement action that Councillor shall notify in writing (normally at least 7 days before any Inquiry or Hearing) their intention to the Director of One Legal.

10.9 In deciding whether to make representations in a personal or private capacity, the Councillor should consider very carefully beforehand, whether there could be any allegation of a conflict of interest as set out in the Council's Code of Conduct for Members.

11. Public Speaking At Meetings

11.1 The purpose of permitting public speaking is to enable those affected by proposed developments to inform the Committee of their viewpoint and to contribute to an open, fair and transparent debate on applications in which they have an interest. All public speaking will be carried out in accordance with any guidance issued by the Council.

11.2 Guidance will be provided for members of the public who wish to speak at planning meetings and practical assistance will be provided for persons undertaking public speaking by Council officers at the meeting.

11.3 Public speaking is limited to four minutes per speaker. For each application there are three available public speaking slots; Town or Parish representative, Objectors to the application and Supporters of the application (this includes the applicant/agent)

11.4 Items will be considered in the following order:

- Introduction of item by the Chair
- Brief Presentation and update by the planning case officer
- The Ward Member(s)
- Public Speaking
 - Town/Parish Council
 - Those who oppose the application
 - Those who support the application
- Committee Members question of officers
- Committee Members motion tabled and seconded
- Committee Members debate the application
- Committee Members vote on the application

12. Decision Making And The Voting Process

12.1 Councillors should only vote on an application if they have been present for the whole of the presentation of, and discussion on, the application.

13. Site Visits

13.1 The Site Inspection Panel (SIP), which includes all members of the Development Control Committee, will meet the week before the Committee to view all sites on the forthcoming agenda. The relevant Ward Member(s) will be invited to attend.

13.3 At the site visit, Councillors are there to view the site and not to hear representations or debate the merits of the application. A decision on the application will be made at the next full meeting of the Development Control Committee in the light of all the information then available.

13.4 Councillors who have an interest in an application are precluded from attending any site visit on a matter. In addition if an interest become apparent during a site visit the member should immediately declare it to the chair and withdraw from the site.

14. Whipping and Political Pre-Meetings

- 14.1 The Whip will not apply from any of the political groups on their respective members of the Committee while they are taking part in Development Control business. No political meetings of Development Control Committee members shall take place.

15. Complaints and Record Keeping

- 15.1 In order that any complaints can be fully investigated, record keeping will be complete and accurate. In particular, every planning application file will contain an accurate account of events throughout its life, particularly the outcomes of meetings or significant telephone conversations.
- 15.2 The same principles of good record keeping will be observed in relation to enforcement and development plan matters. Monitoring of record keeping will be undertaken on a continuous basis by officers.

16. Training

- 16.1 All members of the Development Control Committee are required to attend mandatory training prior to sitting on the Committee and at least one further training sessions each year thereafter.



Stroud District Council

Member Champion

Protocol

This Member Champion Protocol was developed following a recommendation of the Independent Remuneration Panel approved at full Council on the 21 July 2022. This section provides a summary of the role and function of Member Champions and includes the detailed role profiles for specific Member Champion roles.

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1. Introduction

- 1.1. Member Champions are elected Members who act as an advocate or spokesperson for a specific area of the Council's business or a particular interest within the community, they have evolved in the Council as a result of national initiatives and approval at Council. The primary responsibility of each Member Champion is to encourage communication and positive action over the issue they represent.

2. Appointment of Member Champions

- 2.1. Appointment of the Member Champions will be made at Full Council meetings. A proposal for a new Member Champion role may be made by a motion to Council or a recommendation from a Committee. It is recommended that Group Leaders should be consulted and advice from the Monitoring Officer and Chief Executive sought prior to the submission of any motions.
- 2.2. The Council, at its annual meeting will appoint Member Champions. Although the Council will be entitled to make changes at its annual meeting, a Champion is expected to serve for a minimum period of two years to ensure some stability in the role.
- 2.3. Member Champion roles are not subject to political proportionality rules and therefore the appointments should be made based on skills, knowledge, suitability for the role and relevant national and local guidance. Each political group will be made aware of proposals to appoint Member Champions and given the opportunity to submit nominations.
- 2.4. A Member Champion may resign from office by giving written notice to the Chief Executive or Monitoring Officer. The position will remain vacant until the appointment is made at the next Council meeting.

3. Role of Member Champions

- 3.1. All Member Champions will have a role profile which will set out their respective duties and responsibilities. These responsibilities are in addition to those listed in the [Councillor Role Profile in Section 16](#).
- 3.2. The Champion role profiles will be developed by the Lead Officer in consultation with the Leader of the Council and the Chair and Vice-Chair of the Parent Committee or Working Group as well as the Champions themselves.
- 3.3. A generic role description is set out in Appendix A to this protocol.

4. Parameters of Member Champion Role

- 4.1. The above role is set in the context of a specific interest or theme. The following parameters apply to the role:
 - a) All Champions must act reasonably in the role.
 - b) All Champions must recognise and work effectively within the political management and working arrangements agreed by the Council.
- 4.2. A Member Champion:
 - a) Is effectively given authority by the Stroud District Council (appointing committee) to take all reasonable actions judged by the Member as being necessary to perform the role of Champion.

- b) Cannot commit the Council in any way that is contrary to established policy and practice but may confirm a Council position as stated in published policy.
- c) Cannot make decisions that bind the Council and must have regard to any budget implications which may arise.
- d) Must adhere to the Press and Media protocol and liaise with the Communications team on all forms of contact with the press and media including if they have been approached by the media for comment.
- e) Is entitled to have access to the information held by the Council relating to the interest being championed and access to a reasonable amount of Officer time. to discuss that information but may not commit officer time to such an extent that other priority work required of Officers is prejudiced.
- f) Should agree with the Lead Officer, in consultation with the Parent Committee Chairs and Vice Chairs, a programme of activity for a Council year. The work programme must reflect the Council's overall priorities as set out in the Council Plan, but the Champion may include such aspects as seen to them to be relevant for attention, as long as overall priorities are not directly prejudiced by those aspects. The work programme will be a 'live' document and can be updated throughout the year.

5. Support put in place by the Council

5.1. Taking all the above into account the Council will:

- a) Take steps to promote understanding within the Council of the role of a Member Champion and describe how it relates to other Member level functions.
- b) Promote similar understanding among its working partners, external bodies and the local community.
- c) Arrange to designate a Lead Officer to support each appointed Champion.
- d) Ensure that the Lead Officer, relating to each Championed interest, are aware of the champion roles that affect them and the rights of Champions to access / discuss information about the service.
- e) Require each Champion to report annually to the Council / Parent Committee on the performance of the function and on issues arising.
- f) Invite the Member Champion to act as its representative on some or all of the relevant external bodies where Council representation is required or sought. If representation is already in place then to work closely with the appointed Member.
- g) Put in place appropriate skills development for Champions within the overall Member development strategy of the Council.
- h) Keep under review the relevance of the role of Member Champions in the context of the Council's Members' Scheme of Allowances and if appropriate, make a request for the Council's Independent Remuneration Panel to consider this.
- i) When appointing Champions, set down any additional protocol requirements not covered by this version as part of the specific role profile.

6. Internal Working relationships

6.1. Committee Chairs and Councillors will:

- a) Acknowledge the right of Champions to be consulted on matters relating to their interest.
- b) Ensure where appropriate that there is engagement or consultation with Champions in the formulation of a policy or other matters and that the views of the Champions are contained in the information provided to decision makers.
- c) Consider inviting the relevant Champion to represent the Council at any relevant conference / seminar on the subject matter of the interest on the basis that the Champion will report back to the Council or Committee Chairs and Vice Chairs.
- d) Take full account of any views offered by Champions prior to any decision making on matters that clearly relate to the interest being championed.
- e) Acknowledge and facilitate the right of Member Champions to attend Committees of which they are not a member in order to observe or to make representations.
- f) Attend relevant meetings where invited by the Champion(s) in order to receive updates and offer support.

6.2. Officers will:

- a) Acknowledge the right of Champions to be consulted and to participate in discussions on matters relating to their interest.
- b) Ensure there is appropriate engagement or consultation with all relevant Champions where the issue clearly relates to the interest, every effort should be made to include all of the Member Champions regarding interests which are championed by multiple Members.
- c) Co-operate fully with Champions in enabling them to perform their functions and to discuss directly with Champions and Members where proposed actions might prejudice Council or other priorities.
- d) Explain fully and openly to Champions any issues of capacity relating to the role of supporting the Champion function.
- e) Work with Champions in the formulation of a programme of activity that is consistent with what the Council wishes to achieve and recognises the right of the Champion to focus on other aspects.
- f) The Communications Team will contact the relevant Member Champions on matters relating to the interest and will endeavour to include a quote from one Member Champion on any matters relating to the interest being championed.

7. External working relationships

7.1. The Champion will:

- a) Consider being the Council's representative on certain relevant external bodies.
- b) Monitor and work closely with partner bodies in the field of the interest being championed.
- c) Identify the most relevant community bodies whose work is associated with the interest and foster good working relationships with those groups.

- d) Take steps to promote within the wider community the specific issues on which the Champion is to focus and to provide opportunities for local engagement.

8. Conflict resolution

- 8.1. In the event that there is disagreement between the Champion and either an Officer or a Member, the Chief Executive in consultation with the Leader of the Council shall determine the matter. The decision of the Chief Executive shall be final.
- 8.2. If the disagreement is between the Champion and the Leader of the Council, the Chief Executive, in consultation with the Monitoring Officer, shall determine the matter.

Appendix A - Member Champion General Role Profile

1. Background

- 1.1. Member Champions are elected members who in addition to their other council responsibilities help to ensure that the issue or group that they are championing is taken into account when council policy is being developed and decisions are made.
- 1.2. Member Champions exist to provide a voice for underrepresented groups, or issues which need to be kept at the forefront of council business.
- 1.3. The Member Champion role does not have personal delegated power to act on the council's behalf on matters relating to the interest being championed. Member Champions must work within the council's Constitution.
- 1.4. The Member Champion/s will represent the whole District with regards to their championed interest and will not be confined to just the ward they represent as a District Councillor.

2. Duties and Responsibilities

2.1. Member Champions will:

- a) Champion the adopted policy of the Council for the relevant interest and to contribute to the review and development of policies pertaining to the area of interest.
- b) Promote their area of interest and act as a catalyst for change and improvement both within and outside of the Council, having regard to the Council's overall corporate and service priorities and Council Plan.
- c) Keep up to date with all relevant matters connected with the interest including networking with other Member Champions both from within the organisation and from other local authorities with the same or similar interests.
- d) Ensure good practice within the authority relating to the interest is shared and that examples of good practice elsewhere are brought to the attention of Members and Officers.
- e) Present an annual report to the Council or the Parent Committee.
- f) Monitor the Stroud Council Plan and work with Lead Officers and Members proactively to advise, identify, challenge and to exert influence on behalf of the interest.
- g) Ensure that all Members of the Council and the Council's Officers are aware of the needs, issues and support available relating to the interest.
- h) Take advice from the appointed Lead Officer.
- i) Seek to engage with senior management by offering to attend meetings in order to deliver presentations, ask questions or raise issues for consideration.
- j) Serve where appropriate on working groups relating to their area of interest and seek to place appropriate items on Member Working Group agendas.
- k) Work closely with Chairs and Vice-Chairs of the Parent Committee to keep them up to date with progress and ask for support where necessary.

- l) In all of the above, recognise the limited capacity of Officers to support the Champion role alongside the demands of all other Member and Council Functions and will, therefore make reasonable allowance for this.

3. Skills

- 3.1. Member Champions will pursue such personal development and training opportunities to enable effective performance in the role of a member champion and raise personal awareness of issues relevant to the interest being championed.
- 3.2. Member Champions must be Self-motivated and able to manage their own workload whilst working closely with the Lead Officer and any relevant Chairs and Vice -Chairs.

4. Time Commitment

- 4.1. Member Champions will present an annual report to the Council or the Parent Committee on the work achieved during the previous reporting period and priorities identified for the future.
- 4.2. They will work with a nominated Lead Officer in prioritising actions as a Member Champion, creating a work plan that achieves a balance between helping to achieve corporate priorities and delivering other priorities identified by the Member Champion.

Appendix B - Mental Health Champion Role Profile

1. Background

- 1.1. The Local Authority Mental Health Challenge was setup by a group of leading mental health charities. At a full Council meeting on the 26th April 2018, Stroud District Council approved a Motion to sign up and appoint Mental Health Champions.
- 1.2. The challenge specified the need for nominated elected members to become mental health champions, and while the exact remit is defined locally and developed by the champions themselves. Key objectives include:
 - a) Promotion of well-being, resilience and positive mental health with SDC Officers, Members and Residents.
 - b) Signpost to existing services for more specialist things and seek ways to fill gaps as they are identified, aware that most provision falls outside the council's remit and crosses NHS, community and private service provision. Keen to embed consideration of mental health in all council decision making, alongside diversity and equality as a whole
 - c) Advocate consideration of mental health alongside equality, diversity, and physical requirements in council policy.
 - d) To build wellbeing and mental health support into all community hubs as they emerge

2. Requirements for the role:

- 2.1. An enthusiasm for, and interest in wellbeing, improving the working environment and supporting engagement.
- 2.2. Being approachable and willing to help.
- 2.3. A basic understanding of healthy lifestyles and health promotion.
- 2.4. Keen to keep up to date with activities and attend training events / relevant meetings.

3. Duties and Responsibilities

- 3.1. Mental Health Champions will:
 - a) Fulfil the requirements of the general Member Champion Role profile as seen in Appendix A in addition to the specified requirements for the championed interest.
 - b) Advocate for mental health awareness, wellbeing and beneficial intervention opportunities in council/committee meetings and policy development.
 - c) Reach out to the local community (e.g. via schools, businesses, faith groups) to raise awareness and challenge stigma.
 - d) Proactively listen to people of all ages and backgrounds about what they need for better mental health.
 - e) Provide information about and encourage others to participate in health and wellbeing initiatives/challenges
 - f) Foster local partnerships between agencies to support people with mental health problems more effectively.

- g) Engage with people through your role in the community and by attending local groups and events.
- h) Encourage the council to support the mental health of its own workforce, contractors and Members.

4. Supporting Officer

- 4.1. The Lead Officer(s) will be Head of Community Services, and Head of Human Resources.

5. Parent Committee(s)

- 5.1. The Parent Committee for Mental Health Champions will be Community Services and Licensing Committee

Appendix C - Armed Forces Champion Role Profile

1. Background

- 1.1. The Armed Forces Covenant outlines the moral obligation between the nation, the government and the armed forces is a commitment by a local authority, statutory services, military charities, and the private sector to support members of their local armed forces community. It is a pledge that acknowledges those who serve, or who have served, in the armed forces, and their families, should be treated with fairness and respect in the communities, economy and society they serve with their lives.
- 1.2. At a full Council meeting on the 18th July 2019, Stroud District Council agreed to appoint two Armed Forces Member Champions to support the Armed Forces Covenant. An amendment to this decision recognised that the role should continue to be a civic duty and therefore either the Chair or Vice-Chair of Council should always hold at least one of these positions.

2. Requirements for the role:

- 2.1. At least one Armed Forces Champion must either be the Chair or Vice-Chair of Council.
- 2.2. An enthusiasm for, and interest in encouraging local communities to support the armed forces community in their area.
- 2.3. Being approachable and willing to help.
- 2.4. Some Armed Forces experience would be an advantage, though not required.
- 2.5. Keen to keep up to date with activities and attend the occasional training event / meeting.

3. Duties and Responsibilities

- 3.1. Armed Forces Champions will:
 - a) Raise the profile and needs of the Armed Forces community (serving personnel, both regular and reserve, their families and veterans), within the Council and the wider county.
 - b) Keep up to date on activities being undertaken locally to support service personnel and their families.
 - c) Have up to date knowledge on any Armed Forces issues and be able to provide information on local activities.
 - d) Attend events on behalf of the Chair relating to the Armed Forces.
 - e) Raise the profile of the Armed Forces and ex-Service personnel and promote local events.
 - f) Develop and encourage local businesses to support the Covenant.

4. Supporting Officer

- 4.1. The Lead Officer will be the Strategic Director of Communities.

5. Parent Committee(s)

- 5.1. The Parent Committee for Armed Forces Champions will be Council.

Appendix D - Migrant Champion Role Profile

1. Background

- 1.1. The Migrant Champions Network is a new project that will support local councillors to champion the rights of migrants in their local areas and beyond. The network will support councillors to advocate for migrants' rights, help them to connect with local services and advice centres, and ensure their needs are considered and voices heard. This role will work closely with the migrant Network.

2. Requirements for the role:

- 2.1. An enthusiasm for, and interest in wellbeing, equality, diversity and inclusion and promoting the rights of migrants.
- 2.2. Being approachable and willing to help.
- 2.3. Keen to keep up to date with activities and attend the occasional training or network events and meetings.

3. Duties and Responsibilities

- 3.1. Migrant Champions will work with Stroud District Council and where appropriate, Gloucestershire County Council to:
 - a) Be a point of contact for migrant residents, and organisations supporting migrants;
 - b) Review policies and procedures to ensure migrants have adequate access to services;
 - c) promote council resolutions to promote migrants' rights;
 - d) take up cases across the authority that involve migrants' rights;
 - e) ensure that the needs of vulnerable migrants, especially children, are met by council services; and
 - f) ensure that all migrants entitled to vote are asked to register and helped if they need it, and that the information provided by relevant officers is accurate and appropriate.

4. Supporting Officer

- 4.1. The Lead Officers will be the Interim Head of Strategic Housing Services and the International Resettlement Officer.

5. Parent Committee(s)

- 5.1. The Parent Committee for Migrant Champions will be Council

Appendix E – Equality, Diversity and Inclusion Champions

1. Background

- 1.1. Equality, Diversity and Inclusion Champions will play a central role in assisting the Council to meet the equality objectives set out in the Equality, Diversity and Inclusion Policy. They will monitor delivery of the associated 1-year Action Plan and report progress annually to Full Council.

2. Requirements for the role:

- 2.1. The Equality, diversity, and inclusivity champion should have:
 - a) Excellent communication skills
 - b) The ability to be objective
 - c) A sensitive and professional manner
 - d) Understanding of, or willingness to learn about, equality and diversity matters
 - e) Strong relationships with team members across a variety of roles and positions
 - f) A willingness to engage openly and honestly with others on topics that can at times be challenging and difficult to discuss
 - g) An enthusiasm for, and interest in wellbeing, improving the working environment and supporting engagement.
- 2.2. The appointed ED&I Champions must sit on the Council's Equality, Diversity and Inclusion Working Group.

3. Duties and Responsibilities

- 3.1. Ensure that the Equality, Diversity and Inclusion Policy is consistently measured and appraised with progress against the current objectives kept under review.
- 3.2. Understand the communities that make up the Stroud District and work with them on a range of issues.
- 3.3. Develop the roles of elected members in driving equalities forward.
- 3.4. Champion the equality and diversity agenda and embed equality in organisational activities.
- 3.5. Use the expertise within the group to find practical solutions to any barriers that may present themselves in delivering the Council's aspirations and obligations around equality and diversity.
- 3.6. Share and exchange knowledge and information about how the different communities of the Stroud district experience service delivery.
- 3.7. Establish mechanisms for on-going dialogue and joined up working between teams to share good practice and ensure consistency across the organisation.
- 3.8. Identify areas in which the organisation can improve its efforts to be more inclusive and recommend actions.

4. Supporting Officer

4.1. The Lead Officers will be the Policy & Performance Officer, and the Senior Operations Partner (HR).

5. Parent Committee(s)

5.1. The Parent Committee for ED&I Champions will be Council

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Section 10 - Officers' Code of Conduct

The Code of Conduct sets out standards of conduct expected from Stroud District Council employees. It is supplemented by other policies and procedures, which form part of the Employee Handbook.

Approved by Council: December 2012
Last Modified: January 2023

Introduction

The public is entitled to expect the highest standards of conduct from Stroud District Council employees.

Aim and Scope

The Code applies to all employees of the Council. Employees must comply with this Code fully as it forms part of their Terms and Conditions of Employment.

Standards

Employees who are aware of breaches of the Code of Conduct must raise these with their line manager. Employees should also refer to the Whistle Blowing policy.

Disclosure of information

It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The authority itself may decide to open other types of information.

Employees must be aware of which information within their authority is open and which is not, and act accordingly.

Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

Employees should only give confidential information or documents to those have a legitimate right to them.

Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

Political neutrality

Employees serve the authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected. The Member/Officer protocol can be found in the Council's Constitution document.

Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.

Relationships

With Councillors

Employees are responsible to the authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

It is not expected that employees will discuss any matter relating to their personal employment (or that of any other SDC employee) with members outside of the operation of any formal procedures.

With the local community and service users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the authority.

With contractors

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate Strategic Team Member, using the Register of Employees' Interests form, available on the Hub.

Appointment and other employment matters

Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them.

Similarly, employees should not be involved in decisions relating to discipline, promotion or adjustments for any other employee who is a relative, partner, etc.

Personal Appearance

The Council expects employees to observe a standard of personal appearance which is appropriate to the nature of the work undertaken and which portrays a professional approach which the public will have confidence in. See also the section on Dress Code in the Employee Handbook.

Personal interests

Employees must declare to an appropriate Strategic Head of Service, any non-financial interests that they consider could bring about conflict with the authority's interests, using the Register of Employees' Interests form.

Employees must also declare any financial interests which conflict with the authority's interests.

As a further guide the national groups responsible for drafting the Code used these examples of possible areas of conflict - involvement with an organisation receiving grant aid from the Council and involvement with a pressure group or organisation which may seek to influence the Council's policies. These would be relevant under the first category on the Register of Interests Form.

Under the Council's Local Code of Conduct for Councillors and Officers dealing with planning matters, should an Officer of the Council (or any close relative or associate) submit their own development proposal, they should take no part in its processing. Furthermore the Officer shall inform in writing both the Strategic Head (Development Services) and the Council's Monitoring Officer of all such proposals as soon as they are submitted.

Equality issues

All employees should ensure that policies relating to equality issues as agreed by the authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

Separation of roles during tendering

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform their Strategic Head of Service and withdraw from the contract awarding processes.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

Corruption

Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing

favour or disfavour to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

Use of financial resources

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the authority.

Employees involved in financial activities and transactions for the Council, must follow the Financial Regulations and accompanying Guidelines.

Hospitality

Contacts established at a social level can often be helpful if pursuing the Council's interests. What is important is to avoid any suggestion of improper influence or giving others the opportunity reasonably to impute improper influence. The extent of the hospitality will be a factor as to its acceptability. It may be more reasonable to join in hospitality offered to a group than to accept something unique to yourself.

When a particular person or body has a matter currently in issue with a local authority then common sense dictates a more restrictive approach (e.g. negotiations with an outside organisation). An important criterion in exercising your judgement is what interpretation others may reasonably put on your acceptance.

The following checklist of questions should help Managers and Corporate Team Members to decide whether a gift or offer of hospitality should be accepted or rejected:

- Is the donor, or event, significant in the community or in your Council's area?
- Are you expected to attend because of your position in the community?
- Will the event be attended by others of a similar standing in the community or in other communities?
- What is the motivation behind the invitation?
- Would acceptance of the invitation be, in any way, inappropriate or place you under pressure in relation to any current or future issue involving your Council?
- Could you justify the decision to your Council, press and public?
- Is the extent of the hospitality or the nature of the gift reasonable and appropriate?
- How will you respond to the hospitality?
- Are you comfortable with the decision?

Gifts

The acceptance of gifts is a dangerous practice and the general rule should be to refuse tactfully all such offers from organisations or persons who do, or might, provide work, goods or services to the Council, or who need some decision from the Council (e.g. planning applications).

Exceptions from this general rule would include modest gifts of a promotional character (e.g. calendars, diaries, articles for office use, or a small gift during a courtesy visit to a firm).

Such exceptions relate only to modest gifts and an expensive gift would raise questions even if it would otherwise fall within one of the above categories. It is impossible to be more precise in dealing with what do and do not amount to acceptable gifts and this is very much a matter for the individual judgement of Managers given the particular circumstances.

Any gifts or hospitality offered or received must be entered on to the Corporate Register held by Democratic Services.

Sponsorship - giving and receiving

Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

Undertaking additional work

Full time employees are expected to devote their whole service to the work of the Council, and shall not engage in any other business, including self employment, or take up any other appointment without the express prior consent of their line manager. The Council reserves the right to withdraw such consent, if it is deemed necessary.

All prospective employees shall, prior to appointment, provide details of any employment(s) in which they are engaged, giving full details of the employer, job title and the hours worked per week in each job. (This information will be examined to see whether any other existing employment(s) is in conflict with the employment being sought with the Council and whether, in overall terms, the total hours of all the employments exceed 48 per week – as per the Working Time Regulations 1998).

All existing employees must declare any other additional employment to their manager to enable the Council to ensure that there is no conflict of interest between such employment and that there is adherence to the Working Time Regulations.

Employees should avoid situations whereby their work and personal interests conflict or may appear to conflict.

Undertaking unpaid activities outside Council's employment may, on occasions, be detrimental to the Council's interests. Employees should be mindful of any potential conflict of interests in such situations.

No personal business activity or outside work of any type should be undertaken by an employee during their normal working hours for Stroud District Council.

For unpaid activities such as serving on a School Governing Body or paid work such as being a member of the Territorial Army refer to the Council's Hours and Leave Policy.

OFFICER EMPLOYMENT PROCEDURE RULES

Approved by Council: May 2013
Last Modified: January 2023

STAFF EMPLOYMENT PROCEDURE RULES

1. Recruitment and appointment

- (a) The Council require all applicants for jobs to state in writing whether they are related to an existing Councillor or officer of the Council; or to their partner.
- (b) The application form will specify such a relationship as being the spouse, parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece.
- (c) Any candidate related to a Councillor or an officer will only be interviewed after the Head of Paid Service or their nominee has given approval.
- (d) A Councillor may give their name as a referee on a candidate's application form and provide a written reference if the Council requests it.
- (e) Apart from paragraph (d) above, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council.
- (f) Apart from paragraph (d) above, no Councillor will seek support for any person for any appointment with the Council.
- (g) The declaration of relationships and prohibition of canvassing of support will be set out clearly in Council job application forms.

2. Recruitment of Head of Paid Service and Chief Officers

Where the Council proposes to appoint the Head of Paid Service or a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - i) the duties of the officer concerned; and
 - ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. Appointment of Head of Paid Service (Chief Executive)

The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a panel of the Strategy and Resources Committee.

4. Appointment of chief officers

A panel of the Strategy and Resources Committee will appoint Chief Officers. The Chief Executive will Chair.

5. Other appointments

Appointment of officers below chief officer is the responsibility of the Head of Paid Service or their nominee and may not be made by Councillors.

6. Disciplinary action

All disciplinary actions will be carried out in accordance with the Council's disciplinary and related procedures. Councillors will not be involved in the disciplinary action against any officer below chief officer except where there is a right of appeal to Members.

In the case of the Head of Paid Service, Monitoring Officer and Chief Financial Officer and other Chief Officers, they may be suspended whilst an investigation takes place into alleged misconduct. The suspension will be on full pay and last no longer than two months. No other disciplinary action may be taken in respect of any of these officers, except in accordance with a recommendation in a report made by an Independent Panel.

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Stroud District Council

Protocol for Member & Officer Relations

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“Councillors and officers are indispensable to one another and mutual respect and communication between both is essential for good local government. Together, they bring the critical skills, experience and knowledge required to manage an effective council. Councillors provide a democratic mandate to the council, whereas officers contribute the professional and managerial expertise needed to deliver the policy framework agreed by councillors. The roles are very different but need to work in a complementary way”¹

1. PURPOSE AND STATUS

- 1.1. The purpose of this Protocol is to guide members and officers in their relations with one another to ensure the smooth running of the Council. The overriding principle is for members and officers to recognise and respect one another’s different roles and responsibilities. It seeks to maintain and enhance the integrity of local government which demands the highest standard of personal conduct.
- 1.2. Given the variety and complexity of relations, this Protocol does not seek to be prescriptive or comprehensive but instead offers guidance on some of the situations which most commonly arise. It is expected that the approach it suggests can be adapted to any situation.
- 1.3. The Protocol reflects the Nolan Principles underlying the Codes of Conduct for Councillors and Officers which are; that they are not only followed, but are seen to be followed. The partnership between members and officers should be based upon mutual trust and respect and all should aspire to the highest standards of ethical behaviour. Compliance with this Protocol is critical to meeting this aspiration.
- 1.4. This Protocol, whilst not legally binding, will be relevant in judging compliance with the Codes of Conduct. A breach of the provisions of this Protocol may also constitute a breach of the Member and Officer Codes.
- 1.5. Compliance with the Protocol will ensure that all members are able to receive objective and impartial advice from politically independent staff who are not subjected to any undue influences.
- 1.6. The principles of this Protocol apply to all interactions between members and officers, including the use of Social Media.

2. THE MEMBER/OFFICER RELATIONSHIP GENERAL PRINCIPLES

- 2.1. At the heart of this Protocol is the importance of mutual respect, trust and confidence between members and officers of the Council. This is essential to good local government and will generate an efficient and unified working organisation.
- 2.2. Dealings between members and officers should observe reasonable standards of courtesy and show mutual appreciation of the importance of work / life balance.

¹ Local Government Association - A councillor’s workbook on effective councillor/ officer relationships
https://www.local.gov.uk/sites/default/files/documents/11.141%20A%20councillor%27s%20workbook%20on%20councillor_x3A_officer%20relationships_v03.pdf

Neither party should seek to take unfair advantage of their position or exert undue influence on the other.

- 2.3. Both members and officers are servants of the public and are indispensable to one another, but their responsibilities are distinct. Members are responsible to the electorate and serve only as long as their term of office lasts. Officers are responsible to the Council as a whole; their job is to give advice and to carry out the Council's work under the direction and control of the Council and its Committees.
- 2.4. Whilst the duties and responsibilities of members and officers are different, both are bound by the same framework of statutory powers and duties. It is fundamental to the efficient and effective operation of the Council that both understand the boundaries of their respective roles and that neither asks the other to step beyond those limits.
- 2.5. It is not the role of members to control the day to day management of the Council and they should not seek to give instructions to officers other than in accordance with the terms of reference of their committee.
- 2.6. Members are not authorised to initiate or certify financial transactions or to enter into a contract on behalf of the Council.
- 2.7. Members and officers must avoid taking actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under the Code of Conduct, when reaching decisions, to have regard to advice given by the Section 151 Officer or Monitoring Officer when they are discharging their statutory duties.
- 2.8. Members must respect the impartiality of Officers and do nothing to compromise it, e.g. by insisting that an Officer change their professional advice.
- 2.9. Members are not prevented from discussing issues with officers or promoting a particular point of view. Whilst officers will consider the views / advice of members they are not, in any way, compelled to provide advice which coincides with the member's view or preferred position. Any unreasonable requests by a member to an officer to change their professional recommendation will constitute unacceptable undue pressure which is not permissible.
- 2.10. All members and officers have certain basic responsibilities and obligations. There are, however, some members and officers who, either because of statute, tradition or decisions of the Council, have extended roles and additional responsibilities. Some Members hold positions of responsibility such as the Leader and Group Leaders, the Chair and Vice Chair of Council, Chairs and Vice-Chairs of Committees/Working Groups. The Statutory Officers are the Head of Paid Service (Chief Executive), the Finance Officer (Section 151 Officer) and the Monitoring Officer. Their roles are defined by statute and within the Council's Constitution.
- 2.11. As a matter of general principle, members and officers will:
 - Deal with one another without discrimination
 - Observe normal standards of courtesy in their dealings with one another
 - Not take unfair advantage of their position

- Promote a culture of mutual respect
 - Communicate clearly and openly, avoiding ambiguity and opportunities for misunderstandings
 - Work together to convert the Councils core values and priorities into practical policies for implementation for the benefit of the District
 - Observe any advice relating to publicity during the pre-election period
 - Refer any observed instances of inappropriate behaviour as necessary
 - Respect each other's free time.
- 2.12. Members must not be personally abusive to, or derogatory of officers in any correspondence, or during any meeting or discussion, in particular when this takes place in public, whether or not that individual is in attendance. Officers will likewise treat members with respect at all times.
- 2.13. Members should not criticise or raise matters relating to alleged conduct or capability of an officer at meetings of the Council, Committee or any other public forum (including on Social Media). This is a long standing tradition in public service as an officer has no means of responding to criticisms in public.
- 2.14. Officers should not raise with a member matters relating to the conduct or capability of another officer or to the internal management of a department in a manner which is incompatible with the overall objectives of this Protocol.
- 2.15. Nothing in this Protocol shall prevent an officer making a protected disclosure under the Whistleblowing Policy.
- 2.16. If an officer feels that they have been treated improperly or disrespectfully they should raise the matter with the relevant Strategic Director or the Chief Executive as appropriate. In these circumstances, the Chief Executive or Strategic Director will take appropriate action, including approaching the member concerned, and raise the issue with the Group Leader (if applicable) or referring the matter to the Monitoring Officer where there is a potential breach of the Code of Conduct.
- 2.17. Whilst normal, friendly working relationships between members and officers are to be encouraged, close personal familiarity or personal contact of an inappropriate nature between individual members and officers can harm the relationship. This can also prove embarrassing to other members and officers and can damage the public perception of the integrity and objectivity of the organisation so should be avoided.
- 2.18. Relationships should never be allowed to become so close, or appear to be close that the ability of an officer to deal impartially with other members or Political Groups is questioned. Both members and officers will need to be aware of the potential for conflicts of interest and take steps to either avoid or mitigate the position. The Monitoring Officer should be consulted in these circumstances.
- 2.19. Political Group Leaders should promote a positive atmosphere of trust, respect and understanding between members and officers and must be prepared to deal with and

resolve any reported incidents of breaches of this Protocol by their Political Group Members. In the event of a complaint being made to them under this Protocol, a Political Group Leader will seek to actively consider the complaint and achieve a satisfactory outcome. The outcome must be reported to the Officer who notified them of the complaint.

3. ROLE OF MEMBERS

3.1. Collectively, members are the ultimate policy makers determining the core values of the Council and approving the policy framework, strategic plans and budget. Their role is complex, requiring them to act simultaneously in the following capacities:-

As Council / Committee Members – Members will provide leadership and take responsibility for the authority’s decisions and activities. Members have responsibility for the performance, development, continuity and overall wellbeing of the organisation as well as overseeing governance.

As Representatives – Members are community leaders who interpret and express the wishes of the electorate and are accountable to the electorate for service priorities, allocation of resources and ultimate performance. The Member represents the interests of their Ward and is an advocate for their constituents.

As Politicians – Members may belong to a Political Group represented on the Council and, if so, may express political values and support the policies of the Group to which they belong.

3.2. Officers can expect members to:-

- Provide political leadership and direction.
- Initiate and develop policy to be put before Council or Committees.
- Work in partnership understanding and supporting their respective roles, workloads and pressures.
- Take corporate responsibility for policies and other decisions made by the Council.
- Prepare for formal meetings by considering all written material provided in advance of the meeting.
- Leave day to day managerial and operational issues to officers.
- Adopt a reasonable approach to awaiting officers timely responses to calls / correspondence.
- Not demand urgent responses to correspondence / calls unless the subject matter is deemed by the officer to be urgent. Any dispute as to urgency should be referred to the officer’s manager.
- Not send emails to multiple officers regarding the same issue, instead utilising one point of contact where possible.

- Use their position with officers appropriately and not seek to advance their personal interests or those of others to influence decisions improperly.
- Respect the dignity of officers and not engage in behaviour which could be reasonably regarded as bullying or harassing in nature.
- Have regard to the seniority and experience of officers and equally having regard to the potential vulnerability of officers at junior levels.
- Will not request officers to undertake work not sanctioned at or by the Committee or by Group Leaders.

3.3. It is permissible and sensible for members to seek straightforward factual information from officers, and to seek the views of appropriately qualified officers as to technical or professional matters. However, if there is anything contentious or relates to a matter requiring a complex opinion or value judgement, this should be directed to the relevant Strategic Director or Chief Executive. Democratic Services are happy to signpost members to the correct area as necessary to ensure that queries are resolved.

3.4. When serving on the Council's Development Control Committee or Community Services and Licensing Committees, members must observe the Planning Code of Conduct and any guidance or protocols adopted in relation to the licensing system.

3.5. Whilst members should always act in the public interest, there is nothing preventing them as politicians, from expressing the values and aspirations of the Political Group to which they belong.

3.6. As a matter of courtesy, it is expected that members involved in an issue in another member's ward will speak with the relevant ward member(s) to inform them of their involvement.

4. ROLE OF OFFICERS

4.1. In broad terms officers have the following main roles:

- Set and implement strategies to deliver Council policy and further the Council's priorities.
- Day to day operational management of the organisation.
- Implement decisions of the Council which are lawful and which have been properly approved.
- Give members advice on issues and the business of the Council to enable them to fulfil their roles. In doing so, officers will take into account all relevant factors and demonstrate political sensitivity.
- Manage the services for which they have been given responsibility within the framework of responsibilities given to them under the Scheme of Delegation.

- Be accountable for the efficiency and effectiveness of the services in which they work and to demonstrate proper / professional practice in discharging their responsibilities.
- Provide advice on changes in government policy for which the Council is responsible.
- Provide professional advice on industry innovation, scientific development which may assist the council in delivering services.
- Provide professional advice on innovations by other councils which may be adopted by this council to improve service delivery.
- Be professional advisors to the Council, its political structures and members in respect of their service - as such, their professionalism should be respected.
- Initiate policy proposals in line with national government requirements or council agreed priorities as well as implementing the agreed policies of the Council.
- Ensure that the Council always acts in a lawful manner and does not engage in maladministration.
- Officers may only support members in their role within the Council and must not engage in actions incompatible with this Protocol. In particular, there is a statutory limitation on some officers involvement in political activities.

4.2. Members can expect officers to:

- Undertake their role in line with their contractual and legal duty to be impartial.
- Exercise their professional judgement in giving advice and not be influenced by their own personal views.
- Have an appreciation of the political environment in which they work and demonstrate political sensitivity.
- Assist and advise all parts of the Council, officers must always act to the best of their abilities in the best interests of the authority and the residents of the district.
- Be alert to issues which are, or are likely to be, contentious or politically sensitive and to be aware of the implications for members, the media or other sections of the public.
- Maintain due confidentiality.
- Behave in a professional manner and comply with the Officer Code of Conduct.
- Be helpful and respectful to members.
- Respond in a timely manner to telephone calls, email correspondence etc.

4.3. Officers are accountable to the Chief Executive, Strategic Director, Head of Service

or Operational Manager and whilst Officers should always seek to assist any member, they should not go beyond the limit of the authority given to them by their manager.

- 4.4. In their dealings with the public, officers should be courteous and act with efficiency and timeliness.
- 4.5. In advising members of the Council, officers should be able to give honest and impartial advice without fear or favour from members. Officers must serve all members, not just those of any majority Political Group, and must ensure that the individual rights of all members are respected. The support provided by officers can take many forms, ranging from briefing an individual member on a particular issue to, on occasions, a presentation to the Council.
- 4.6. Subject to Paragraph 2.14 (Whistle blowing), officers should respect a member's request for confidentiality when dealing with any legitimately delicate matter and members should respect an officer's request that a matter be kept confidential. Where confidentiality is requested, any written reply to a member should not be copied to any other member without the original member's permission, or in order to comply with an unavoidable legal or professional obligation.
- 4.7. An officer shall not discuss with a member personal matters concerning themselves or another individual employee. This does not preclude officers or members asking after a colleague's wellbeing. This does not prevent an officer as a constituent raising, on a personal basis and in their own time, a private matter with their Ward Member without using the Council email system.

OFFICERS ATTENDANCE AT POLITICAL GROUP MEETINGS

- 4.8. In order to ensure that political neutrality is not compromised, officers must not, in their capacity as Council employees, attend meetings of Political Groups unless specifically authorised by the Chief Executive. Any request for officer support should be made to the relevant Strategic Director or Chief Executive in advance of any meeting. Officers have the right to refuse such requests and will not normally attend a meeting where some of those attending are not members of the Council on the basis that the Code of Conduct does not apply to persons other than members.
- 4.9. Any support should be made available to all Political Groups if requested. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of Political Group business. Officers must not be present at meetings when matters of Political Group business are to be discussed. Where a Political Group shares alternative proposals for advice, e.g. the budget, the officer should treat this as confidential.
- 4.10. Where officers provide information and advice to a Political Group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or the Council when the matter in question is considered.

THE COUNCIL AS EMPLOYER

- 4.11. Officers are employed by the Council as a whole. Members roles are limited to the appointment of specified senior posts in accordance with the Staff Employment Procedure Rules and should not act outside these roles.
- 4.12. If participating in the appointment of officers, members should:
- Remember that the sole criteria is merit
 - Never canvass support for a particular candidate
 - Not take part where the candidate is a close friend or relative
 - Not be influenced by personal knowledge of candidates
 - Not favour a candidate by providing them with information not available to other candidates

OFFICER RELATIONSHIPS WITH CHAIRS/VICE CHAIRS, POLITICAL GROUP LEADERS AND LEAD AND SUPPORT MEMBERS

- 4.13. Chairs of the Council / Committees / Working Groups (and Vice-Chairs in their absence) must:
- Chair meetings impartially
 - Give all Members equal right to speak
 - Manage meetings to ensure that the business is transacted efficiently but fairly
 - Ensure that officers are given every opportunity to give their professional advice to the meeting.
- 4.14. A Committee Chair should routinely be consulted during the process of preparing an agenda for a forthcoming meeting. Chairs must recognise that, in some situations, for example, the statutory officers are under a duty to submit a report on a particular matter and no influence should be exerted on any officer to exclude an item from an agenda.
- 4.15. Prior to Committee Meetings (unless exceptions apply), the appropriate officers will meet informally with the Chair and Vice-Chair (Chair's Briefing) to discuss matters on the agenda, to deal with anything necessary to ensure the smooth running of the meeting and to enable specific issues to be highlighted for which officers and members may need to prepare prior to the meeting.
- 4.16. Senior officers, Political Group Leaders and Committee Chairs will agree mutually convenient methods of regular contact and will arrange informal meetings with Members when required. It would be usual for Committee Chairs and officers to actively involve other members in work plan meetings / agenda planning.
- 4.17. Senior officers (including the Head of Paid Service, Monitoring Officer and Section 151 Officer) have the right to present reports and give advice to Committees.

- 4.18. Whilst there may well be occasions where it will be appropriate for officers to maintain confidentiality, to avoid any perception of impartiality, officers must exercise care when dealing with Chairs, Vice-Chairs and Political Group Leaders to ensure that they are not provided with information that the officer is not prepared to make freely available to other members.
- 4.19. Subject to the rules on access to information set out below, officers shall provide members with the information necessary to enable them to effectively undertake their role as a Council spokesperson and ambassador.
- 4.20. Before any formal decisions are taken members will have regard to professional advice from officers.
- 4.21. Officers taking decisions under delegated powers must consider whether the relevant Political Group Leader, Committee Chair or Ward Member should be consulted based on the issue and taking into account political or corporate sensitivities (see below on consultation with Ward Members).
- Where the matter falls under the responsibility of that Chair's committee
 - Where the matter relates to that ward
- 4.22. Officers must also be prepared to justify how decisions taken under delegated powers contribute to the delivery of council policy and priorities when reasonably required to do so.
- 4.23. Where officers have delegated authority to take certain actions by a Committee in consultation with a member, it is the officer who takes the action and is responsible for it. A Political Group Leader or Chair has no legal power to take decisions on behalf of the Council or a Committee neither should they apply inappropriate pressure on the officer.

POLITICAL GROUPS AND OFFICERS

- 4.24. There is statutory recognition for Political Groups and it is common practice for these groups to give preliminary consideration to matters of Council business in advance of them being considered by the relevant Council decision making body. At Stroud District Council, it is usual for independent members to be consulted on such matters where appropriate.
- 4.25. Senior officers may properly be asked to contribute to deliberations of matters concerning Council business by political groups but must at all times maintain political neutrality.
- 4.26. The assistance provided by senior officers can take many forms ranging from a briefing meeting with a Political Group Leader, Chair or other members prior to a meeting, to a presentation to a full Political Group meeting. It is an important principle that assistance is available to all Political Groups and individual members. In their dealings with Political Groups and individual members, officers must treat them in a fair and even-handed manner.
- 4.27. Certain points must be clearly understood by members and officers alike who

participate in these meetings:

- Officer assistance must not extend beyond providing information and advice in relation to matters of Council business.
- It must not be assumed that an officer is supportive of a particular policy or view considered by a Political Group meeting simply because they have attended a meeting.
- Officers must not be involved in advising on matters of party business. Internal party debates and any decisions on position should take place in the absence of officers.
- Political Group meetings are not formal decision making bodies of the Council and are not empowered to make decisions on behalf of the Council.
- Where officers provide information and advice to a Political Group meeting in relation to a matter of Council business, this will not be a substitute for providing all necessary information and advice to the relevant Council decision making body.
- The duration of an officer's attendance will be at the discretion of the Political Group but an officer may leave at any time if they feel it is no longer appropriate to be there.

4.28. Whilst officers will not normally attend Political Group meetings attended by persons who are not members, if they do so, special care will need to be exercised when providing information and advice. Non-members are not bound by the Code of Conduct, in particular, the provisions concerning the declaration of interests and confidentiality.

4.29. Officers must respect the confidentiality of any Political Group discussions they are part of and should not pass on information to other Political Groups. However, members should be aware that this does not prevent officers from disclosing information to other officers of the Council as far as is necessary to perform their duties. If there are any particular cases of difficulty or uncertainty in this area, they should be raised with the relevant Strategic Director or Chief Executive who will discuss them with the relevant Political Group Leader(s).

4.30. Officers accepting an invitation to the meeting of one Political Group shall not decline an invitation to advise another group about the same matter and must give substantially the same advice to each.

4.31. No member will refer in public or at meetings of the Council to advice or information given by officers to a Political Group meeting.

WARD MEMBERS AND OFFICERS

4.32. To enable them to carry out their ward role effectively, members need to be fully informed about matters affecting their ward. Senior officers must ensure that all relevant staff are aware of the requirement to keep local members informed, thus allowing members to contribute to the decision-making process and develop their

representative role.

4.33. This requirement is particularly important:

- During the initiation and formative stages of policy development, where practicable;
- In relation to significant or sensitive operational matters
- Whenever any form of public consultation exercise is undertaken.

4.34. Where issues have a wider impact than a single ward, a number of local members will need to be kept informed.

4.35. In dealing with Town or Parish Councils, officers should consider whether there is a need for Ward members to be copied into any correspondence for information. Likewise, officers may advise Town and Parish Councils to ensure that Ward members are provided with information relative to their role. This will need to be considered on a case by case basis to avoid creating an unnecessary administrative burden on officers.

4.36. Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the wards affected should be invited to attend the meeting as a matter of course.

4.37. If a local member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant officer(s). Special care must be exercised during a pre-election period and officers and members must comply with the legal requirements around publicity at all times.

4.38. Whilst support for members' ward work is legitimate, care should be taken if officers are asked to accompany members to ward surgeries. In such circumstances the surgeries must be open to the general public, and to avoid any perception of impartiality, officers should not be requested to accompany members to surgeries held in the premises of political parties.

4.39. Save for matters relating to electoral processes, Officers must never be asked to attend ward or constituency political party meetings.

4.40. It is acknowledged that some Council staff, e.g. those providing dedicated support to members may receive and handle messages for members on topics unrelated to the Council. Whilst these will often concern diary management, care should be taken to avoid Council resources being used for private or party political purposes.

4.41. In seeking to deal with constituents' queries or concerns, members should assess the priority of the issue and not seek to jump the queue and respect the Council's procedures. Officers have many pressures on their time. They may not be able to carry out the work required by members in the requested timescale, and may need to seek instructions from their managers.

5. ACCESS TO INFORMATION

- 5.1. Members may approach officers to provide them with such information, explanation and advice about their functions and responsibilities as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.
- 5.2. As a starting point members have the same rights to any information held by the Council that ordinary members of the public have under the Freedom of Information Act 2000. As regards the specific legal rights of Councillors to inspect Council documents, these are covered partly by statute and partly by common law. The common law right of members is based on the principle that any member has a prima facie right to inspect Council documents "*so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Council*". This principle is commonly referred to as the "need to know" principle and can only be outweighed, in exceptional cases, on the grounds of demonstrable public interest.
- 5.3. The exercise of this common law right depends on the member's ability to demonstrate that they have the necessary "need to know". A member has no right to "a roving commission" to go and examine documents. Mere curiosity is not sufficient. The question whether the member has the need to know must initially be determined by the Strategic Director of the Service that holds the document in question (with advice from the Monitoring Officer in light of current case law and practice). In the event of a dispute, the question falls to be determined by the Chief Executive in consultation with the Leader, Group Leader or relevant Committee Chair in connection with whose functions the document is held. Whilst it is unlikely to get to this position, the question can ultimately be determined by a decision of the Court.
- 5.4. In some circumstances (e.g. a Committee member seeking access to a document relating to the functions of that Committee, or where the information being sought is not sensitive or confidential) a Councillor's need to know will generally be presumed.
- 5.5. This presumption can be rebutted if there are reasonable grounds to suspect that the Councillor is seeking to access the information for purposes unrelated to their public duties as a Councillor (e.g. for personal gain or solely for party political purposes). In other circumstances (e.g. a member who is not a member of the relevant Committee, wishing to access documents containing personal information about third parties or sensitive information about contracts or property transactions) a Councillor will normally be expected to justify the request in specific terms.
- 5.6. Access may properly be refused if the reasons for inspecting any documents are considered to be improper, indirect or ulterior, or are inconsistent with the Council's interests. Examples of such circumstances are where a member:
 - Has a private, professional or business interest in the information;
 - Has a disclosable pecuniary interest in the matter to which the document relates
 - Has taken up, or is considering taking up, support of a person or body which is hostile to the Council in Court proceedings or at Inquiries.

- 5.7. Councillors have a statutory right to inspect any document in the Council's possession or control *which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting*. This right applies irrespective of whether the Councillor is a member of the Committee or Sub-Committee concerned and extends, not only to reports that are to be submitted to the meeting, but also to any relevant background papers as listed in the report. This right does not however apply to documents relating to certain confidential items, although the Council's practice is to allow all Councillors, on request, to be supplied with any Council and Committee agenda papers for information.
- 5.8. Where a request will require the devotion of a significant amount of staff resources to identify and collate information which is considered to be of marginal benefit, the request for information may be refused.
- 5.9. Any confidential or exempt information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member's duties. A member must never disclose confidential or exempt information to anyone who is not themselves entitled to that information without the consent of the appropriate person. Improper disclosure of confidential information may constitute a breach of the Code of Conduct.
- 5.10. Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where it is necessary to copy the correspondence to another member, (for instance where the Monitoring Officer considers this course of action is necessary to comply with the rules of natural justice), this should be made clear to the original member. In other words, a system of 'silent' or 'bcc' copies should not be employed.
- 5.11. Official letters on behalf of the Council should normally be sent in the name of the appropriate officer, rather than in the name of a member. It will, however, be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear in the name of the Leader. Letters which, for example, convene formal meetings, create legal obligations or give instructions on behalf of the Council should never be sent out in the name of a member.
- 5.12. When writing in an individual capacity as a ward member, a member must avoid giving the impression that they are writing on behalf of the Council.
- 5.13. In order to properly to perform their duties, members are deemed to have the need to remain present during public meetings of the Committees of the Council notwithstanding that such bodies have resolved to exclude the public in order to prevent the disclosure of confidential or exempt information.
- 5.14. A member should obtain advice from the Monitoring Officer in circumstances where they wish to have access to documents or information where to do so is likely to be in breach of the Data Protection Act, or where the subject matter is one in which they have a disclosable pecuniary interest, other personal interest as defined in the Code of Conduct.
- 5.15. It is an accepted convention that a member of one political group will not have a need to know and therefore a right to inspect a document which forms part of the internal

workings of another political group.

- 5.16. Members and officers must not disclose information given to them in confidence without the consent of a person authorised to give it in writing, or unless required by law to do so.
- 5.17. Unless disclosure is required under the Freedom of Information Act 2000, officers will keep members' inquiries and any responses confidential.
- 5.18. Members and officers must not prevent another person from gaining access to information to which that person is entitled by law.

MEDIA RELATIONS

- 5.19. All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the law on local authority publicity.
- 5.20. Press releases or statements made by officers must be made through the Corporate Communications team and should only promote or give information on Council policy or services. Any comment will be factual and consistent with Council policy. The Council cannot lawfully use press releases to be used to promote a party group. Group Leaders and Chairs of Committees can ask for press releases to be issued, and can be quoted in them, as long as they are clearly acting in accordance with their delegate responsibilities or on behalf of their Committee.
- 5.21. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 5.22. If a member is contacted by, or contacts, the media on an issue, they should:
 - If necessary, and always when they would like a press release to be issued, seek assistance from the Council's Corporate Communications team and/or relevant senior officer(s), except in relation to a statement which is party political in nature;
 - Indicate in what capacity they are speaking
 - Be sure that they make it clear that they are speaking in line with agreed council policy or that this is their personal view
 - Be sure of what they want to say or not to say
 - Consider the likely consequences for the Council of their statement (e.g. commitment to a particular course of action, image, and allegations / jumping to conclusions)
 - Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter
 - Consider whether to consult other relevant members
 - Take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted

as an election candidate or political party activist – in these circumstances, no Council resources may be used.

ACCESS TO PREMISES

- 5.23. Officers have the right to enter Council land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
- 5.24. Members have a right of access to Council land and premises to fulfil their duties unless they have been properly prevented from doing so as a result of a finding of a breach of the Code of Conduct. Members cannot be prevented from attending meetings they are entitled to attend such as Committees or Council.
- 5.25. When making visits as individual members, members should:
- Whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge, particularly if out of normal office hours;
 - Comply with health and safety, security and other workplace rules including wearing their SDC ID badge
 - Not interfere with the services or activities being provided at the time of the visit
 - Take special care at establishments serving vulnerable sections of society to avoid giving any impression of improper or inappropriate behaviour.

USE OF COUNCIL RESOURCES

- 5.26. If any support service is provided to members it should not be used for private purposes or in connection with party political or campaigning activities. Any such use would be a breach of the Code of Conduct.
- 5.27. Accommodation, equipment, and other forms of support will be provided in accordance with approved arrangements. The Chief Executive is authorised to agree reasonable changes in the support provided to reflect changing needs and developments in available equipment.
- 5.28. Any mail sent on a Councillor's behalf will normally be dispatched by second class post.
- 5.29. Members should not ask officers to provide resources or support which they are not permitted to give. Examples are:
- Business which is solely to do with a political party
 - Work in connection with a ward or constituency party political meeting;
 - Electioneering;
 - Work associated with an event attended by a member in a capacity other than as a member of the Council;
 - Private personal correspondence;

- Work in connection with another body or organisation where a members involvement is other than as a member of the Council
- Support to a member in their capacity as a councillor of another local authority (Including Town and Parish Councils) other than as a representative of the Council.

6. COMPLAINTS AND ALLEGATIONS OF BREACHES

- 6.1. Subject to the proviso that attempts should always be made by both officers and members to resolve complaints or concerns informally, if a member wishes to formally complain about the actions or failings of an officer, the member should lodge their complaint in writing to the relevant Strategic Director. If a complaint is against the Strategic Director, the complaint must be lodged in writing with the Chief Executive. If the complaint is against the Chief Executive personally, it must be lodged in writing with the Council's Monitoring Officer. The officer to whom the complaint is made will take appropriate action to resolve it and will notify the member of the Council who made the complaint of the action which has been, or is intended to be, taken to resolve it.
- 6.2. Should an officer have cause to complain about the actions or failings of a member, the officer should draw their concern to the attention of their line manager who will consider the matter and, acting through the appropriate Strategic Director, will seek to resolve the issue with the member concerned or, if this is not possible, the member's Political Group Leader.
- 6.3. If the complaint is against a Political Group Leader then it should be referred to the Chief Executive who will decide the best course of action.
- 6.4. The member to whom the complaint has been made, will deal with it and will notify the officer making the complaint of the action which has been, or is intended to be, taken to resolve the complaint.

MEMBERS ACTING AGAINST THE COUNCIL

- 6.5. As part of their constituency work, members will naturally assist their constituents in their dealings with the Council. This may include for example, making representations, giving evidence and assisting residents with matters such as planning, housing or licensing appeals. This section is intended to cover those rare situations where a member is acting in a professional capacity or in their status as resident in relation to their dealings with the Council.
- 6.6. If a member is about to act in a professional or private capacity against the Council, they must notify the Monitoring Officer in writing. This applies to any action by a spouse/partner, associate, employer or by a company in which the member has an interest. This provision also applies to co-opted members for matters which are within the responsibility of the Committee on which they serve.

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Stroud District Council

Protocol for the Attendance of Officers and Members at Meetings of Other Public Authorities

This This Protocol is agreed by:-

Gloucestershire County Council
Cotswold District Council
Tewkesbury Borough Council
Cheltenham Borough Council
Forest of Dean District Council
Stroud District Council
Gloucester City Council

1. An Authority may request through its Head of Paid Service officers and/or members of another Authority to attend at a meeting or meetings of the Authority or any of its committees, subcommittees, boards, panels or other gatherings being held at its offices. The purpose of such attendance is limited to assisting that Authority in the conduct of its business including reviewing the effects of, but not scrutinising, decisions of another Authority.
2. All such requests shall be made in writing to the Head of Paid Service of the Authority, normally at least 10 working days before the date of requested attendance (although time limits in an Authority's constitution may affect this period of notice) and shall include the following information.
 - The date, time, location and anticipated duration of the attendance requested.
 - The name of the person(s) whose attendance is requested.
 - If a particular person's presence is requested the reason for selecting that person.
 - A summary of the matter in respect of which attendance is requested.
 - All questions which reasonably can be anticipated will be put to any person(s) attending (it is accepted that answers to questions may lead to further questions).
 - The names of the person(s) who will be putting questions.
 - A list of the names of all other persons expected to attend.
 - The name and telephone number of the responsible officer as a point of contact for the person attending.
3. The Head of Paid Service receiving such a request shall respond to the request within five working days stating:
 - Whether anyone will attend.
 - Whether attendance will be as requested or that alternative arrangements will be necessary.
 - Whether the particular person(s) whose presence is requested will attend and/or whether in their place, or in addition, some other person will attend and who that person will be.
 - Whether the questions specified in the request will be answered either at all or to some limited extent (in which case reasons will be given) or fully.

In the event that there will be no attendance, whether and if so how and when, the questions notified will be responded to.

4. All questions shall relate to facts and not opinion although the person attending may express opinions.
5. The person(s) attending may only decline to answer any question on the grounds of competence or knowledge.
6. All reasonable expenses relating to the attendance(s) will be met by the Authority responding to the request.
7. All persons attending in response to a request shall at all times be treated with the highest standards of courtesy and respect and shall not under any circumstances be bullied, harassed or abused.

Stroud District Council

Whistleblowing Policy

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1. About This Policy

- 1.1 We are committed to conducting our business with honesty and integrity, and we expect all staff to maintain high standards in accordance with Stroud District Council's Officer Code of Conduct. However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.2 Staff are often the first to realise that there may be something of concern occurring within the Council. Usually, any issues can be resolved swiftly and satisfactorily. However, when these concerns relate to more serious matters, staff may be discouraged from expressing their concerns or 'whistle-blowing'.
- 1.3 Whistleblowing is the term used when an employee passes on information concerning wrongdoing. This can also be called 'making a disclosure' or 'blowing the whistle'. Typically (although, not always) the wrongdoing will be something that the employee has witnessed at work.
- 1.4 Staff may feel disloyal and may fear victimisation or harassment. In such circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice. However, any person raising a concern is protected in law.
- 1.5 Whistleblowing law is embedded in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This legislation provides that an employee has the right to take a case to an Employment Tribunal if they have been victimised at work or lost their job as a consequence of 'blowing the whistle'.
- 1.6 This policy is intended to encourage and enable staff to make disclosures at an early stage, rather than waiting. Staff are also encouraged to raise any issues internally with the Council first rather than raising it outside of the organisation. If issues are raised externally in the first instance you may weaken the protection given to you under the Public Interest Disclosure Act 1998.
- 1.7 This policy also seeks to ensure concerns are raised in the right way and seeks to protect those staff members against whom complaints are made from malicious allegations. The Council has a duty to investigate all reports of irregularity. This does not mean that the organisation supports the allegation.

2. Aims And Scope of This Policy

2.1 The aims of this policy are:

- a) To encourage staff to raise concerns at the earliest opportunity, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
- b) To encourage staff to be watchful for illegal or unethical conduct and report anything of that nature of which they become aware. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work.
- c) Ensure all reported allegations are treated in absolute confidence, with every effort made by the Council not to reveal a whistleblower's identity if they so wish. However, there may be times when we are unable to resolve a concern without revealing your identity, for example where your personal evidence is essential. In such cases, we would discuss the rationale with the whistleblower in the first instance to establish how the matter can be best progressed.
- d) Provide a robust procedure and ensure any matter raised under this procedure will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the whistleblower who raised the issue, as appropriate.
- e) To provide staff with guidance on how to raise those concerns.
- f) To reassure staff, acting in good faith, that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.

2.2 This policy covers all employees, officers, apprentices, consultants, contractors, volunteers, interns, casual workers and agency workers.

2.3 This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the Whistleblowing Commission

2.4 This policy is not a substitute for the Council's other policies and procedures on such matters as personal grievances, bullying and harassment, health and safety, safeguarding issues (children and/or adults) or complaints. It should also not be used to raise matters relating to an employee's own terms and conditions of service.

2.5 There are existing procedures in place to enable staff to lodge a grievance relating to their own employment. This process does not form part of this policy. For further guidance on whistleblowing and grievances, staff can contact the Advisory, Conciliation and Arbitration Service (ACAS) at www.acas.org.uk/grievances.

- 2.6 If a member of the public has a concern about any service they have been provided by the Council then this should be raised as a complaint. There are existing procedures in place which relate to this. However, if that concern relates to malpractice by a member of staff, then they should be directed to Human Resources at the earliest opportunity.
- 2.7 If a member of the public has concerns relating to malpractice by a Councillor, then they should be directed to the Monitoring Officer at the earliest opportunity.
- 2.8 Making malicious, vexatious or false allegations will not be tolerated and is a disciplinary offence. If a person makes an allegation in good faith and reasonably believes it to be true, but it is not confirmed by the investigation, the Council will recognise your concern. However, if a person makes an allegation frivolously, maliciously or for personal gain, appropriate action, which could include disciplinary proceedings, may be taken.
- 2.9 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, staff should not agree to remain silent and should report the matter at the earliest opportunity.
- 2.10 This policy maybe amended at any time.

3. Personnel Responsible for The Policy

- 3.1 The Monitoring Officer has day-to-day operational and overall responsibility for this policy, and for reviewing the effectiveness of actions taken in response to concerns raised under this policy.
- 3.2 The Monitoring Officer must ensure that all managers and other staff who may deal with concerns or investigations under this policy receive regular and appropriate training.
- 3.3 The Monitoring Officer, in conjunction with the Audit and Standards Committee should where appropriate review this policy from a legal and operational perspective at least once a year.
- 3.4 Managers should ensure all staff, including agency staff, consultants and contractors etc. are aware of and follow Council Policies and Procedures. Managers should register any whistleblowing cases brought to their attention immediately with Human Resources and provide support to any employee making such a complaint.
- 3.5 Senior and Statutory Officers will respond to whistleblowing submissions positively and within the timescales set out.

- 3.6 All staff are responsible for the success of the operation of this policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Monitoring Officer.

4. What Is Whistleblowing?

- 4.1 Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:
- a) Criminal activity;
 - b) Failure to comply with any legal or professional obligation or regulatory requirements;
 - c) Miscarriages of justice;
 - d) Failure to observe health and safety regulations or actions which involve risks to the public or other staff;
 - e) Damage to the environment;
 - f) Bribery;
 - g) Financial irregularity including fraud, corruption or unauthorised use of public funds or other assets;
 - h) Negligence;
 - i) Breach of our internal policies and procedures including our Code of Conduct;
 - j) Conduct likely to damage our reputation;
 - k) Unauthorised disclosure of confidential information;
 - l) Claiming benefits and/or expenses to which there is no entitlement;
 - m) Neglect or abuse; physical or verbal;
 - n) Any other unethical conduct, malpractice, negligent or unprofessional behaviour;
 - o) The deliberate concealment of any of the above.
- 4.2 A whistleblower is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) you should report it under this policy.
- 4.3 This policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases, you should use the Grievance Procedure or the Bullying and Harassment Policy as appropriate.

- 4.4 If you are uncertain whether something is within the scope of this policy you should seek advice from the Monitoring Officer or the Human Resources Manager, whose contact details are at the end of this policy.

5. Employee Safeguards and Assurances

5.1 Harassment or Victimisation

- 5.1.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice.
- 5.1.2 The Council will not tolerate harassment or victimisation in any form of anyone raising a legitimate concern. Any employee who attempts at any stage to apply any retribution or detriment to a whistleblower will face serious disciplinary charges, which could lead to dismissal.
- 5.1.3 The Council will support and protect whistleblowers who raise an issue in line with this policy, in accordance with the safeguards contained in the Public Interest Disclosure Act 1998. This legislation protects everyone from victimisation and dismissal when speaking out against corruption or malpractice at work.
- 5.1.4 Protection does not mean that if an employee is already the subject of disciplinary action or redundancy procedures that those procedures would cease or be suspended as a result of their whistleblowing.
- 5.1.5 It may be that the employee making the report is (or was) directly involved in the action now being raised. In such circumstances it is in the employee's own interest to come forward as soon as possible. The Council cannot promise not to act against such an employee but the fact that they came forward may be taken into account.

5.2 Confidentiality

- 5.2.1 We hope that staff will feel able to voice whistleblowing concerns openly under this policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If you ask us not to disclose your identity, we will not do so without your consent unless required by law. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you prior to any disclosure.
- 5.2.2 We do not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Monitoring Officer or one of the other contact points listed

in paragraph 6.2 and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Protect, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this policy.

- 5.2.3 At all times the whistleblower will receive full support from the Council. There will be a limited number of people aware of the investigation at any one time.
- 5.2.4 Staff who whistleblow can seek independent support from the charity Protect. Details can be found at www.protect-advice.org.uk

6. Procedure

- 6.1 We hope that in many cases you will be able to raise any concerns with your line manager. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. It is expected that managers will consult with the Monitoring Officer.
- 6.2 However, if you feel that your line manager has not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:
- a) The Monitoring Officer;
 - b) The Human Resources Manager;
 - c) Head of Service;
 - d) Strategic Director; or
 - e) Head of Audit Risk Assurance (ARA).

Contact details are set out at the end of this policy. If you do not know who the relevant Head of Service or Strategic Directors is for your role this can be obtained from the Human Resources Manager or the Monitoring Officer.

Alternatively, you may wish to use our confidential 24 hour “whistleblowing” answerphone service on 01452 427052 which is managed by ARA’s Counter Fraud Team (CFT) .

- 6.3 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. We will inform you of the outcome of our assessment. You may be contacted in order to obtain additional information.
- 6.4 In some cases we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 6.5 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes the need for confidentiality may prevent us giving

you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.

6.6 If we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

6.7 The Monitoring Officer will keep a record of reported whistleblowing concerns (whistleblowing record). All line managers and investigator(s) are responsible for updating the Monitoring Officer with the necessary details for maintaining the whistleblowing record.

6.8 Raising a concern as an elected member

6.8.1 If an elected Member has any concerns about the Council's work, they should raise the matter directly with Democratic Services, the Chief Executive or the Monitoring Officer. In the case of financial irregularity, disclosure may be made to the Officer appointed under section 151 of the Local Government Act 1972.

6.9 Raising concerns as a third-party such as a contractor or agency staff

6.9.1 Concerns should be raised with Human Resources, the Chief Executive or the Monitoring officer. In the case of financial irregularity, disclosure may be made to the Strategic Director of Resources.

6.10 Alternative Reporting Routes

6.10.1 There are a number of prescribed bodies and organisations who may be contacted if there is a reason not to raise the matter internally. Staff can find guidance by following the link below which provides a comprehensive list with contact details therein.
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2/whistleblowing-list-of-prescribed-people-and-bodies>

6.10.2 In the case of Local Government, that would include raising concerns with the Council's External Auditor (to establish who this is, contact Public Sector Audit Appointments Limited <https://www.psa.co.uk>). If the concerns relate to the conduct of public business, value for money or fraud and corruption relating to the provision of public services, staff may contact the National Audit Office <https://www.nao.org.uk>.

6.10.3 The Council would not ordinarily expect a whistleblower to make disclosures to the media (including via social media) prior to raising the matter internally. If a person does approach the media with their concerns (or publishes details via social media), the whistleblower should expect in most cases to lose their whistleblowing law rights.

6.10.4 Concerns may be raised by telephone, in person or in writing. The earlier the matter is raised, the easier it is to take action. A whistleblower is asked to provide the nature of the concern and why they believe it to be true, background details giving names, dates and places where possible, together with any other supporting evidence or

information. A whistleblower may be asked if they have any personal interest in the matter.

7. If You Are Not Satisfied

- 7.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this policy you can help us to achieve this.
- 7.2 If you are not happy with the way in which your concern has been handled, you can raise it with one of the other key contacts in this policy. Alternatively, you may contact our external auditors (who may liaise with officers of the Council). Contact details are set out at the end of this policy.

8. Contacts

Role	Officer Name/Co.	Tel. No.	E-mail Address
Monitoring Officer	Claire Hughes	01453 754128	Claire.Hughes@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 Head of Audit Risk Assurance (ARA)	Piyush Fatania	01452 328883	piyush.fatania@stroud.gov.uk or Piyush.fatania@gloucestershire.gov.uk
Protect	(Independent whistleblowing charity)	Helpline: (020) 3117 2520	E-mail: whistle@protect-advice.org.uk Website: https://protect-advice.org.uk/
24 hour confidential whistle blowing answerphone service		01452 427052	

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Stroud District Council

Councillor Call for Action

This protocol sets out how elected members of Stroud District Council can make use of the Councillor Call for Action.

Councillor Call for Action

1 What is a Councillor Call for Action?

1.1 The prime aim of the Councillor Call for Action (CCfA) is to support elected members in achieving improvements for their local areas. In their day to day roles councillors identify issues of significant concern to their communities. They seek to resolve problems by talking to the Council and other service providers. If they cannot resolve a particular issue by talking to officers, fellow Councillors or the Monitoring Officer, they are able to refer it to a relevant committee for further investigation.

2 Outline of the process

2.1 The CCfA is deemed to be an option of “last resort”. A CCfA will only be included on the relevant Committee agenda if the Chair, in consultation with the Chief Executive or Monitoring Officer is satisfied that:

- the councillor has made all reasonable efforts to resolve the matter via direct liaison with council officers and/or relevant partners; and
- the issue of concern is a matter in respect of which the council has a statutory power or duty to deal with and is not precluded by adopted council policy or legislation; and
- the CCfA does not, in any event, relate to:
 - any matter relating to a planning decision;
 - any matter relating to a licensing decision;
 - any Council Tax/Housing Benefit complaints and queries;
 - any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
 - any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of a Committee

2.2 A valid CCfA will be considered at the next scheduled meeting of the Committee which will agree a resolution for the CCfA.

3 Activity to resolve issue

3.1 Before referring a matter to a Committee, Councillors must have made use of existing mechanisms and exhausted these. The emphasis is on Councillors resolving issues at an early stage by making use of existing local mechanisms. The CCfA is not a mechanism to bring frivolous or minor issue to a committee meeting and the Chair and Vice Chair of the relevant committee will be mindful of this in determining if the CCfA is appropriate.

3.2 Councillors will need to be able to demonstrate that they have taken reasonable steps to resolve the matter. Appendix 1 provides some guidance on the sorts of activity that

it is expected that a councillor will have undertaken before making a request to the Committee.

4 Referral to Committee

4.1 If the Councillor is unable to resolve the matter, then they will be able to refer the matter to the relevant Committee in accordance with the process set out in paragraph 2 above.

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

4.3 If a Councillor is satisfied that they have a viable CCfA, they should notify the Chief Executive in writing.

4.4 The Chair and Vice Chair of the relevant Committee, in consultation with the Chief Executive or Monitoring Officer will consider the request and inform the Councillor whether they accept the CCfA. Reasons the Chair and Vice Chair may not agree to take the CCfA forward to the Committee could include:

- Insufficient information has been provided
- More could be done to resolve the issue at a local level
- The CCfA is, or has stemmed from, a vexatious complaint
- The matter has recently been examined
- The matter is the subject of an ombudsman complaint or other official complaints procedure.
- The matter falls under excluded matters. For example: planning and licensing appeals.

4.5 The Councillor has the opportunity to reply to the Chair and Vice Chair with further information to substantiate the CCfA.

4.6 If the CCfA is accepted, the relevant Members, senior officers and partners will be notified by the Chief Executive or Monitoring Officer.

5 Determining how each CCfA is to be handled

5.1 To allow the Chair and Vice Chair of the relevant Committee to make an informed decision, it is suggested that they hold a meeting with the relevant Councillor to agree how the CCfA is to be handled. This meeting would be an opportunity for them to agree the key questions to be answered, the information required, who needs to be involved and the timescale.

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

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

6 Role of the relevant Committee

- 6.1 The subject matter for the CCfA will be the subject of a report from the relevant Head of Service, with such supporting information and evidence as is reasonably available. If the matter also or exclusively entails consideration of information held by another public body or partner, an appropriate representative shall be invited to the Committee meeting to provide that information, make representations, or answer questions
- 6.2 The relevant Committee will hear from relevant witnesses, including the Councillor submitting the CCfA.
- 6.3 A ward councillor may address the Committee in respect of the CCfA, usually this will be for a period of 10-15 minutes but can be longer at the discretion of the Chair.
- 6.4 The Committee may also consider representations from any citizens of the ward affected by the CCfA, subject to the discretion of the Chair.
- 6.5 Upon hearing all the evidence the Committee will determine the matter as follows:
 - Write a report setting out the Committee's findings and recommendations
 - Decide that it is a complex issue requiring further investigation and refer the matter to another body for a more detailed review. Decide not to make a report and take no further action.
- 6.6 The CCfA will be considered in public session unless consideration of the issues involves the disclosure of exempt or confidential information as defined by the Access Procedure Rules of this Constitution.
- 6.7 Where Members and partners are requested to take action to resolve a particular issue they will be asked to make a formal response to a future meeting of the relevant Committee.

Examples of the steps which a Councillor could be expected to have taken before submitting a Councillor Call for Action.

- 1 The relevant complaints procedures have been complied with.

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

- 2 The Head of Service has been approached.

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

- 3 Relevant partnership bodies or local groups have been approached.

It is more likely though that matters which merit a Councillor Call for Action are more complicated than the former examples. One likely possibility is that the matter requires attention from a number of agencies acting in partnership. The Councillor should in such cases demonstrate that local partnership bodies have had an opportunity to respond.

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Stroud District Council

Role Profiles for Councillors

This section explains what is expected of Councillors in undertaking their duties.

Role Profiles for Councillors

Chair Of Council

The role and function of the Chair is set out in Article 5 of this constitution. In addition, the Chair will have the following duties and responsibilities:

Duties and Responsibilities

- To chair meetings of the Council ensuring among other things that all points of view have a fair opportunity to be heard, that procedure rules are applied and observed, and that debate is guided towards clear and relevant decisions.
- To represent the Council in the District and elsewhere on occasions where a civic representative is invited or otherwise required.
- To participate in events, receptions, programmes and activities designed to recognise and encourage civic awareness in the community, where appropriate.
- To attend and chair briefings for Council meetings, involving leaders of the political groups and to be proactive in making proposals for the effective conduct of the agenda.
- To host Council events of a non-party-political nature as required.
- To promote good relationships between Councillors, between political groups and between Councillors and Officers.
- To oversee the spending of the Civic Fund for the benefit of the whole District.
- To ensure that the Vice-Chair is kept informed of all relevant civic matters and has a useful civic role during their period of office.
- To attend Chair Skills training as appropriate, usually at the start of the term of office.

Vice-Chair of Council

The Vice-Chair of Council will support the Chair of Council in their role and in their absence undertake the duties within the role profile for the Chair of Council.

Chair of a Committee

Appointment of Committee Chairs and Vice-Chairs

- (a) The Annual Meeting of the Council will agree the appointment of members to committees and the appointment of Chairs and Vice-Chairs to such committees as are provided for, unless the Council decides in any instance not to do so, in which case the chair is appointed at the first meeting of a committee in the municipal year.
- (b) The appointment of a Member as Chair of a Committee shall not take effect unless and until that Member has undergone such training as may be determined by the Council (in the absence of which shall be such training as may be determined by the Monitoring Officer).
- (c) The process of appointment is set out in the Council's Standing Orders.

Role and Function of Committee Chairs

The Chair of a Committee shall:

- (i) lead the work of the committee and make sure it carries out its business effectively and efficiently, lawfully and within its terms of reference;
- (ii) chair meetings of the committee impartially and in such a way as to facilitate open discussion, obtain valid contributions from members and produce sound decisions;
- (iii) assist the public and press in terms of their rights of access; and
- (iv) ensure respectful engagement between the committee, its officers, guests and the public and maintain ethical conduct throughout the meeting.
- (v) lead an agenda management process for the Committee in association with the Vice-Chair and Group Spokespersons; and
- (vi) act as consultee and spokesperson for their Committee in instances of exercise of delegated authority by an officer, where that delegation is subject to being in consultation with the Chair of the Committee or where otherwise requested by a Chief Officer.

Key Responsibilities of Committee Chairs

(a) The Chair of a Committee will undertake:

- (i) To have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair.
- (ii) To lead in the development of the work of the Committee which they chair in association with the Vice-Chair and Group Spokespersons, including the agenda management process, also taking into account the wider vision, such as corporate, cross-service and partnership issues.
- (iii) To ensure that the Committee which they chair 'self scrutinises' to ensure that it continues to make sound decisions which are lawfully compliant and take account of all the relevant information
- (iv) To lead in consideration and review of service delivery, policy development and in the implementation of policies approved by the Council where these relate to the Committee which they chair.
- (v) To be the Council's lead spokesperson in respect of the Committee's activities and act in liaison with the Leader and Deputy Leader in matters of Council policy.
- (vi) To establish effective working relationships with the Group Spokespersons on the Committee and with other Committee Chairs and the Leader and Deputy Leader of the Council.
- (vii) To establish effective working relationships with the Chief Officers, and other key officers.
- (viii) To represent and pursue the interests of the Committee which they chair in the community and at regional and national levels.
- (viii) To ensure that meetings of the Committee which they chair are properly conducted and reports of proceedings are forwarded on as necessary, for example to full Council.
- (ix) To promote and uphold high standards of ethical conduct by the Council's Members and officers.

Role and Responsibilities of Committee Vice-Chairs

The Vice Chair will:

- (a) assist the Chair in carrying out their role and responsibilities as set out at above; and
- (b) undertake the responsibilities of the Chair in their absence.

Terms of Reference Specific to Certain Chairs

A Strategy and Resources Chair will also:

- Be the Council Leader.
- Will have the lead role in co-ordinating the work of the Committees across the Council, liaising with other Committee chairs as needed to ensure the work of all Committees is undertaken in a holistic manner and having regard to the Corporate Plan.

B Communities, Environment and Housing Committee Chairs will also:

- Sit on the Strategy and Resources Committee.
- Will champion the function of their individual Committee but in doing so will recognise their part in the holistic purpose of the Strategy and Resources Committee as a body comprised of key leading members from across all functions of the Council.

C Development Control Committee Chair will also:

- Chair meetings of the Sites Inspection Panel.
- Maintain the non-party political status of Committee proceedings and meeting management.

D Community and Licensing Committee Chair will also:

- When sitting as a member of a Licensing Panel chair that panel hearing.
- Promote good relationships between the Council, the various licensing trade groups and communities within the District.
- Maintain the non-party political status of Committee proceedings and meeting management.

E Audit and Standards Committee Chair will also:

- Maintain the non-party political status of Committee proceedings and meeting management.

Leader of Council (Chair of Strategy and Resources Committee)

As the Council operates a Committee System, no formal legal powers and duties are vested in the Leader or Deputy Leader under the Local Government Act 1972 or the Local Government Act 2000. In practice, however, all local authorities need to appoint a councillor to hold the most significant elected Member role within the Council, to be seen as the political head of the Council and to provide a focal point for political leadership and strategic direction for the Council, both within the Authority but also to outside organisations, partners, governmental bodies and the community at large.

Likewise, there are several other roles that involve political leadership and representation of the Council, beyond civic or formal functions and the role of a councillor as Member of the Authority (which are described in Article 2 above) and are set out below.

Appointment of Leader and Deputy Leader

- (a) At the Annual Meeting of Council, it will appoint a Leader of the Council who shall act as Chair of the Strategy and Resources Committee.
- (b) At the Annual Meeting of Council, it will appoint a Deputy Leader of the Council who shall act as Vice-Chair of the Strategy and Resources Committee.
- (c) Once appointed, the Leader and the Deputy Leader will hold office until the next Annual Meeting unless they: -
 - (i) resigns from the office
 - (ii) is no longer a member of the Council or
 - (iii) is removed from office by resolution of the Council
- (d) The process of appointment is set out in the Council's Standing Orders

Role and Function of the Leader

- (a) The Leader shall be:
 - (i) the Chair of the Strategy and Resources Committee.
 - (ii) entitled to attend all meetings of the Council's functional committees in an ex officio capacity.
- (b) The Leader will:
 - (i) provide a focal point for political leadership and strategic direction for the Council.
 - (ii) represent the interests of the Council in circumstances where that is necessary; and
 - (iii) ensure effective Corporate Governance and ethical conduct throughout the Council.

Key Responsibilities of the Leader

The Leader will:

- (a) Be the political (rather than ceremonial) leader of the Council, for the benefit of all the District's communities - its residents, taxpayers, businesses, public bodies and other public authorities.
- (b) Represent and pursue the interests of the Council in the community and at international, national and regional levels.
- (c) Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners), and internally for the Council's Chief Officers.
- (d) Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council as a whole to the media.

- (e) Promote the long-term financial, business and economic stability of the Council and the District.
- (f) Meet regularly to progress the Council's objectives with Committee Chairs, the Chief Officers, Group Leaders, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament, etc.
- (g) Promote high standards of corporate governance and ethical conduct throughout the Council including working with all political groups to seek to achieve, where possible, cross party co-operation.
- (h) Promote and maintain professional working relationships and mutual respect between all Members and officers.
- (i) Work across the Council, particularly with the Chairs and Vice-Chairs of its Committees and Sub-Committees, and to be responsible for the development and implementation of the Council's strategic vision for the future, policy framework, budgets and other strategies.

Role and Function of the Deputy Leader

- (a) The Deputy Leader shall be the Vice-Chair of the Strategy and Resources Committee
- (b) The Deputy Leader will:
 - (i) assist the Leader of the Council in representing the Council to its residents, stakeholders, and partners and in providing political leadership for the Council and the District.
 - (ii) assist the Leader in carrying out the key responsibilities associated with the role of Leader (as set out above);
 - (iii) work with the Leader and Committee Chairs on budget and policy development; and
 - (iv) undertake the responsibilities of the Leader in their absence.

Political Group Leader

Political groups, and the leader (and any deputy group leader) of a political group, have a formal role under the provisions of the Local Government and Housing Act 1989 and The Local Government (Committees and Political Groups) Regulations 1990 in respect of political balance of committees and appointments of the Council.

The Council acknowledges the key leadership role played by the leaders of all political groups on the Council and the importance of their commitment to cross-party working.

Role and responsibilities of Political Group Leaders are:

- (a) To provide the leadership of a political group.
- (b) To be the principal political spokesperson for the political group.
- (c) To nominate members of their Group to serve on Committees, Working Groups, outside bodies, etc.
- (d) To be a representative voice in dealings with government agencies, local authority associations etc.

- (e) To encourage the highest standards of conduct by members of the group and to work with the Monitoring Officer to resolve complaints informally where appropriate.
- (f) To appoint group spokespersons and allocate other responsibilities to group members as appropriate.
- (g) To assist in ensuring appropriate levels of attendance are maintained by group members.
- (h) To encourage a culture of learning and development among members, including the active participation of group members in briefings, seminars and other learning and development processes.
- (i) To maintain effective liaison with the other group leaders, including being a member of an informal Group Leaders' meeting, attending Group Leaders' briefings and so forth.
- (j) To establish and maintain effective working relationships with the Chief Officers and other senior officers and to meet regularly them in order to keep fully apprised of relevant service issues.

Member Champions

Member Champions are elected Members who act as an advocate or spokesperson for a specific area of the Council's business or a particular interest within the community, they have evolved in the Council as a result of national initiatives and approval at Council. The primary responsibility of each Member Champion is to encourage communication and positive action over the issue they represent.

Members who are appointed as a Member Champion are required to act within the parameters of the Member Champion Protocol set out in this Constitution.

Roles And Functions of All Councillors

Councillors will participate constructively in the good government of the District in the interests of all residents. They will contribute actively to the formation and review of the Authority's policies, budget, strategies, plans and service delivery.

Councillors will deal with constituents' enquiries and representations and will effectively represent the interests of the Ward for which they were elected and the views of constituents.

Terms of Reference

- To fulfil the statutory and locally determined requirements of an elected Member of a Local Authority.
- To participate effectively as a member of any meeting to which the Councillor is appointed, for example by regular attendance at meetings and ensuring that they are adequately briefed and prepared for the meeting.
- To participate in the activities of an outside body to which the Councillor is appointed and to report those activities to Council on an annual basis.
- To act as community champion for their ward. To provide a voice and advice for local individuals and interest groups in their dealings with the Council and, where appropriate, to advise them on the pursuit of complaints.
- To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties and constraints and to develop good working relationships with relevant Officers of the Authority.

- To develop and maintain good working relationships with the local Town or Parish Council and with local County Councillors and to promote the Town and Parish Charter.
- To contribute constructively to open government and democratic participation by encouraging community engagement in the governance of the area.
- To keep up to date with all developments affecting the District and the Council including Government policies and prospective legislation.
- Attend meetings of Parish Councils within the ward, as appropriate.

MEMBERS' SCHEME OF ALLOWANCES

Adopted April 2016

MEMBERS' ALLOWANCES SCHEME

Stroud District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:

- a. This scheme may be cited as the Stroud District Council Members' Allowances Scheme.
- b. The scheme is based upon the recommendations contained in the report of the Independent Remuneration Panel.

In this scheme:

"Councillor" means a Member of Stroud District Council who is a Councillor;

"year" means the 12 months ending on 31 March.

1. Basic Allowance

- 1.1 For each year a basic allowance of £5,265 shall be paid to each Councillor. This is inclusive of IT consumables, broadband and telephone call allowance.

Note: This allowance is indexed linked to the annual percentage increase applicable to Officers salaries as agreed each year by the NJC and is implemented from the date of the Council AGM that is applicable.

2. Special Responsibility Allowances

- 2.1 For each year a special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the authority that are specified in schedule 1 to this scheme.

3. Renunciation

- 3.1. A Councillor may by notice in writing given to the Proper Officer elect to forego any part of their entitlement to an allowance under this scheme.

4. Part-year Entitlements

- 4.1 The provisions of this paragraph shall have effect to regulate the entitlements of a Councillor to basic and special responsibility allowance where, in the course of a year, this scheme is amended or that Councillor becomes, or ceases to be a Councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

4.2 If an amendment to this scheme changes the amount to which a Councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:-

- (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
- (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

4.3 If an amendment to this scheme changes the duties specified in schedule 2 to this scheme the entitlement shall be to the payment of the amount of the allowance under the scheme as it has effect when the duty is carried out.

4.4 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that Councillor to a basic allowance shall be to the payment to such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.

4.5 Where this scheme is amended as mentioned in sub-paragraph (b) above, and the term of office of a Councillor does not subsist throughout the period mentioned in sub-paragraph (b)(i), the entitlement of any such Councillor to a basic allowance shall be to the payment of such part of the basic allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a Councillor subsists bears to the number of days in that period.

4.6 Where a Councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he has such special responsibilities bears to the number of days in that year.

4.7 Where this scheme is amended as mentioned in sub-paragraph (b), and a Councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (b)(i) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that Councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

5. Claims

- 5.1 All claims under this scheme shall be made in writing on the prescribed form attached as Schedule 6 to this Scheme and submitted to Democratic Services within two months of the date of the meeting in respect of which the entitlement arises.
- 5.2 All claims shall include, or be accompanied by, a signed statement by the Councillor certifying that the claim is correct and is in accordance with the Council's Constitution and that he or she is not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under the scheme and appropriate receipts shall be provided.
- 5.3 The procedure for processing all claims under this Scheme is set out in the attached Schedule 6 to this Scheme.

6. Payments

- 6.1 Payments shall be made
- (i) in respect of basic and special responsibility allowances, in monthly instalments on the fifteenth day of each month.
 - (ii) in respect of other payments on the fifteenth day of each month in respect of claims received up to the 20th day of the previous month, or if that is a non-working day, by the next working day thereafter.
- 6.2 Where a payment of one-tenth of the amount specified in this scheme in respect of a basic allowance or a special responsibility allowance would result in the Councillor receiving more than the amount to which, by virtue of paragraph 6, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

7. Proper Officer

- 7.1 The Proper Officer for all purposes in connection with this scheme shall be the Chief Executive.

8. Administration of the Scheme

- 8.1 The Democratic Services team shall administer this Scheme but without affecting the scope of the Chief Executive to approve requests made in accordance with this Scheme. Where the Democratic Services team are unable to agree a claim with a Member it shall be referred to the Proper Officer for determination.

9. Publicity

- 9.1 The Council is required to make arrangements for the publication of its scheme within its area. To this end a copy of the current scheme is available for inspection.

by Members of the public at the Council Offices, Ebley Mill, Ebley Wharf, Stroud, Glos GL5 4UB, and on the Council's Website at www.stroud.gov.uk/opendata

- 9.2 The Council is also required to publish details, as soon as reasonably practicable after the end of a financial year, of the total payments made in that year to each Member by way of basic allowance, special responsibility allowance, dependants' carers' allowance and travelling and subsistence allowance together with actual reimbursements incurred.

The Council wishes to ensure full transparency of Member expenses and will publish on www.stroud.gov.uk/opendata

Monthly – all costs incurred on behalf of or claimed by Members:

- Basic allowance
- Special Responsibility allowance
- Dependants' Carers' allowance
- Travelling & Subsistence allowance
- IT equipment contribution
- Courses & seminars
- Accommodation
- Mobile phone
- Civic functions

10. Pensions

- 10.1 None of the allowances within this Scheme are pensionable.

11. Qualifying Threshold for Other Opposition Group Leader SRA

- 11.1 The SRA for Other Opposition Group Leaders is only paid on the condition that their group size meets a qualifying threshold of 10% of Council membership, i.e. 5 group members.

- 11.2 If the Main Opposition Group does not have 5 members then the qualifying threshold should be suspended and the Group Leader be paid the Other Opposition Group Leader's SRA of £1,020.

12. Definition of Opposition Groups

- 12.1 For a political group to be considered an Opposition Group (Main or Other) for the purposes of this Scheme, the Group must have at least 5 members.

13. More than 1 Main Opposition Group

- 13.1 If there are 2 or more Opposition Groups of equal size and both constitute a “Main” Opposition Group the SRAs paid to the Main Opposition Group Leader plus Other Opposition Group Leader should be added together and split equally between the 2 Main Opposition Group Leaders.

14. The 1-SRA Only Rule

- 14.1 There will be no exceptions to the 1-SRA only rule.

15. Mileage Allowance – HMRC Rates

- 15.1 The mileage rates for which Members are able to claim for attending approved duties are based on HMRC approved rates.

16. Indexation

- 16.1 The following indices are adopted by the Council:

Basic Allowance and SRAs:

Indexed to the annual percentage salary increase for local government staff (at spinal column 49), to be implemented from the start of the municipal year, rather than financial year, for which year it is applicable. Changes will be rounded to the nearest pound.

17 Tax and National Insurance

- 17.1 Allowances are liable for income tax and national insurance. Deductions will be made from these allowances in accordance with the member’s tax code.
- 17.2 Members are advised to seek independent advice on their own tax position.
- 17.3 Members that are over State Pension age do not have to pay employee’s national insurance contributions. In order for the Council not to deduct National Insurance from the Members Allowances, the Member must provide a Certificate of Age Exception.

EXECUTIVE SUMMARY 2016/17 (as at April 2016)

REMUNERATED POSTS 2013/14	Basic Allowance	Subject to Para 14.1 of Scheme Number to whom allowance is Potentially Payable	SRA Payable for Post
All members of the Council	£5,265	51	n/a
Special responsibility allowances which are paid in addition to Basic Allowance payable to each councillor:			
Leader of Council (& Chair of Strategy & Resources Committee)		1	£10,201
Chairs of 3 Service Committees		3	£6,120
Vice-Chair of Strategy & Resources + 3 Service Committees		4	£1,224
Chair of Development Control Committee		1	£5,100
Vice-Chair of Development Control Committee		1	£1,020
Chair of Audit and Standards Committee		1	£5,100
Vice-Chair of Audit & Standards Committee		1	£1,020
Chair of Council		1	£3,060
Vice-Chair of Council		1	£612
Main Opposition Group Leader		1	£4,794
Other Opposition Group Leaders (subject to min. limits on group size)		2	£1,020

Travelling and Subsistence Approved Duties

1. The following are specified as "Approved Duties" under this scheme:-
 - (a) Attendance, by right of membership, at formal properly convened meetings of bodies which are part of the Council's Committee structure to include:-
 - (i) Meetings which are part of the Civic Timetable (including programmed Members' Training and Development);
 - (ii) Extraordinary or special meetings of any of those bodies;
 - (iii) Meetings of any task and finish group of the Council;
 - (v) Attendance at any training event organised by the Council;
 - (vi) Any other meeting organised by the Council, the attendance at which has been approved by the Chief Executive will be listed on www.stroud.gov.uk
 - (b) Attendance as an approved representative at:-
 - (i) Appraisal meetings for Senior Council staff;
 - (ii) Meetings of Local Authority Associations;
 - (iii) Conferences where prior approval has been given in writing by the Chief Executive;
 - (iv) Other particular attendances of a similar nature where prior approval has been given in writing by either the Chief Executive or Monitoring Officer.

(This last category is intended to cover full day events which council expects Members to attend.)
 - (c) Other attendances as follows:-
 - (i) Attendance at briefing meetings preceding formally convened meetings of the Council, Committees, Panels and Working Groups;
 - (ii) Attendance at a gathering of Members to which candidates are asked to make presentations where this has been approved in writing in advance by either the Chief Executive or Monitoring Officer.

- (iii) Attendance as an appointed Council representative at formal meetings convened by other local authorities. Where the appointment has not been approved by Council, each new attendance under this provision must be approved in writing by the Chief Executive.
 - (iv) Attendance by Committee Chairs at formal and informal meetings and at other events not specifically referred to above provided that such attendance is in connection with the discharge of the Council's functions.
 - (v) Attendance by the Chair, Vice Chair or Leader at events as a representative of the Council where the prior approval in writing has been obtained from the Chief Executive.
2. Any other duty approved in advance by the Chief Executive for the purposes of, or in connection with, the discharge of the functions of the Council, Committees, Panels or Working Groups.

This includes:-

- (a) Attendance at Council premises or on site on the authority of the Council, Committees, Panels or Working Groups, or at the request of an Officer of the Council.
- (b) Attendance at meetings of outside bodies where the Member is appointed or nominated by the Council or a committee.

Members will qualify where they necessarily incur expenditure on travelling and subsistence for the purpose of enabling them to perform an "approved duty", as defined above.

Where approval is required in writing, where possible it must be approved beforehand, and will be formally recorded and published on the Council's website: www.stroud.gov.uk, clearly showing the attendance event, Member attending, date/time, associated costs and the authorising officer.

Travelling and Subsistence Allowances

(a) Public Transport

Requests for standard class rail tickets and any necessary underground tickets are to be made in writing to the Democratic Services team. Democratic Services will purchase the necessary tickets on a corporate procurement/credit card using the most cost effective route at that time.

The Civic Office may perform this function for the Chair and Vice Chair of Council.

Note: Where exceptions are required to the above, a written request must be submitted to the Chief Executive or Monitoring Officer. All exceptions granted will be formally recorded and published on the Council's website: www.stroud.gov.uk, clearly showing the attendance event, Member attending, date/time, associated costs and the authorising officer.

(b) Taxi

Where public transport is not available within a reasonable distance or timeframe, the actual fare and any reasonable gratuity paid may be claimed with valid receipts. Claims are to be submitted on the claim form.

HMRC rates as set out in Table 3 below:

Table 3: HMRC Mileage Rates 2014/15

Vehicle Type	First 10,000 business miles in the tax year	Each business mile over 10,000 in the tax year
Cars and vans	45p	25p
Motor cycles	24p	24p
Bicycles	20p	20p
Passenger Supplement Rate	5p per passenger	5p per passenger

(c) Subsistence (From 1 April 2009)

Members who are required to work away from their normal office base on official business will be able to claim the following on production of a receipt.

Duration of absence	Number of meals that can be claimed in any one day.
Over 5 hours	1 meal
Between 10-12 hours	2 meals
More than 12 hours	3 meals
Breakfast	£5.30
Lunch	£7.20
Tea	£2.80
Evening meal	£9.10
Out of pocket expenses (per night)	£4.20

The rates of subsistence specified above shall be reduced by an appropriate amount in respect of any meal provided free of charge by the Council or by any other body in respect of the meal or period to which the allowance relates.

When out of authority meetings are attended, accommodation, if necessary, must be pre-booked and paid for in advance by Democratic Services. Where meal costs are in excess of current rates, reasonable costs will be reimbursed, but only up to a maximum subsistence of £28.60 per day.

Additional Items

IT Contribution

IT Equipment Contribution - A single allowance of up to £390 over a 4 year period towards the purchase of IT equipment to be owned, maintained and used by the Member for Council and personal use. The payment is available to Members in years 1, 2 and 3 of a four year term, and is valid only upon presenting valid receipts. An upfront payment can be provided in exceptional circumstances.

Note: The £390 limit does not have to be claimed in one single claim and further claims can be made up to the total allowed.

Given that Members are required to access a range of information electronically, including Council and committee papers, all councilors encouraged to seek advice from the Council's ICT Manager on the suitability of the equipment they propose to purchase for use in connection with Council business.

Attendance at Parish Council Meetings in Members' Wards

A Member can claim travel expenses for their actual attendance at 1 meeting per month for each Parish Council that he/she represents, when acting as a representative of Stroud District Council.

For example, if a Member represents 3 Parish Councils, then 3 meetings may be attended each month (one at each Parish).

Members are responsible for monitoring their attendance and for not exceeding the rules defined in this Scheme.

Please see updated 2021 IT allowance, detailed in Appendix A. Approved at Council February 2021.

Dependants' Carers' Allowance

Claims are intended to cover a contribution towards some of the expenses of members who are carers for children or other dependants, which are incurred in:

- (a) the attendance at a meeting of the Council or of any committee / sub-committee of the Council, or any other body to which the Council makes appointments or nominations, or of any committee or sub-committee of such a body;
- (b) the attendance at any other meeting, the holding of which is authorised by the Council, or a committee or sub-committee of the Council, or a joint committee of the Council and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that –
 - (i) where the Council is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
 - (ii) if the Council is not so divided, it is a meeting to which at least two members of the Council have been invited;
- (c) the attendance at a meeting of any association of authorities of which the Council is a member;
- (d) the performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises;
- (e) the carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the Council or any of its committees or sub-committees;
- (f) any other approved duty set out in Regulation 7.1 Local Authorities (Members' Allowances) (England) Regulations 2003.

All claims must be supported by receipts.

The maximum hourly rate for claims is limited to the living wage level used by the Living Wage Foundation.

Before making a claim, the claimant needs to complete a declaration of dependants as provided for below:

Declaration of Dependants

I, [*insert name*], Councillor for [*insert ward name*] ward of Stroud District Council, declare that I have the following dependant(s):-

Name:

Date of birth:

and wish to claim Dependants' Allowance for their care whilst I am undertaking approved duties for Stroud District Council.

I will submit signed receipts for the costs incurred for their care and notify the Council within 28 days of any change which affects my entitlement to make a claim.

Signed:

Date:

Democratic Services will:

- Check each form for discrepancies in respect of receipt totals, mileage totals, signature, and that home to Council Office (Ebley Mill) mileage matches the AA Route Planner, and will make adjustments and pay accordingly.
- Notify Members when forms are incomplete or where adjustments have been made.
- Pass valid claim forms to Human Resources. All queries from Members must be referred back to Democratic Services.
- Retain a copy of all forms for 2 financial years.

Note: Where the Democratic Services team are unable to agree a claim with a Member it shall be referred to the Proper Office, as defined in Paragraph 12 of this Scheme.

All claims shall include, or be accompanied by, a signed statement by the Councillor making the claim that he or she is not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under the scheme, and appropriate receipts shall be provided.

VAT

The Council may recover any VAT element of expenses reimbursed. Receipts will either itemise VAT amounts, or indicate that amounts shown are VAT inclusive.

- (1) Show the expenses claimed net of VAT in the columns headed 'Expenses etc'.
- (2) Show the VAT amount in the final two columns.
- (3) The sheet should be totalled in the total boxes at the bottom of the 'Expenses etc' column to show the following:-

	£
VAT exclusive amount	2.00
VAT amount	0.35
Total Reimbursement claimed	2.35

Dependant Carers Allowance (DCA)

In claiming for DCA, you are certifying that your claim meets the statutory definition of approved duties which are covered by those included in the Members' Allowances Scheme.

Constitution (Version Nov 2016)

Stroud District Council
Ebley Mill
Ebley Wharf
Stroud
Gloucestershire
GL5 4UB

REPORT OF THE INDEPENDENT REMUNERATION PANEL (MEMBERS' ALLOWANCES) TO STROUD DISTRICT COUNCIL

Adopted February 2021

Introduction

1. The Local Government Act, 2000 required local authorities to produce a Scheme in respect of councillors' allowances. Under the Local Government (Members' Allowances)(England) Regulations 2003, Councils have to set up an independent remuneration panel to make recommendations on members' allowances.
2. The following Panel was appointed in February, 2020 :

Wynn Bartlett
Chris Markley (Autumn 2020)
Graham Russell (elected as Panel Chair)
3. In the early part of 2020, the Panel commenced a detailed review of the Members' Allowances Scheme with a view to reporting recommendations to the Council later that year. There was significant engagement with Stroud District Councillors many of whom were interviewed by the Panel and very useful evidence received. In addition, all members were invited to complete a survey relating to their roles as councillors.
4. Unfortunately, the Panel's review was suspended as a result of the pandemic. In consultation with the Council, the Panel has agreed to delay its report until later in the year. This will also enable the Panel to take into account any relevant issues following the planned Council elections.
5. The Panel would wish to point out to the Council that the main review so far has already identified a number of issues and anomalies within the Scheme which would have been the subject of specific recommendations.

In addition, the Panel remains committed to recommending a Scheme that (a) reflects the important, voluntary work that all elected councillors perform on behalf of their communities; and (b) does not seek to create barriers to anyone who might wish to stand as a councillor or to take an active part in the governance of the Council.

6. This interim report however addresses the issue of members' ICT allowances and provision which is particularly relevant and timely in the context of the pandemic and its impact on councillors. The Panel has worked closely with the Member Working Group on Members' ICT provision and has greatly valued the engagement with its Chair, Councillor Ken Tucker.

Members' IT provision

7. The current Scheme makes provision for an IT allowance of up to £390 to be claimed by each member, for each 4 x year period of their term of office. This allowance has remained at this level since it was agreed in 2010 – and the Working Group has recorded that its value in terms of purchasing power has effectively been reduced to £290 because of inflation.
8. The purpose of the allowance is to enable members to purchase computer equipment to be owned, maintained and used by the member for Council and personal use.
9. In its own evidence received from councillors, the Panel acknowledged a body of opinion that stated the current allowance was inadequate to meet the requirements of members and of the Council. *(A specific example being the need for all equipment to have web cam provision to facilitate effective remote working during/post Covid-19)*. Also, there was no clear view as to the extent to which the allowance provision should be replaced by the direct provision of equipment by the Council to all members.

10. The Panel recognises the importance of members' ICT and other support for the democratic process in a post-Covid environment and the impact that this may have on councillors in all of their roles. It is particularly mindful of
- the need for flexibility in approach to cater for all councillors' needs – including special needs;
 - the balance that will need to be struck between flexibility to meet members' needs and the effective delivery of member support;
 - the ability of the Council (i.e. Democratic Services and ICT Departments) to give full and effective technical and operational support as appropriate to members in their ICT needs;
 - the need for any future arrangements to be cost effective in their administration and delivery and
 - the need for robust member training on ICT issues.
11. The Panel has received a report from the Members' Working Group with its recommendations for the future. The Panel fully supports the conclusions of the Working Group that a single approach to this issue is unlikely to be appropriate at the present time. If members are to be given the choice of an allowance or the direct provision of a Council managed device, both arrangements must be robust enough and clear enough to ensure, as far as possible, members choosing either option are not disadvantaged in what they can access to meet their needs.
12. Using the findings of the Working Group, the Panel is recommending an increase in the allowance in order for members to purchase and claim for specific items of equipment they may need as follows:

Item	Maximum amount members can claim per item:	Condition for claim
Laptop or tablet	£500*	A Device purchased with the allowance can be used for personal use but will not be supported by ICT
Anti-virus protection	£25	
Printer	£50	Members who have claimed for this allowance will not be provided with committee reports in

		paper format unless the printer is not working. <i>Note: the Members Basic Allowance provides for costs towards paper and ink cartridges.</i>
Monitor	£90	
HDMI Cable for monitor	£7	
Keyboard	£20	
Mouse	£10	
TOTAL	£702	

**the indicative cost of a Council provided device + maintenance*

13. Based on these figures, the maximum allowance for those members choosing the allowance option, would be £702 over a 4 x year period. As can be seen from the table, this is structured on the basis of up to £525 covering the device (plus maintenance) and anti-virus package and up to £177 for the ancillary equipment described in the table.
14. The Panel has agreed that those members not taking up the ICT allowance provision and instead receiving a Council –managed device (indicative value £525) should still be entitled to claim for such ancillary equipment as is consistent with the Council’s policy on information management for members.
15. The Panel believes this increase is justified in order to put in place ICT arrangements that are robust enough to meet the requirements of councillors and of the Council as it moves forward to a post-Covid style of working and the role that ICT will play in that.
16. In all cases, claims against the allowance should be processed on the basis of receipted expenditure and conditions set out alongside. Also, arrangements should be put in place to meet special needs, including any adjustment in allowances, where an individual’s exceptional circumstances dictate.
17. Accordingly, the Panel **RECOMMENDS: That**
 - (1) the ICT allowance be set at a maximum of £702 per member, for those members opting not to receive a Council-managed device, with effect from May, 2021;
 - (2) the allowance be based on the indicative values at para 13 relating to the purchase of a device and ancillary equipment;

- (3) those members who opt to receive a Council – managed device instead of the ICT allowance, be entitled to claim for approved ancillary equipment, up to the maximum of £177;**
- (4) The Strategic Director of Resources be delegated authority to agree variations in the allocation of the allowance at his discretion to meet any special requirements of councillors; and**
- (5) the Panel keeps this matter under review, as part of each fundamental review of the Members' Allowances Scheme.**

18. In conclusion, the Panel wishes to pay tribute to the work of the Council's Member Working Group in tackling this issue and for initiating the core groundwork of evidence which we have used in justification for our recommendations.

Graham Russell, Chair of Panel
February, 2021

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Stroud District Council

Member Parental Leave Policy

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1. Aim of the Policy

- 1.2 This policy sets out members' entitlements to maternity, paternity, shared parental and adoption leave and relevant allowances.
- 1.3 The objective of the policy is to provide a positive environment for members with family responsibilities so that our cross-section of members are representative of our community. The policy will contribute towards increasing the diversity of experience, age and background of elected members. It will also assist with retaining experienced members and making public office more accessible to individuals who might otherwise feel excluded from it.

2. Leave Provisions of the Policy

- 2.1 Members giving birth are entitled to up to 6 months maternity leave from the due date, with the option to extend up to 52 weeks by agreement if required
- 2.2 In addition, where the birth is premature, the Member is entitled to take leave during the period between the date of the birth and the due date in addition to the 6 months' period. In such cases any leave taken to cover prematurity of 28 days or less shall be deducted from any extension beyond the initial 6 months.
- 2.3 In exceptional circumstances, and only in cases of prematurity of 29 days or more, additional leave may be taken by agreement, and such exceptional leave shall not be deducted from the total 52 week entitlement.
- 2.4 Members shall be entitled to take a maximum of 2 weeks paternity leave if they are the biological father or nominated carer of their partner/spouse following the birth of their child(ren). During this period Members will continue to receive their basic allowance and any special responsibility allowances without deduction.
- 2.5 A Member who has made Shared Parental Leave arrangements through their employment is requested to advise the Council of these at the earliest possible opportunity. Every effort will be made to replicate such arrangements in terms of leave from Council.
- 2.6 Where both parents are Members leave may be shared up to a maximum of 24 weeks for the first six months and 26 weeks for any leave agreed thereafter, up to a maximum of 52 weeks. Special and exceptional arrangements may be made in cases of prematurity.
- 2.7 A Member who adopts a child through an approved adoption agency shall be entitled to take up to six months adoption leave from the date of placement, with the option to extend up to 52 weeks by agreement if required.
- 2.8 Any Member who takes maternity, shared parental or adoption leave retains their legal duty under the Local Government Act 1972 to attend a meeting of the Council within a six-month period unless the Council Meeting agrees to an extended leave of absence prior to the expiration of that six-month period.
- 2.9 Any Member intending to take maternity, paternity, shared parental or adoption leave will be responsible for ensuring that they comply with the relevant notice requirements

of the Council, both in terms of the point at which the leave starts and the point at which they return.

- 2.10 Any member taking leave should ensure that they respond to reasonable requests for information as promptly as possible, and that they keep officers and colleagues informed and updated in relation to intended dates of return and requests for extension of leave.
- 2.11 Absences from Council meetings during any period of Parental Leave will be noted as such, rather than being attributed to general absence.

3. Basic Allowance & Special Responsibility Allowance During Parental Leave

- 3.1 All Members shall continue to receive their Basic Allowance in full whilst on maternity, paternity or adoption leave.
- 3.2 Members entitled to a Special Responsibility Allowance shall continue to receive their allowance in full in the case of maternity, paternity, shared parental or adoption leave.
- 3.3 Where a replacement is appointed to cover the period of absence that person shall receive an SRA on a pro rata basis for the period of the temporary appointment.
- 3.4 The payment of Special Responsibility Allowances, whether to the primary SRA holder or a replacement, during a period of maternity, paternity, shared parental or adoption leave shall continue for a period of six months, or until the date of the next Annual Meeting of the Council, or until the date when the member taking leave is up for election (whichever is soonest). At such a point, the position will be reviewed, and will be subject to a possible extension for a further six-month period.
- 3.5 Should a Member appointed to replace the member on maternity, paternity, shared parental or adoption leave already hold a remunerated position, the ordinary rules relating to payment of more than one Special Responsibility Allowances shall apply.
- 3.6 Unless the Member taking leave is removed from their post at an Annual General Meeting of the Council whilst on leave, or unless the Party to which they belong loses control of the Council during their leave period, they shall return at the end of their leave period to the same post, or to an alternative post with equivalent status and remuneration which they held before the leave began.

4. Resigning from Office and Elections

- 4.1 If a Member decides not to return at the end of their maternity, paternity, shared parental or adoption leave they must notify the Council at the earliest possible opportunity. All allowances will cease from the effective resignation date.
- 4.2 If an election is held during the Member's maternity, paternity, shared parental or adoption leave and they are not re-elected, or decide not to stand for re-election, their basic allowance and SRA if appropriate will cease from the Monday after the election date when they would technically leave office.

5. Ward Duties

- 5.1 Members who take parental leave will be able to nominate another member to deal with local issues in their Ward. It will be the responsibility of the member to hold discussions with their preferred nomination to arrange this. Where this hasn't been possible, the member taking parental leave will need to raise this with their Political Group Leader.
- 5.2 Where a member has limited alternatives to nominate due to low political representation, the Leader will decide with the member the most appropriate way in which their ward duties can be covered.
- 5.3 Members are responsible for putting an out of office message redirecting queries to a designated member. However, if they still wish to respond to emails/correspondence whilst taking parental leave, they are at liberty to undertake this activity.

6. Parental Bereavement Leave

- 6.1 The Parental Leave and Pay Act will give all employed parents a day-one right to two weeks leave if they lose a child under the age of 18 or suffer a stillbirth from 24 weeks' pregnancy from April 2020. This right is extended to elected members.



Stroud District Council

Monitoring Officer Role and Functions Protocol

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1. Introduction

- 1.1 This protocol has been produced as a guideline for the benefit of Members and Senior Officers on the role of the Monitoring Officer and the arrangement for ensuring this role is carried out effectively. It is based on the understanding that the ability of the Monitoring Officer to undertake this role effectively depends on excellent working relations with colleagues and Members and on the flow of information and access to debate, particularly at early stages.
- 1.2 The Monitoring Officer and the Council must establish systems and procedures to bring to their attention any situations where issues of illegality, maladministration or impropriety may arise.
- 1.3 The Monitoring Officer will provide appropriate and, if necessary, firm advice to Members so as to protect and safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from legal difficulties and/or criminal sanctions.

2. Functions

- 2.1 The specific functions of the Council's Monitoring Officer are detailed in Article 11 of this Constitution. The chief responsibilities can be summarised as: -
 - (a) a duty to report to the Council in any case where the Monitoring Officer is of the opinion that any proposal or decision is or is likely to be illegal or to constitute maladministration. These matters are referred to in this Protocol as "reportable incidents"
 - (b) a range of functions relating to Members' conduct; and
 - (c) specific functions under the Council's Constitution.

3. Discharge of Functions

- 3.1 In order to ensure the effective undertaking of these duties, the Monitoring Officer will: -
 - (a) have regular meetings with the Head of Paid Service and Chief Finance (S.151) Officer in order to review current and likely future issues with legal, constitutional, or ethical implications.
 - (b) maintain good liaison and working relations with the Head of Internal Audit and the external audit service.
 - (c) ensure that the Council is kept up to date on new legislation and changes in the law which are relevant to the carrying out of the Council's activities. This will generally take the form of reports to Members and briefing notes to Chief Officers but, where appropriate, will involve training sessions for relevant Members and Officers. These activities will be carried out in consultation and conjunction with relevant Chief Officers.

- 3.2 In addition, Chief Officers will ensure that: -
- (a) The Monitoring Officer is consulted at an early stage on new policy proposals and on matters which have potentially significant legal implications. Where there is any doubt, the Chief Officer should always consult.
 - (b) All draft reports to the Council and Committees should as a matter of routine be cleared with One Legal and the Monitoring Officer should be made aware of any issues.
 - (c) The Monitoring Officer is informed of all emerging issues of concern of a legal, ethical, or constitutional nature. Similarly, Members should ensure that the Monitoring Officer is routinely informed and consulted in respect of new policy proposals.
- 3.3 The Monitoring Officer will always seek to resolve any potential illegality where possible by identifying alternative and legitimate means of achieving the objective of the purpose. (See also para. 3.5(a)).
- 3.4 These working arrangements will mean that:
- (a) The Monitoring Officer will seek to resolve potential reportable incidents as defined in para 2(a) by avoiding the illegality, etc., or by identifying alternative and legitimate means of achieving the objective of the proposal. Accordingly, and given that Council officers and Members are encouraged to consult the Monitoring Officer in respect of any proposal, the Monitoring Officer will only need to make a public report on the matter if the proposal were to be a potential reportable incident and the officer or Member subsequently took any action to progress that proposal despite being advised to the contrary by the Monitoring Officer.
 - (b) Where the Monitoring Officer receives a complaint of a potential reportable incident, they must in appropriate cases seek to resolve the matter amicably, by securing that any illegality or failure of process is rectified. However, it is recognised that the Monitoring Officer may decide that the matter is of such importance that a statutory report is the only appropriate response.
 - (c) In appropriate cases, and to secure the rapid resolution of a potential reportable incident or avoid a separate statutory report, the Monitoring Officer will be entitled to add his/her written advice to the report of any other Council officer.
 - (d) Notwithstanding the above, the Monitoring Officer retains the right to make a statutory report where, after consultation with the Chief Executive (Head of Paid Service) and the Strategic Director Resources (Section 151 Officer), they are of the opinion that such is necessary in order to respond properly to a reportable incident.
- 3.5 To assist in effective and efficient undertaking of these working arrangements, the Monitoring Officer will have the right: -
- (a) To receive advance notice of meetings, whether formal or informal between Chief Officers and Members of the Council or Committee Chairs where any

procedural, vires or other constitutional issues are likely to arise, together with the right to attend such meetings.

- (b) To receive advance notice of meetings of the Strategic Leadership Team and the agenda and reports together with the right to attend and speak as a member of that team.
- (c) To see all documents and information held by or on behalf of the Council, including documents and information held by any Council officer or Member. However, this right does not extend to documents and information held by or on behalf of any political party represented on the Council.
- (d) To attend any meetings of officers or Members (or both), whether or not such meetings include any other persons. However, this right does not extend to any meetings held by or on behalf of any political party represented on the Council.
- (e) To require any Council officer or Member, or any contractor to provide an explanation of any matter under investigation.
- (f) To report to the Council, and its Committees, including a right to present a written report and to attend and advise orally.
- (g) To have access to the Chief Executive (Head of the Paid Service) and to the Strategic Director of Resources (S.151 Officer).
- (h) After consultation with the Chief Executive and the S.151 Officer, to notify the Police, the Council's Auditors, and other regulatory agencies of concerns in respect of any matter and to provide them with information and documents in order to assist them with their statutory functions.
- (i) To obtain, at the Council's expense, legal advice, either internally or from an independent external solicitor, barrister, or forensic consultant, on any matter which it is believed may be a reportable incident.

4. Conflicts

- 4.1 Where the Monitoring Officer is in receipt of a complaint or is aware of a potential reportable event relating to a matter upon which they have previously advised the Council, they must consult the Chief Executive who may then either refer the matter to the Deputy Monitoring Officer (One Legal) for investigation and report back to the Chief Executive or request a neighbouring authority to make their Monitoring Officer available to the Council to investigate the matter and report to the Chief Executive and/or the Council as appropriate.

5. Insurance and indemnity arrangements

- 5.1 The Section.151 Officer will ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council, and the proper discharge of the Monitoring Officer role.

6. Sanctions for breach of the Council's Codes of Conduct and this Protocol

- 6.1 Complaints relating to any breach of the Council's Code of Conduct for Members and the Member Officer Relations Protocol must be dealt with in accordance with the Arrangements adopted by Council. Complaints relating to any breach of this Protocol by a Member may be referred to the relevant leader and/ or whip of the political party group and as a breach of the members Code of Conduct to the Constitution and Standards Committee. Complaints relating to any breach of this Protocol by an officer may be referred for disciplinary action.

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Stroud District Council

Press and Media Protocol

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1. Summary

- 1.1 Communication of Stroud District Council's key objectives and operational matters is crucial to the way the district's residents and businesses, external partners, and media organisations portray the Council.
- 1.2 This protocol has been produced to set down a framework for how communications are handled by Officers and Members and clarify good practice relating to the effective management of media relations at the Council. It is supplementary to the Protocol on Member and Officer Relations and anticipates that at all times, both parties will endeavour to work together constructively for the good of the Council and District, as 'One Council'.
- 1.3 Not all situations can be covered in detail as much depends on the set of circumstances at any one time, so this protocol is designed to be as flexible as possible whilst setting out a trusted and tested approach.
- 1.4 The protocol applies to all Councillors, Committee Chairs (and committee members), and Council officers who may be contacted by local, regional, national or specialist media, and includes print as well as broadcast media.

2. Legal Framework

- 2.1 All press releases and media engagement on behalf of the Council will:
 - (a) be in accordance with the Council's agreed Media Guidelines
 - (b) be issued or organised only through the Council's Communications Team to ensure the proactive, effective and efficient management of the Council's public image, relations and interface.
 - (c) be concerned only with matters of policy and/or which relate to the Council's functions.
 - (d) not contain anything of a political nature. In this respect regard must be given to the relevant legislation concerning publicity issued by local authorities, with particular care around the pre-election period, as summarised below.
- 2.2 Section 2 of the Local Government Act 1986 places a prohibition upon the Council that:

"it shall not publish any material which, in whole or in part, appears to be designed to effect support for a political party.

In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and in particular the following matters:

 - (a) *Whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;*
 - (b) *Where material is part of a campaign the effect which the campaign appears to be designed to achieve"*

2.2 The term 'publicity' is defined in the Act as "*any communication in whatever form, addressed to the public at large or a section of the public*". Local authorities are also required by section 4(1) of the Act to have regard to the Code of Recommended Practice on Local Authority Publicity contents of in coming to any decision on publicity.

3. The Publicity Code

3.1 The Code of Recommended Practice on Local Authority Publicity was last issued in 2011 can be found on the website of the Ministry of Housing, Communities & Local Government.

<https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>

3.2 The Publicity Code is grouped into seven principles for local authorities to follow, a Council's publicity should:

- be lawful
- be cost-effective
- be objective
- be even-handed
- be appropriate
- have regard to equality and diversity
- be issued with care during periods of heightened sensitivity.

3.3 The Publicity Code gives recommended practice on a number of aspects of publicity covering subject matter, costs, content, dissemination, advertising, recruitment advertising, publicity about individual members of an authority, timing of publicity, elections, referendums and petitions, and assistance to others for publicity. The principles may be summarised as follows.

3.4 The principle of lawfulness is that an authority's publicity should comply with statutory provisions and advises that any paid-for advertising published by a local authority should comply with the Advertising Standards Authority's Advertising Codes.

3.5 The principle of cost-effectiveness is that local authorities should be able to confirm that consideration has been given to the value for money that the publicity is achieving, while recognising that in some circumstances this will be difficult to quantify.

3.6 The principle of objectivity requires local authority publicity to be politically impartial. The Publicity Code acknowledges that a council has to be able to explain its decisions and justify its policies, but this should not be done in a way that can be perceived as a political statement or a commentary on contentious areas of public policy.

3.7 The principle of even-handedness has the effect that local authority publicity can address matters of political controversy in a fair manner and may contain links to other political sites or contain political logos on material hosted for third parties. However,

local authorities should ensure that publicity about the Council does not seek to affect support for a single councillor or group. The Publicity Code does, however, recognise that at times it is acceptable to associate publicity with a single member of the Council.

- 3.8 The principle addressing the appropriate use of publicity is that local authorities should refrain from retaining the services of lobbyists, i.e., political professionals whose job it is to bring their client's message to those in a position to influence policy. Appropriate use of publicity is also about the frequency, content, and appearance of council newsletters in order to prevent unfair competition with local newspapers. It sets out that generally the frequency of council newsletters should be no more than quarterly.
- 3.9 The equality and diversity principle is that publicity by local authorities may seek to influence positively the attitudes of local people in relation to matters of health, safety, and other issues where publicity can have a positive influence on the behaviour of the public.
- 3.10 Finally, the principle that local authority publicity should be issued with care during periods of heightened sensitivity gives guidance as to how local authority publicity should be treated during period of elections and referendums, both national and local.

4. Principles

- 4.1 The aim of this protocol is to ensure that the Council makes the best use of its communications resources to support open, accessible, and responsive communications, whilst acknowledging that council resources may not be used for party political purposes. It clearly sets out the respective roles of all members and officers in dealing with the media.
- 4.2 Adherence to the protocol will ensure consistency of standards, accuracy of information and appropriate political and officer input with a view to protecting and enhancing the reputation of the Council so that it is seen to communicate in a professional and objective manner. In all cases, the council's approach to the media should be:
- open and honest
 - proactive
 - responsive
 - timely
- 4.3 The ability for the Communications Team to act quickly and decisively depends on it being kept fully up to date and Councillors and officers should ensure issues which will affect the Council's reputation should be brought to the attention of the team as soon as possible. Officers will keep relevant members informed of media interest in the Council's activities, especially regarding strategic or contentious matters.
- 4.4 Officers writing reports for council meetings will inform the Communications Team of potential news items or matters which may attract negative or positive publicity, as early as possible. The Communications Team will likewise ensure that it is aware of events and issues and will keep up to date with pipeline reports in the Forward Plan to

identify any potential issues so that they can be dealt with proactively. The Communications Team will consider the timing of releases carefully – issuing press releases when or just after meeting papers are published can help the council drive the narrative of an issue from an early stage, however each case will be decided on its merits. It may be preferable in some cases to issue press releases after meetings as well.

4.5 The Communications strategy complies with the following principles:

- To support honest, open, two-way communication
- To promote and protect the reputation of the Council
- To regulate the correct use of the corporate identity and style
- To ensure all publicity is produced in an easy to understand and accessible format and style
- To practice a proactive and planned approach to media handling and wider communication
- To provide effective communication support
- To promote the Council's vision, priorities, and policies
- To set standards on communicating with hard to reach groups
- To support effective partnership working through developing communication strategies for joint projects

4.6 The Communications team provides advice and support to all directorates and elected members. Its main roles are to manage and maintain relationships and reputation, as well as to promote pro-active publicity on council policy, local authority partnerships, local initiatives / achievements and other issues affecting the Council and the District.

4.7 The service should be the first point of contact for all media enquiries and all outgoing publicity or potential promotional opportunities with the press or any other publications. Their expertise and knowledge support elected members and officers to ensure opportunities for proactive positive news are maximised and negativity is mitigated and managed where possible.

4.8 No Council press releases or publications should be issued without the involvement of the Communications team. If a member is contacted by, or contacts, the media on an issue, they should:

- Seek assistance from the Communications team and/or relevant senior officer(s), except in relation to a statement which is party political in nature
- Clearly indicate in what capacity they are speaking
- Be sure that they make it clear whether they are speaking in line with agreed council policy or that this is their personal view
- Be sure of what they want to say or not to say

- Consider the likely consequences for the Council of his/her statement (e.g. commitment to a particular course of action, image, and allegations / jumping to conclusions)
 - Never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter
 - Consider whether to consult other relevant members
 - Take particular care in what they say in the run-up to local or national elections to avoid giving the impression of electioneering, unless they have been contacted as an election candidate or political party activist – in these circumstances, no Council resources may be used.
- 4.9 Officers should never give their opinion on specific council policy but must keep to the corporate line and key messages. Their role is to provide expertise and factual knowledge only, in support of the council's approved and agreed policies.

5. Media Relations

- 5.1 The Council values the media as one of its key partners in communication and aims to forge strong professional links with local, regional, and national media. It is committed to being transparent and maintaining a positive working relationship with media and respects the right of the media to report on any given topic.
- 5.2 Providing a professional information service to the media is a key responsibility for the Council and it takes a proactive approach to working with the media wherever possible. In order to maintain a good long-term relationship, the Communications team needs to be trusted by the media and the wider community and will never knowingly provide inaccurate or incorrect information.
- 5.3 The way in which the Council is portrayed in the media has a major influence on how it is perceived, and every opportunity should be taken to publicise the council's services, decisions, policies, and initiatives.
- 5.4 One of the most important aspects of dealing with and managing media is being able to provide a prompt response to a query, question, or interview request. The sooner the Council can respond and involve itself in the story, the greater the chance it has to influence it. This is especially important where the Council's reputation might be affected.
- 5.5 All Councillors and officers should support the Communications team in responding to media enquiries in a timescale that meets journalistic deadlines where possible. If the Council fails to reply in time there is a risk that the journalist may source their story elsewhere or record a 'no comment' response, which may not be in the Council's interests.

6. Processes

6.1 Media Enquiry

The Communications Team receives a significant number of inquiries from local, national, and international TV, radio, newspaper and news website organisations. All media enquiries should be referred to the Communications team in the first instance. This enables the service to make a judgement about how an enquiry should be answered and by whom. The response can often be handled with a written statement prepared by the Communications team in conjunction with relevant officers.

- 6.2 Responding to media enquiries can be time-consuming and often, responses are requested within a short timeframe. The Communications Team will manage these requests and establish realistic response times in conjunction with officers, members and the media organisations concerned. At all times, the Communications Team will seek to protect and enhance the council's reputation.
- 6.3 When an inquiry is received, the Communications Team will ask the most appropriate officer for the information required and formulate a response. The normal response will be attributed to an 'SDC spokesperson' or relevant committee chair if they wish, however there may be occasions when a deadline must be met, and an 'SDC spokesperson' will be quoted. The response will be approved by the relevant Service Head, before the Chief Executive and relevant Strategic Director(s), relevant ward members, committee chairs and Administration Group Leaders are informed.
- 6.4 The vast majority of council publicity will include a written quote or interview, which can help to make the content more interesting and provide an authoritative voice on the subject matter. In certain cases, where a press release or statement is simply to provide a brief announcement or notice, this may not be necessary.
- 6.5 We will also work to influence the news agenda proactively by offering people for interview or providing case studies to illustrate topical issues. We will use our forward planning process to identify opportunities in advance but may still want/have to exploit on-the-day stories particularly when there is breaking news or developing stories.
- 6.6 It is important that quotes are attributed to an individual as this demonstrates responsibility and counters perceptions that the council is a faceless and unaccountable organisation.
- 6.7 The Leader, Deputy-Leader and Committee Chairs will normally act as spokespersons for the Council in responding to the press and media and making public statements on behalf of the Council. If there is an issue of cross party importance, they may invite the Group Leader of the largest opposition group to become involved.
- 6.8 Members and senior officers will liaise with the Communications team on all forms of contact with the press and media and approve any press releases.
- 6.9 When a press release has been approved by a Service Head and relevant members, Group Leaders, relevant Strategic Directors, and the Chief Executive will be sent a copy before publication, for information only. Each press release should reference the

relevant CDP priorities it is aligned with where possible.

- 6.10 Where a matter has significant implications for policy or the reputation of the Council, the Leader and in his / her absence, the Deputy Leader of the Council will be contacted as a matter of course.
- 6.11 Quotes on any specific operational issues which requires technical or in-depth knowledge to articulate will be attributed to officers. Officers will be quoted in circumstances where a member of the public would reasonably expect an operational, officer perspective. Communications staff will advise with recommendations. These situations will be such as when:
- there is a need to respond extremely quickly in changing circumstances to maintain the flow of information to the public (e.g. an emergency road closure or an environmental health investigation);
 - specific technical information is being explained
 - there is a legal aspect to the comment which would benefit from attribution to a professional officer rather than a politician.
- 6.12 Where the appropriate responsible Committee Chair or Vice-Chair is unavailable within media deadlines, and therefore unable to approve comment that would otherwise be attributable to them, the Leader of the Council will be quoted or an alternative suitable responsible councillor.
- 6.13 In the event of neither an appropriate Committee Chair/ Vice-Chair nor the Leader or Deputy Leader of the Council being available, an appropriate responsible officer will approve the quote. Quotes, comments and statements will reflect the factual representation of the Council's or Committee's decisions, and not that of the individual and/or political party views.

7. Proactive Media Approach

- 7.1 Positive media coverage supports the reputation of the Council. When issuing proactive media, all content will follow a corporate style appropriate for the media being targeted, and a central record will be maintained. All releases will accurately reflect the corporate view of the Council, contain relevant facts, and include an approved quotation from the appropriate Councillor/ Committee Chair.
- 7.2 All official council news/press releases will be placed on the council's website within one working day of issue wherever possible.
- 7.3 From time to time the Council must respond proactively to negative issues. It is important that these situations are managed carefully to limit the potential for negative publicity.
- 7.4 Members and officers must alert the Communications and Marketing team as soon as a potentially negative issue which may attract media interest comes to light. They should not wait until contact is made by the media.
- 7.5 Members and officers must be prepared to work together to prepare holding

statements, other information and carry out research even if no media have contacted the council about an issue.

7.6 When preparing a response, the following strategy will be followed:

- where the council has made a substantial mistake, it will explain what went wrong and what it is doing to put it right. It will not be defensive but take the attitude that it can learn from its mistakes.
- where the media has made a substantial mistake in reporting the activities of the Council it will quickly and assertively explain the mistake to the media and seek a right of reply

7.7 Should the media publish / broadcast an inaccuracy relating to Council business, policy or process, a quick decision will be taken on any action necessary to correct it. The issue will be discussed with the appropriate Committee Chair and Chief Officer and a plan of action agreed. It should be noted that in the case of minor inaccuracies which have little or no impact on the message being conveyed, it can sometimes be counterproductive to complain. Each case must be judged individually.

7.8 Members of the media are welcome to attend live streamed Council and Committee meetings. During the meetings members should be mindful that any comments and messages are put across in a manner which gives the journalist an accurate picture, rather than relying on the journalist's interpretation of what can be a complex issue or report.

8. Process for dealing with interview requests

8.1 Occasionally, requests for interviews are received by media organisations. Group Leaders, Committee Chairs the Chief Executive and Strategic Directors will be asked by the Communications Team if they wish to be interviewed, and a pre-interview briefing can be supplied on request. Media training will be offered to all members and senior officers to assist with this.

8.2 Members will inform the Communications Team if they have been approached by the media for comment. For party political matters, informing the Communications Team will suffice. For matters concerning the Council's operation and/or strategic aims, a statement will be agreed in the same way as a press statement (above).

8.3 The Communications Team will make every effort to ensure that officers and members are informed before they are exposed to significant issues through the media. However, in an increasingly fast and pervasive communications environment, particularly given the speed and ease of dissemination on social media this will not always be possible.

9. Process for making social media posts

9.1 The Council has several active social media channels which are used to promote operational matters, and strategic objectives which have been agreed by the Administration in the CDP. The Communications Team will post engaging content with

pictures or video – members who share this content can help maximise its reach and effect, as representatives of their communities and the Council. This is also consistent with the ‘One Council’ approach.

- 9.2 Council social media accounts will not be started by members of staff without approval from the Communications Manager, and training in social media best practice can be provided in-house on request.

10. Publicity in Election Periods

- 10.1 In the period between the notice of an election and the election itself all proactive publicity about candidates or other politicians is halted. This applies to local or national elections. During this period Council publicity should not ordinarily deal with controversial issues or report views, proposals or recommendations in a way that identifies them with individual Members or groups of Members. This is to make sure that no individual Councillor or political party gains an unfair advantage by appearing in corporate publicity. In these circumstances, where a quote is required, the relevant officer may be quoted, in accordance with the guidelines in this protocol.

11. Grant Awards

- 11.1 The Council awards grants to local groups and organisations via a number of schemes for the benefit of our communities. As such, recipients should acknowledge these grants appropriately and regularly. When grants are awarded, the Council will publish a press release and social media content tagging recipients, recipients will be reminded to include a short message on their website, email signatures and press releases, and ask the Council to contribute to press releases about schemes which have benefitted from Council grant funds.

Stroud District Council Social Media Protocol for Members

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1. Purpose of this Protocol

- 1.1. The Council welcomes and encourages Members' use of new technology including social media and would like to support this by giving guidance so that Members have greater clarity as to what is and is not acceptable usage of social media. This Protocol is intended to provide guidance and help Members use social media in a way that avoids legal and reputational risk and complements the general rules under the Code of Conduct for Members.
- 1.2. The Monitoring Officer and the Communications Team are happy to help Members by providing additional advice and guidance as appropriate.
- 1.3. The Code of Conduct applies to all forms of Member communication which includes the use of social media. If your comments on social media refer to Members role as Councillor in any way or any comments they make are clearly related to their official role, then the Code will most likely apply to those comments.
- 1.4. It is not a requirement for Members to have a Facebook or Twitter account or to use other forms of social media to fulfil their job as a Member. However, if you are using or planning to use social media in connection with your work as a Councillor or are already using such media in your private capacity, these guidelines will be relevant.

2. What is Social Media?

- 2.1. Social media is the term to describe websites and online tools which allow people to interact with each other. This could, for example, be blogs, and postings on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Snap-chat, Instagram etc.
- 2.2. On many social media sites users share information, give opinions, and may create interest groups or pages leading to longer exchanges. Ultimately people use these sites and tools to build online communities and networks which encourage participation and engagement.
- 2.3. Social Media can be used:
 - To support councillors in performing their community leadership role.
 - To keep in touch with or obtain local views and opinions.
 - For political campaigning.
 - For campaigning on local issues.
- 2.4. Types of Social Media:
 - Blogging and micro blogging – online journals – Twitter is an example of micro blogging, where entries are limited to 280 characters.
 - Online Forums – people with similar interests sharing information and opinions
 - Social networking sites – these facilitate connections between those who already know each other, often in a social context, but are increasingly used by businesses to promote their products or services - Facebook is an example.
 - Video and photo publishing and sharing videos and photographs worldwide – Flickr is an example.

3. Things to Bear in Mind

- Any communication is capable of being misinterpreted. While the use of social media should not be more susceptible to this than any other form of communication, something about the immediacy and widespread distribution of social media seems to magnify the problem.
- By the nature of social media, misinterpretation, or misrepresentation, particularly with regard to something that is perceived as being more controversial than it was expected to be, is likely to lead to rapid and wide dissemination of that apparently “controversial” item.
- There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a councillor – you just need to think about them in this new context – their immediacy and ease of dissemination.
- Although the best use of social media is conversational in tone, publishing to the internet is still publishing. What you’ve said online is recorded, instant and it is permanent.
- Most pitfalls will be avoided if your online content is accurate, informative and thought through. Think of it as speaking in public. Think before you commit each word and especially when you ‘like’, re-tweet or forward something, because in doing so, it may be said that you are supportive, associate yourself with, or agree with what is said.
- As a public figure, users of social media will see you as ‘fair game’ and may make controversial or abusive comments to or about you. Try not to respond to this type of content unless it is to correct an inaccuracy which you would not like to prevail.
- If you are receiving online abuse – also referred to as “trolling”, please speak to the Monitoring Officer who will be able to advise you.
- This doesn’t mean that members cannot, in the appropriate context, communicate politically and you are given enhanced protection in terms of freedom of expression. This is expected of a councillor, but you should be careful not to say anything that you wouldn’t be comfortable repeating or justifying, for example, at a public meeting or indeed seeing repeated on the front page of the local newspaper!

4. Legal Issues

- 4.1. **Defamation** - is a civil wrong that includes libel – the written word, and slander – the spoken word. Regarding defamation and social media, a complainant would need to prove that comments actually caused damage to a Member’s reputation. This may be very difficult to quantify, and generally, the Council is unable to commit resources to an action for defamation by an individual or group of members but would provide supporting evidence to those wishing to take such action.

The Communications Team monitor local social media channels but they cannot police every single comment that is made about the Council or Councillors. The Communications Team can directly remove postings on social media channels which the Council owns but not those on third party sites. Some sites are private or closed for which the team has no access to comment or report offending postings. Comments can be reported on some sites, for example to Facebook, if they are distasteful, illustrate use of drugs, guns or products of harm or if it is a comment based on race, gender,

sexual orientation or disability. It is then in the hands of the social media channel to decide on the removal of the comment.

If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone else publishes something defamatory on your social media or webpages; you know about it and don't take swift action to remove it. A successful legal claim could result in the award of damages and costs against you.

- 4.2. **Copyright** – Placing images or text on your site / channel from a copyrighted source (for example extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Don't publish anything you are unsure about, or make sure you obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages and costs against you.
- 4.3. **Data Protection** – Do not publish the personal data of individuals unless you have their express permission to do so for that purpose. Personal information in an email or personal exchange cannot be presumed to imply any consent to pass it on to others. If you place personal information on a public forum, you should expect it to be published by others.
- 4.4. **Bias and Predetermination** – if you are involved in making any decisions, but particularly planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided.

Your likely view on a particular application (predisposition) may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence, and were genuinely persuadable to a different view, otherwise, the decision may be later challenged as invalid. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the council for damages.

- 4.5. **Electoral periods** – be mindful that when you are using social media for campaigning during election periods you will need to provide a return of expenditure on any advertising or campaign literature, including web advertising and the design and website costs of downloadable material. You should never use Council resources (such as email) to promote a political party.

5. Social Media and the Code of Conduct for Members Generally:

- 5.1. Aspects of the Code of Conduct for Members will apply to your online activity in the same way as they do to any other communication you may use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a Councillor rather than as a private individual. If you have a Facebook or Twitter account which includes your role as a Councillor, you should keep this separate from your personal accounts or you risk being subject to the Code of Conduct.
- 5.2. It can be presumed by others that you are speaking as a Councillor. This can happen where you have a social media account where you comment both as a Councillor and as an individual. Although you may be clear in your mind that you are acting in a private capacity it may be less clear to others, particularly when you refer to information which you can only have accessed in your role as a Councillor. This can also mean that your

views can be taken as representing those of your organisation or party (rather than you personally) when this may not be the case.

- 5.3. The presumption can arise simply because you are commenting on council business, because you are known to be a Councillor or use party political symbols or references in the text. To avoid this, and perhaps avoiding some of the potential problems related to the Code of Conduct, is that you should keep your online accounts as a Councillor separate from those where you communicate in a personal capacity.
- 5.4. Another is to spell it out in the text (e.g. “speaking entirely personally...”). This is a decision for each Member and some Members may find the convenience of having one account outweighs the advantages of separate accounts. The Monitoring Officer can help you with more specific advice if needed.

6. Code of Conduct Considerations Relevant to Social Media

- 6.1. You must treat others with respect:
 - Do not use social media to make personal attacks or indulge in rude, disrespectful, or offensive comments
 - Comply with equality laws and the public sector equality duty, so do not publish anything that might be seen as racist, sexist, ageist, homophobic or anti-faith or which may give the impression that you are treating anyone with a protected characteristic less favourably
 - Do not say anything, particularly if it is part of a series of similar comments about a person or on a theme that might be construed as bullying or intimidation.
- 6.2. You must not conduct yourself in a manner which is contrary to the Authority’s duty to promote and maintain high standards of conduct of members – you should not publish anything that could reasonably be perceived as reflecting badly upon or lowering the reputation of your office as a Councillor.
- 6.3. You must not disclose confidential information - you must not, in your use of social media, just as in any other circumstances, disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature.
- 6.4. Inadvertent leaks of the Council’s confidential information are more likely to take place when a Councillor is using social media, rather than, say, when they are carefully drafting a letter for publication in the local paper. This may be because of the more immediate, conversational, off- the cuff nature of much social media communication.
- 6.5. Members must be careful to apply exactly the same standards to their social media communications as they would to statements made in a more formal context.

7. Staying out of Trouble - Some Do’s and Don’ts

- 7.1. Some Do’s
 - Set appropriate privacy and security settings for your blog or networking site – especially if you have a private, non-political blog.
 - Keep an eye out for defamatory or obscene posts from others on your social media and remove them as soon as possible to avoid the perception that you condone such

views. Be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network.

- Consider keeping your personal and elected member profile on social networking sites separate and maintain appropriate professional boundaries.
- Ensure you use Council facilities appropriately; if you use a Council provided blog site or social networking area, any posts you make **will** be viewed as made in your official capacity.
- Be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by your being an elected member.
- Make political points but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful or unlawful and not within the protection of freedom of expression, whereas general comments about another party or comments on policy are less likely to be viewed as disrespect on the basis that politicians are expected to have ‘thicker skins’.

7.2. Some Don'ts

- Blog in haste, particularly in circumstances where your judgement might be impaired, for example if you are tired, upset or have consumed alcohol.
- Post comments that you would not be prepared to make on paper or face to face.
- Request or accept a Council employee or contractor providing services to the Council as a “friend” on a social networking site where this suggests close personal association. For the avoidance of doubt, this does not apply to sites which are intended as a neutral, professional connections platform (such as LinkedIn).
- Use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive, or discriminatory comments about Council staff, service users, their family or friends, colleagues, other professionals, other organisations, or the Council.
- Publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends or others e.g., contractors, Council staff as well as Council related information.
- Represent your personal views, or those of any political party or interest group you belong to, as being those of the Council.
- Browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal, or discriminatory.
- Make conspicuous or excessive use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings, not paying attention and listening to the debate and, more seriously, taking decisions that are not based on full engagement and understanding with the facts and arguments.

8. Further Information

Local Government Association – <https://www.local.gov.uk/our-support/guidance-and-resources/communications-support/digital-councils/social-media/get-started/dos-and-donts>