

CONSTITUTION COMMITTEE

Report from the meeting held on 14 October 2019

1. MOTION 837 - PARENTAL LEAVE FOR COUNCILLORS

The Committee considered the three summary options outlined in the report.

It was noted that members are not paid employees of the Council and thus the employees existing policy could not simply be adopted for members as well. There was a number of factors noted that would need to be taken into a members' policy:

- Elections
- Changes in administration
- New appointments
- The legal duty of a councillor to attend a meeting of council within a 6 month period
- Councillors being unable to claim Statutory Maternity Pay

The Committee agreed, taking account of the above, that they would want the policy to remain consistent with the employee's scheme as far as possible and not create any preferential treatment for councillors. It was agreed that officers would bring a draft policy to the next Constitution Committee.

2. AUDIT AND GOVERNANCE COMMITTEE'S TERMS OF REFERENCE

It was advised that during the discussion at the Audit and Governance Committee on the amended terms of reference, it was requested a further amendment be made requiring regular compulsory training for members.

The Committee expressed concern about requiring members to attend training. Whilst they appreciated the importance of understanding for Audit and Governance, it is not a legal requirement as with some Committees and it could undermine group leader's role in appointing members to Committee if training was compulsory to sit. It was agreed that the wording should reflect an expectation to attend training rather than a compulsion.

Please refer to Annex A.

RESOLVED TO RECOMMEND TO THE COUNCIL that the changes to the Constitution in respect of the Audit and Governance Terms of Reference be ratified, subject to the following additional wording:

Members of the Audit and Governance Committee will be expected to attend training that will be provided at least annually.

3. AUDIT & GOVERNANCE COMMITTEE PROPOSED INDEPENDENT MEMBER RECRUITMENT PACK

There was a discussion about Appendix 2 which proposed applying the same disqualification criteria to this role as the Independent Persons appointment under Section 28(7) of the Localism Act 2011. This would prevent people who fell within the disqualification criteria from applying for the position. It was suggested that it would be more appropriate to advise applicants that they are likely to be unsuccessful rather preventing them applying at all, in order to avoid the risk of restricting the field of potential applicants.

The Committee also requested that the interview panel be made politically balanced by adding a Conservative member.

RESOLVED TO APPROVE the recruitment pack and interview panel as presented, subject to the following changes:

- *Remove section A of Appendix 2;*
- *Replace the final two paragraphs of page 6 with the following wording:*

Given the independent nature of this role, it is unlikely that we would appoint a person who:

- *has within the period of five years immediately preceding the date of the appointment been a member or officer of Gloucestershire County Council*
- *is a serving member or officer of any other local authority, or*
- *is a relative of close friend of a member or officer of Gloucestershire County Council*

Please see appendix 2 for further details on Disqualifications for Appointment.

- *To increase the interview panel by one to include a member of the Conservative Group for political balance.*

4. SCHEME OF DELEGATION

Please refer to Annex B.

RESOLVED TO RECOMMEND TO THE COUNCIL to ratify the changes to the Constitution made by the Monitoring Officer relating to the Scheme of Delegation as set out in the report.

5. MONITORING OFFICER CHANGES TO THE CONSTITUTION

Please refer to Annex C.

RESOLVED TO RECOMMEND TO THE COUNCIL to ratify the changes made to the Constitution by the Monitoring Officer.

6. MOTIONS AT FULL COUNCIL

Cllr Stowe introduced the item and explained to members that there was a need to review the criteria for motions submitted to full Council. He emphasised that for councillors to carry out good decision making, they need to fully understand any implications of a motion passing, with particular regard to costs, environmental impact and the effect on those with protected characteristics under the Equality Act 2010.

Members agreed such a requirement would be welcomed but highlight there are some initial difficulties in the practicalities of this:

- If the motion is calling for a policy to be developed, implications would only be evident once the policy had been drafted by officers, and thus at the time of proposing the motion, it would be difficult to understand these fully.
- The issue of 'on the day' amendments to motions. Some amendments can be quite significant to the conclusion of the motion and therefore may completely change the implications if passed in an amended form.

There was a discussion about the options including; referring all motions to the relevant scrutiny committee for further understanding or the requirement of sign off by Section 151 officer/Chef Executive before being submitted

The Committee requested that officers look into processes at other local authorities and return to the Committee with options.

Cllr Mark Hawthorne MBE
Chair of the Constitution Committee

Audit and Governance Committee

Date: 11th October 2019

Agenda No:

Title of Report:	Audit and Governance Committee's Terms of Reference
Context	<p>Audit committees are a key component of an authority's governance framework. Their function is to provide an independent and high-level resource to support good governance and strong public financial management. The purpose of an audit committee is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and governance processes. By overseeing both internal and external audit it makes an important contribution to ensuring that effective assurance arrangements are in place. The Council's audit committee should adopt a model that establishes the committee as independent and effective. The committee should:</p> <ul style="list-style-type: none"> • act as the principal non-executive, advisory function supporting those charged with governance; • be independent of both the executive and the scrutiny functions and include an independent member where not already required to do so by legislation; • have clear rights of access to other committees/functions, for example, scrutiny and service committees, corporate risk management boards and other strategic groups; and • be directly accountable to the authority's governing body. <p>The guidance to support those acting as audit committee members in local authorities has recently changed and currently recognises CIPFA's publication "Audit Committees: Practical Guidance for Local Authorities and Police (2018)" as representing "proper audit committee practices".</p> <p>This guidance defines the way in which audit committee's should be established and undertakes its functions, including the functional reporting requirements to the governance group charged with providing independent assurance on the adequacy of the control environment, comprising risk management, control and governance.</p>
Purpose of Report:	<p>The purpose of this report is to present to the Committee the proposed refreshed Audit and Governance Committee's Terms of Reference, which reflects the revised Chartered Institute of Public Finance and Accountancy (CIPFA) guidance on the function and operation of audit committees; "Audit Committees in Local Authorities and Police, 2018 edition".</p> <p>The guidance represents CIPFA's view of best practice for Audit Committees in local authorities throughout the UK and replaces the Position Statement of Audit Committees in Local Government issued in 2013.</p>

Recommendations:	That the Committee endorse the refreshed Terms of Reference as set out in Appendix 2. The Terms of Reference to be subsequently presented to the Constitution Committee for formal approval and inclusion within the Council's Constitution.
Officer (s) Contact:	<p>Theresa Mortimer: Head of Audit Risk Assurance (ARA) and Gloucestershire County Council's Insurance Services and Area Finance Officers Team. Tel: 01452 328883 theresa.mortimer@gloucestershire.gov.uk</p> <p>Paul Blacker: Director of Finance Tel: 01452 328999 paul.blacker@gloucestershire.gov.uk</p>
Key Risks	Failure to deliver effective governance will impact on the ability of the Council to achieve its vision, outcomes and priorities.
Appendices	<p>Appendix 1: Current Audit and Governance Committee's Terms of Reference.</p> <p>Appendix 2: Proposed refreshed Audit and Governance Committees Terms of Reference.</p>
Background Documents	<ul style="list-style-type: none"> • Chartered Institute of Public Finance and Accountancy (CIPFA) guidance on the function and operation of audit committees; "Audit Committees in Local Authorities and Police, 2018 edition"; • Public Sector Internal Audit Standards (PSIAS) 2017; and • CIPFA Local Government Application note on the PSIAS.

<p>Audit and Governance Committee</p> <p>9 County Councillors</p> <p>The Chair of the Audit and Governance Committee to be drawn from outside the group or groups forming the administration.</p>	<p>(1) Advise on the adequacy and effectiveness of the Council's corporate governance arrangements and internal control environment.</p> <p>(2) Monitor the adequacy and effectiveness of the Council's governance arrangements including:</p> <ul style="list-style-type: none"> • Monitoring the effectiveness of the Chief Officer's responsibility for ensuring an adequate internal control environment; • Monitoring the arrangements for the identification, monitoring and control of strategic and operational risk within the Council; • Monitoring the adequacy and effectiveness of the arrangements in place for combating fraud and corruption; • Providing an annual report to the County Council that its systems of governance are operating effectively; • Reviewing and approving the annual Statement of Accounts and Annual Governance Statement; • The Chief Internal Auditor has the right of independent access to the Committee and its Chair; • Being responsible for the implementation and undertaking regular monitoring of the Council's treasury management policies and practices; • Formulating and keeping under review a Code of Conduct to promote high ethical standards amongst Officers and doing anything that is calculated to promote and maintain high standards of conduct by Officers; • Formulating and keeping under review the Council's 'whistle-blowing' policy; and • Formulating and keeping under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman. <p>(3) To promote, maintain and assist the achievement of high standards of conduct by County Councillors and co-opted members in accordance with the Council's Code of Conduct for Members.</p> <ul style="list-style-type: none"> • To monitor the operation of the Code of Conduct for Members; • To advise the Council on any amendment or revision of the Code; • To secure adequate and appropriate training of County Councillors and co-opted Members on the Code of Conduct for Members;
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	<ul style="list-style-type: none"> • To give general guidance and advice to County Councillors on Members’ interests and keep under review the Register of Members’ Interests maintained by the Monitoring Officer; and • To give general guidance and advice to County Councillors and employees on gifts and hospitality. <p>(4) Monitor the adequacy and effectiveness of the Council’s External Audit service and respond to its findings. Specifically:</p> <ul style="list-style-type: none"> • Considering the nature and scope of the External Audit of the Council’s services and functions; • Receiving and considering External Audit Reports including the Annual Audit Letter and Governance Report; and • Monitoring management’s response to the External Auditor’s findings and the implementation of External Audit recommendations. <p>(5) Monitor the adequacy and effectiveness of the Internal Audit service. Specifically:</p> <ul style="list-style-type: none"> • Approving the internal audit charter; • Approving the annual risk based internal audit plan; • Receiving communications from the Chief Internal Auditor on the internal audit activity’s performance relative to its plan and other matters, including the annual report and opinion; • Receiving and considering major Internal Audit findings and recommendations; • Monitoring management’s response to Internal Audit findings and the implementation of the recommendations; • Making appropriate enquiries of management and the Chief Internal Auditor to determine whether there are inappropriate scope and resource limitations; • Agreeing the scope and form of the external assessment as part of the quality assurance and improvement plan; • Receiving the results of internal and external assessments of the quality assurance and improvement programme, including areas of non-conformance with professional standards; and • Approving significant consulting services not already included in the audit plan, prior to acceptance of the engagement, if this materially impacts on core assurance activity.
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	<p>(6) To grant dispensations to County Councillors and co-opted Members related to interests specified in the Code of Conduct for Members following written requests to the proper officer (Chief Executive) by a Member or Co-opted Member under section 33 of the Localism Act 2011, when the Council:</p> <ul style="list-style-type: none"> • Considers that without the dispensation, the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; • Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be upset as to alter the likely outcome of any vote relating to the business; • Considers that granting the dispensation is in the interests of persons living in the authority's area; • Considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or • Considers that it is otherwise appropriate to grant a dispensation. <p>(7) To establish a Sub-Committee known as the Hearings Panel to hear allegations that Members have failed to comply with the Authority's Code of Conduct.</p> <ul style="list-style-type: none"> • To assess and review allegations of Member misconduct; and • To determine allegations of Member misconduct. <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.</p>
<p>Hearings Panel Sub-Committee</p> <p>5 County Councillors proportional to the political composition of the Council. Quorum of 3 members present for its duration</p>	<p>(1) To receive reports referred from the Monitoring Officer following investigations into complaints and other steps associated with that function.</p> <p>(2) To conduct standards hearings and all other steps associated with that function, including taking into account the advice of the Independent Person.</p> <p>(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:</p>

	<ul 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. <p>(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.</p> <ul style="list-style-type: none"> • To recommend successful candidates to the County Council to be chosen by a majority of Councillors.
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<p>Audit and Governance Committee</p> <p>11 County Councillors</p> <p>The Chair of the Audit and Governance Committee to be drawn from outside the group or groups forming the administration.</p> <p>To include an Independent Member who is not a councillor or an officer of the Council.</p>	<p>(1) Statement of Purpose</p> <ul style="list-style-type: none"> • The Audit and Governance 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. <p>(2) Governance, Risk and Control</p> <ul style="list-style-type: none"> • 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 and supporting assurances, 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.
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	<ul style="list-style-type: none">• 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.• Formulating and keeping under review the Council's 'whistle-blowing' policy.• Formulating and keeping under review the Council's arrangements for handling complaints and investigations by the Local Government Ombudsman. <p>(3) Internal Audit</p> <ul style="list-style-type: none">• 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 in particular, 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, this will support the AGS.
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	<ul style="list-style-type: none">• 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 audit committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee. <p>(4) External Audit</p> <ul style="list-style-type: none">• 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 and to advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies. <p>(5) Financial Reporting</p> <ul style="list-style-type: none">• 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. <p>(6) Accountability Arrangements</p> <ul style="list-style-type: none">• 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 publish an annual report on the work of the committee.
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	<ul style="list-style-type: none"> • To report to full council on an annual basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose. <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. The Committee also has clear rights of access to other committees/functions, for example, scrutiny committees and other strategic groups.</p> <p>(7) Ethical Conduct</p> <p>(i) To promote, maintain and assist the achievement of high standards of conduct by County Councillors and co-opted members in accordance with the Council's Code of Conduct for Members.</p> <ul style="list-style-type: none"> • To monitor the operation of the Code of Conduct for Members; • To advise the Council on any amendment or revision of the Code; • To secure adequate and appropriate training of County Councillors and co-opted Members on the Code of Conduct for Members; • To give general guidance and advice to County Councillors on Members' interests and keep under review the Register of Members' Interests maintained by the Monitoring Officer; and • To give general guidance and advice to County Councillors and employees on gifts and hospitality. <p>(ii) To grant dispensations to County Councillors and co-opted Members related to interests specified in the Code of Conduct for Members following written requests to the proper officer (Chief Executive) by a Member or Co-opted Member under section 33 of the Localism Act 2011, when the Council:</p> <ul style="list-style-type: none"> • Considers that without the dispensation, the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; • Considers that without the dispensation the representation of different political groups on the body transacting any particular business would be upset as to alter the likely outcome of any vote relating to the business;
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	<ul style="list-style-type: none"> • Considers that granting the dispensation is in the interests of persons living in the authority’s area; • Considers that without the dispensation each member of the authority’s executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority’s executive, or • Considers that it is otherwise appropriate to grant a dispensation. <p>(iii) To establish a Sub-Committee known as the Hearings Panel to hear allegations that Members have failed to comply with the Authority’s Code of Conduct.</p> <ul style="list-style-type: none"> • To assess and review allegations of Member misconduct; and • To determine allegations of Member misconduct.
<p>Hearings Panel Sub-Committee</p> <p>5 County Councillors proportional to the political composition of the Council. Quorum of 3 members present for its duration</p>	<ol style="list-style-type: none"> 1. To receive reports referred from the Monitoring Officer following investigations into complaints and other steps associated with that function. 2. To conduct standards hearings and all other steps associated with that function, including 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. <ul style="list-style-type: none"> • To recommend successful candidates to the County Council to be chosen by a majority of Councillors.

APPENDIX 1: Proposed Changes to Constitution

PART 2 - ARTICLES OF THE CONSTITUTION

Article 3 – The Public and the County Council

3.01.4 At certain times of the year, the public are also entitled to inspect the Council's accounts and express their views on them to its external auditor (whose name and address may be obtained from the ~~Director: Strategic Finance~~ Director of Corporate Resources).

Article 13 - Officers

13.01 Management structure

13.01.1 General

The Council will engage Officers to enable it to carry out its functions.

13.01.2 Statutory Officers

Position	Legislation	Name
Head of Paid Service	Local Government and Housing Act 1989 – Section 4	Peter Bungard
Chief Finance Officer	Local Government Act 1972 – Section 151	Paul Blacker (interim) Steve Mawson
Monitoring Officer	Local Government and Housing Act 1989 – Section 5	Jane Burns Robert Ayliffe
Director of Adult Social Care	Local Authorities Social Services Act 1970 – Section 6	Margaret Willcox
Director of Children's Services	Children's Act 2004 – Section 18	Chris Spencer
Director of Public Health	National Health Service Act 2006 – Section 73A	Sarah Scott
Statutory Scrutiny Officer	Local Government Act 2000 – Section 9FB	Simon Harper
Data Protection Officer	Data Protection Act 2018 – Article 37	Jenny Grodzicka

PART 3 – RESPONSIBILITY FOR FUNCTIONS

3.12 HEALTH AND WELLBEING BOARD

In accordance with the requirements of the Health & Social Care Act 2012 (“the Act”) the Council has established the Health and Wellbeing Board as a committee of the Council. Its duties/terms of reference are:

1.	For the purpose of advancing the health and wellbeing of the people of Gloucestershire to encourage persons who arrange for the provision or delivery of any health or social care services in the county to work in an integrated manner
2.	To encourage persons who arrange for the provision of any health or social care services in the county and persons who arrange for the provision or delivery of any health-related services in the county to work closely together.
3.	Pursuant to section 116 of the Local Government and Public Involvement in Health Act 2007 to prepare and publish a joint strategic needs assessment for the county
4.	To prepare and publish a strategy for meeting the needs identified in the joint strategic needs assessment and ensuring a strategic planning framework is in place
5.	To provide such advice assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services
6.	To encourage persons who arrange for the provision or delivery of any health-related services in the county to work closely with the Board

Membership of the Health and Wellbeing Board comprises:

- Chair of Clinical Commissioning Gloucestershire
- Additional Clinical Commissioning Gloucestershire member
- Accountable Officer of Clinical Commissioning Gloucestershire
- A District Council elected representative from Leadership Gloucestershire
- Four County Councillors, as appointed by the Leader of the County Council
- The Director of Adult Social [Care Services](#), Gloucestershire County Council
- The Director of Children’s Services, Gloucestershire County Council
- Police and Crime Commissioner
- The Director of Public Health, Gloucestershire County Council
- A representative of the local Healthwatch
- A representative of the NHS Commissioning Board Local Area Team
- A District Council Chief Officer and link for housing related business
- Chair of Gloucestershire Care Services NHS Trust
- Chair of 2gether NHS Foundation Trust
- Chair of Gloucestershire Hospitals NHS Foundation Trust
- Chief Constable of Gloucestershire
- Chief Fire Officer for Gloucestershire

SECTION 5 - SCHEME OF DELEGATION

5.3 Before exercising delegated powers, the Leader of the Council, Cabinet Members and Officers must satisfy themselves that the decision is:

5.3.1 Authorised by law and, if in doubt, will consult with the Head of Legal Services;

5.3.2 Within budget (allowing for such variance as may be permitted under the Council's Financial Regulations) and if in doubt will consult with the ~~Director: Strategic Finance~~[Director of Corporate Resources](#).

5.12 The Officer designated as Director of Adult Social ~~Services~~[Care](#) in accordance with Section 6(A1) of the Local Authority Social Services Act 1970 (as inserted by paragraph 2(2) of Schedule 2 to the Children Act 2004) shall be the Commissioning Director: Adults

Particular Delegations to Officers

Decision Category Number	Function, duty or power to be delegated	Appropriate Officer	Consultation under paragraph 5.4
CE1	To take any decision that could be taken by the Council, the Cabinet, any committee or any Officer (provided such action is taken in accordance with the law, Rules on Access to Information about the County Council's Business and the Cabinet Procedure Rules).	Chief Executive.	<p>Council function - Chair and Leader of the Council.</p> <p>Cabinet function - Leader of the Council or Cabinet Member, as appropriate.</p> <p>Committee function - Chair and Lead Members</p>
CE2	To be the Proper Officer of the County Council in relation to all County Council functions, including the Proper Officer under Section 270(3) of the Local Government Act 1972.	Chief Executive	<u>N/A</u>
CE3	To fill casual vacancies on committees, in accordance with Sections 15-17 of the Local Government & Housing Act 1989.	Chief Executive	Group leader of the political group entitled to appoint a Member to any committee by virtue of any vacancy that has arisen

CE4	To be the Returning Officer for County Council elections and undertake the functions of the Council in relation to elections.	Chief Executive	N/A
CE5	<p>To permanently appoint, determine the terms of appointment and terminate the appointment of all staff (except those Officers within the responsibility of the Appointments Committee) under Section 112 of the Local Government Act 1972; and</p> <p>To appoint on a temporary or acting up basis for up to one year, determine the terms of appointment and terminate the appointment of those Officers within paragraph 2 of the duties of the Appointments Committee.</p> <p>To appoint on an interim basis and for a maximum period of up to six months to the positions of those officers within paragraph 2 of the duties of the Appointments Committee.</p>	Chief Executive	<p>Director: Strategic Finance Director of Corporate Resources</p> <hr/> <p>Relevant Cabinet Member Group Leaders and relevant Scrutiny Chair.</p> <p>Relevant Cabinet Member Group Leaders and relevant Scrutiny Chair.</p>
DSF 1	To be responsible for and do anything required for the proper administration of the financial affairs of the Council.	Director: Strategic Finance Director of Corporate Resources	N/A

DSF 2	To make arrangements for the financing of the capital programme of the Council by borrowing, leasing or other arrangements.	Director: Strategic Finance Director of Corporate Resources	Leader of the Council or Cabinet Member, as appropriate.
DSF 3	The functions, duties or powers of the Pensions Committee.	Director: Strategic Finance Director of Corporate Resources	Chair of the Pensions Committee for all decisions with financial implications over £250,000
DSF 4	To formulate and issue general guidelines to Officers on financial matters including insurance and the writing-off of debts.	Director: Strategic Finance Director of Corporate Resources	N/A
DSF 5	To determine arrangements for treasury management in accordance with the Council's policy statement and approved treasury management practices and where relevant CIPFA's Standard of Professional Practice on Treasury Management.	Director: Strategic Finance Director of Corporate Resources	N/A
DSF 6	To make arrangements for the Internal Audit of the Council.	Director: Strategic Finance Director of Corporate Resources	N/A
DSF 7	To manage the County Fund and all subsidiary accounts and any reserve or other fund.	Director: Strategic Finance Director of Corporate Resources	N/A

DSF 8	To operate the Local Government Superannuation Regulations, including the exercise of discretion under those Regulations.	Director: Strategic Finance Director of Corporate Resources	Relevant Cabinet Member for all decisions with financial implications over £250,000
DSF 9	To implement national and local pay awards and increase payments under the Pension Increase Act.	Director: Strategic Finance Director of Corporate Resources	N/A
DSF 10	To make finance leasing arrangements and authorise and make any other financial transaction including the borrowing and lending of money.	Director: Strategic Finance Director of Corporate Resources	Relevant Cabinet Member for all decisions with financial implications over £250,000
DSF 11	To authorise the writing-off of stock, other than through fair wear and tear.	Director: Strategic Finance Director of Corporate Resources	N/A
DSF 12	To effect adequate insurance cover for the Council.	Director: Strategic Finance Director of Corporate Resources	N/A
DSF 13	To exercise all other functions relating to the Financial Management of the Council.	Director: Strategic Finance Director of Corporate Resources	N/A
DSF 14	To acquire and dispose of any interest in land and manage the Council's estate.	Director: Strategic Finance Director of Corporate Resources	Relevant Cabinet Member for all decisions with financial implications over £250,000
DSF 15	To manage the provision of information technology services to the Council.	Director: Strategic Finance Director of Corporate Resources	N/A
DSF 16	To manage the function relating to Communications and Engagement	Director: Strategic Finance Director of Corporate Resources	N/A

DSF 17	To exercise all other functions relating to support services except for functions falling within decision categories HLDS 1 to 3 <u>and</u> , MO1 <u>and</u> <u>D:S&C 1 and 2</u>	Director: Strategic Finance <u>Director of Corporate Resources</u>	N/A
DSF 18	To secure the proper management of the Council's human resources except for functions falling within decision categories CE5 and HLDS 1 to 3	Director: Strategic Finance <u>Director of Corporate Resources</u>	N/A
D:S&C 1	The functions of the Safety & Licensing Committee under paragraphs 2 and 3 of its terms of reference.	Director: Strategy and Challenge <u>Director of Finance</u>	N/A
D:S & C 2	To publish standards for the whole Council, which will secure the efficient processing of information.	Director: Strategy and Challenge <u>Director of People</u>	N/A
D:S & C 3	To exercise all other functions relating to the following services: Planning, Performance & Change; Democratic Services; Information Management, Corporate Complaints, Archives; the Executive and Cabinet Offices; and the SHE Team; and Legal Services except for functions within decision categories HLDS 1 to 5.	Director: Strategy and Challenge <u>Director of Corporate Resources</u>	N/A

MO1	To make payments or award other benefits under Section 92 of the Local Government Act 2000 (payments in respect of maladministration and related discretionary payments).	Monitoring Officer	Chief Executive, Chief Financial Officer and/or Director responsible for the service in respect of which a payment or other benefit is awarded.
MO2	To amend the Constitution in any way whatsoever in order to secure compliance with the law and the convenient, efficient and effective discharge of any Council function. Such amendment to be reported to the Constitution Committee and reported to and ratified by the full Council (in respect of any non-executive function) or the Cabinet (in respect of any executive function).	Monitoring Officer	Chief Executive and any Director whose service is affected by any amendment to the Constitution.
MO 3	The functions of the Constitution Committee to advertise for, interview and appoint persons as members of an Independent Remuneration Panel.	Monitoring Officer	Lead Members of the Constitution Committee.

CFO 1	To manage the operations of the Gloucestershire Fire and Rescue Service.	Chief Fire Officer	Most relevant Cabinet Member(s) or Chief Executive for all decisions with financial implications over £250,000
CD: C & I 1	The functions of the Safety and Licensing Committee except those within paragraphs 2, 3, 4 and 7 of its terms of reference and decision categories HLDS1 to 3.	Commissioning Director: Communities & Infrastructure Director of Economy, Environment and Infrastructure.	N/A
CD: C & I 2	To enforce the Trading Standards, Food, Animal Health and other legislation referred to in the Trading Standards Legislation Master List held by the Head of Legal Services and issue statutory notices in relation to that legislation	Commissioning Director: Communities and Infrastructure Director of Economy, Environment and Infrastructure	N/A
Deputy Chief Fire Officer	Without prejudice to the powers of the Commissioning Director: Communities & Infrastructure Director of Economy, Environment and Infrastructure to sign warrants and authorise Officers to enforce the legislation referred to in the Trading Standards Legislation Master List held by the Head of Legal Services and to issue statutory notices in relation to that legislation	Deputy Chief Fire Officer	N/A

CD: C & I 3	To exercise the functions of the Commons and Rights of Way Committee as Local Highway Authority Commons and Rights of Way Committee terms of reference 3 to 19.	Commissioning Director: Communities & Infrastructure Director of Economy, Environment and Infrastructure	N/A
CD: C & I 4	To be the Proper Officer in relation to functions under the Highways Act 1980.	Commissioning Director: Communities & Infrastructure Director of Economy, Environment and Infrastructure	N/A
CD: C & I 5	To exercise the functions falling within Planning Committee terms of reference 1 to 14 and 16 to 25, except decision categories HLDS1 to 3 of this Scheme of Delegation.	Commissioning Director: Communities & Infrastructure Director of Economy, Environment and Infrastructure. (Note: Where the Director is an Officer whose responsibilities include any aspect of the management of any land or building to which an application made by the Council relates, or is responsible for a function (other than as planning authority) materially affected by any planning matter, this power is delegated to the appropriate senior officer).	Head of Legal Services.
CD: C & I 6	To exercise the functions of the Traffic Regulation Committee (terms of reference 1 to 12), except those falling within decision categories HLDS1 to 3 of this Scheme of Delegation.	Commissioning Director: Communities & Infrastructure Director of Economy, Environment and Infrastructure.	Head of Legal Services.

CD: C & I 7	To exercise all other functions relating to the areas of responsibility of the following services: Development, Planning, Transport & Community Infrastructure, Road Safety, Trading Standards, Civil Protection, Registration & Coroners, Libraries and Waste Management except decision categories CFO 1, HLDS1 to 3 (although, in cases when only an Officer other than the Head of Legal Services may institute proceedings, the Commissioning Director: Communities & Infrastructure Director of Economy, Environment and Infrastructure may institute a prosecution once it has been authorised under HLDS2).	Commissioning Director: Communities and Infrastructure Director of Economy, Environment and Infrastructure	Relevant Cabinet Member for all decisions with financial implications over £250,000
CD: A 1	The functions of the Safety and Licensing Committee under paragraph 7 of its terms of reference.	Commissioning Director: Adults Director of Adult Social Care	N/A
CD: A 2	To exercise all other functions relating to the areas of responsibility of Adult Social Care except decision category HLDS1 to 3.	Commissioning Director: Adults Director of Adult Social Care	Relevant Cabinet Member for all decisions with financial implications over £250,000
DCS1	The functions of the Safety and Licensing Committee under paragraph 4 of its terms of reference.	Director of Children's Services	N/A

DCS2	To exercise all other functions relating to the areas of responsibility of Children's Services, Education and Learning except decision category HLDS1 to 3 and in relation to the commissioning of Children's Services.	Director of Children's Services	Most relevant Cabinet Member(s) for all decisions with financial implications over £250,000
HLDS1	To authorise the institution, defence withdrawal or settlement of any claims or legal proceedings, civil or criminal, the issue of cautions and to authorise the enforcement of any order made in those proceedings.	Head of Legal Services	Director of any service area affected by such a decision.
HLDS2	To authorise Officers of the County Council to prosecute or defend or appear in any legal proceedings (NB: The Head of Legal Services will <i>authorise</i> every decision to prosecute or defend such proceedings, including those which by law may only be <i>instituted</i> by another Officer).	Head of Legal Services	Director of any service area affected by such a decision.
HLDS3	To authorise the withdrawal or settlement of any dispute between the Council and any third party, including those that have been referred to any statutory or non-statutory Tribunal or arbitrator (this includes authorising ex gratia payments not otherwise delegated).	Head of Legal Services	Director of any service area affected by such a decision.

HLDS4	To be the adjudicator for disputes under the Local Government Pension Scheme.	Head of Legal Services	N/A
HLDS5	The functions of the Commons and Rights of Way Committee under paragraphs 1, 2 and 19 or its terms of reference.	Head of Legal Services	Lead members
DPH1	To exercise the functions conferred on the Director of Public Health by section 73A of the National Health Service Act 2006 for the improvement of the health of the people of Gloucestershire	Director of Public Health	
DPH2	To exercise the commissioning function relating to the areas of responsibility of Children's Services, Education and Learning	Director of Public Health	Relevant Cabinet Member for decisions with financial implications in excess of £250,000
GEN1	To enter into any contract for works and the supply of goods and services.	Chief Executive and Directors or Head of Service or equivalent in relation to their service areas.	Relevant Cabinet Member for decisions with financial implications in excess of £250,000
GEN2	To take any decision under the Regulation of Investigatory Powers Act 2000.	Directors or Head of Service or equivalent in relation to their service areas.	N/A

GEN3	To do anything that is required for the effective management of staff and other resources within each Service of the Council.	Directors or Head of Service or equivalent in relation to their service areas.	N/A
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PART 4 - RULES OF PROCEDURE

CABINET PROCEDURE RULES

- 5.5 In addition to scheduled meetings, a meeting of the Cabinet may be called by the Leader of the Council, a Cabinet Member, the Chief Executive, the Monitoring Officer or the ~~Director: Strategic Finance~~[Director of Corporate Resources](#).

FINANCIAL REGULATION C: RISK MANAGEMENT AND CONTROL OF RESOURCES

- C.2 The Chief Financial Officer (~~Director, Strategic Finance~~[Director of Corporate Resources](#)) is responsible for the development, monitoring and review of the Council's risk management policy statement and strategy, which is approved by Cabinet and for reviewing the effectiveness of risk management. The Chief Financial Officer is also the Council's principal risk management adviser and co-ordinator.

CONTRACT STANDING ORDERS

7. Grants & External Funding

- 7.1 Authorised Officers shall have regard to guidance on grant making which may be issued from time to time by the ~~Director of Strategic Finance~~[Director of Corporate Resources](#).

PART 5- CODES AND PROTOCOLS

Code of Conduct for Employees

Investigation

31. Allegations and concerns relating to fraud or corruption will normally be investigated by the Head of Internal Audit and a report issued to the Chief Executive, the Monitoring Officer and the ~~Director: Strategic Finance~~Director of Corporate Resources (s.151 Officer).
32. The ~~Director: Strategic Finance~~Director of Corporate Resources in consultation with the Monitoring Officer, will then decide whether there are sufficient grounds for the matter to be reported to the Police. The Chief Executive is also to be informed of any (potential) referrals. The Council will normally wish the Police to be made aware of, and investigate independently, offences where financial impropriety appears to have been discovered.

Appendix 1 – Whistleblowing Policy

Step three

If these channels have been followed and you still have concerns, or if you feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

~~Robert Ayliffe~~Jane Burns
~~Director of Strategy and Challenge and~~Head of Planning, Performance and Change and
Monitoring Officer
Gloucestershire County Council
Shire Hall
Gloucester GL1 2TZ
Telephone 01452 3284728506
Email: rob.ayliffe@gloucestershire.gov.ukjane.burns@gloucestershire.gov.uk

The Monitoring Officer will refer all concerns in relation to possible financial impropriety or irregularity to Theresa Mortimer, the Chief Internal Audit (CIA) and/or ~~Paul Blacker~~Steve Mawson, Director of Corporate Resources,~~Acting Director of Strategic Finance.~~

You may wish to use our 24 hour “whistleblowing” answerphone service on 01452 427052 which is managed by Internal Audit or the on-line form ([link](#)) which goes direct to the ~~Director of Strategy and Challenge and~~ Monitoring Officer.

Monitoring and Oversight

The Monitoring Officer has overall responsibility for this policy and will review it annually with the Audit and Governance Committee. [She/They](#) -will ensure that a record of concerns raised and the outcomes recorded is maintained in a form that does not breach confidentiality monitor the daily operation of the policy and if you have any comments or questions, please do not hesitate to let one of their team know.

Members Allowances Scheme 2019/20

(4b) INCOME TAX

At the end of the tax year, the ~~Director: Strategic Finance~~[Director of Corporate Resources](#) has to notify the Inspector of Taxes of the amounts paid during the tax year and a form P60 will be issued to each Member showing details of the information given to the Inspector. When a Member ceases to hold office, a form P45 is issued to the Member, a copy of which is sent to the Inspector.

As part of the Self Assessment arrangements for income tax the Inland Revenue do expect individuals to keep records of pay/allowances received and receipts for expenses, which should be obtained wherever possible.

(4c) NATIONAL INSURANCE CONTRIBUTIONS

5. At the end of the tax year the ~~Director: Strategic Finance~~[Director of Corporate Resources](#) has to notify HM Revenue & Customs of the amounts of National Insurance deducted during the year. This will be reported along with the income tax deducted (see 4b above). It will also be included on form P60, with the deductions of tax that will be issued to each Member.

5. RENUNCIATION AND WITHHOLDING ALLOWANCES

5.1 A Member who is a County Councillor may by notice in writing to the ~~Director: Strategic Finance~~[Director of Corporate Resources](#) elect to forego all or any part of their entitlement to a basic or special responsibility allowance.

The election may be for an amount, which the Member can then require to be paid to a charity (or charities) under the "give as you earn" scheme. There is now no maximum limit which can be paid to charity.



**Changes to Gloucestershire County Council Constitution
by the Monitoring Officer**

In the exercise of my powers set out in Article 14.02 of the Council's Constitution, I make the following **deletions and amendments** to the Council's Constitution in respect of Part 3, Paragraph 3.2 and Part 4, Scrutiny Procedure Rules, Paragraphs 8 and 9, as set out in Appendices 1 and 2.

JBurns

Jane Burns
Monitoring Officer
Gloucestershire County Council

19 August

2019

3.2 APPOINTMENTS COMMITTEE

The purpose of the Appointments Committee is to enable Members to play a full role in deciding which persons should be employed, or not, as the Council's most senior Officers and to determine terms of employment.

Table 3.02: The duties of the Appointments Committee

To be responsible for:
1. Recommending to the full Council the appointment (on a permanent or temporary or acting up basis) of the Chief Executive/Head of Paid Service.
2. The appointment (on a permanent or temporary or acting up basis) of the Chief Finance Officer, Monitoring Officer, the Chief Fire Officer, the Director of Public Health and all Strategic Commissioning Directors, including the statutory posts of Director of Children's Services and Director of Adult Social Care.
3. The dismissal of the Chief Fire Officer, the Director of Public Health and all Strategic Commissioning Directors, including the statutory posts of Director of Children's Services and Director of Adult Social Care.
4. Determining the terms of employment and any variation to those terms of employees of the Council including terms of employment and exercising employer discretions in relation to pensions.
5. Subject to any other provisions of the Council's Constitution, determining any other matters affecting employees of the Council.

Appointments Committee Membership:

6 County Councillors

1. At least one of whom must be a Member of the Cabinet;
2. At least one of whom should be a Cabinet Member whose portfolio of duties includes responsibility for the service in which an appointed Officer would be employed. This requirement should be met by a County Councillor appointed to membership of the Appointments Committee being substituted by the appropriate Cabinet Member of the same political party in order to meet political balance requirements. This requirement will not apply in connection with the appointment (on a permanent or temporary or acting up basis) of the Chief Executive/Head of Paid Service (including their terms and conditions of employment and any variation to those terms and conditions). Failure to comply with this requirement will not invalidate any proceedings of the Appointments Committee.
3. For decisions on the appointment of those officers detailed at item 2 in Table 3.02 above the Appointments Committee will operate through a sub-committee acting as an interviewing panel comprising four up to 5 members (politically balanced). ~~(2:1:1)~~

4. Council has resolved that for joint appointments with the NHS in Gloucestershire, which are within the remit of the Appointments Committee, a sub-committee should be established comprising four-up to 5 members to be drawn from the Appointments Committee's membership and shall be politically balanced ~~(2:1:1)~~.

Note 1: Reference should be made to the consultation required under paragraph 2 of the Officer Employment Rules to be found in Part 4 of the Constitution.

Note 2: There is granted to the Chief Executive express delegated authority (in consultation with the relevant Cabinet Member, Group Leaders and relevant Scrutiny Chair) to appoint on an interim basis to the position of Director within the employment of the Council for a maximum period of up to six months.

7. CHAIR AND VICE-CHAIR OF SCRUTINY COMMITTEES

The Chair and Vice-chair of each Scrutiny Committee will be appointed by full Council and will be drawn from amongst the County Councillors sitting on each committee.

~~8. MEETINGS OF THE CORPORATE OVERVIEW AND SCRUTINY COMMITTEE~~

~~There shall be a minimum of four ordinary meetings of the Corporate Overview and Scrutiny Committee in each municipal year. In addition extraordinary meetings may be called from time to time. An extraordinary meeting of the Corporate Overview and Scrutiny Committee may be called by the Chair, by two voting members of the Committee or by the Chief Executive if they consider it necessary.~~

9. MEETINGS OF SCRUTINY COMMITTEES (OTHER THAN THE CORPORATE OVERVIEW AND SCRUTINY COMMITTEE)

There shall be six ordinary meetings of each Scrutiny Committee in each municipal year.

10. Extraordinary meetings of Scrutiny Committees (may be called by the:

10.1 Chair of the relevant Scrutiny Committee;

10.2 At least one quarter of the Scrutiny Committee membership signing a notice to the Chief Executive; or

10.3 The Chief Executive

10.4 The Monitoring Officer