

4 October 2016

Committee	Executive
Date	Wednesday, 12 October 2016
Time of Meeting	2:00 pm
Venue	Committee Room 1

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND



**Sara J Freckleton
Borough Solicitor**

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (staff should proceed to their usual assembly point). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.



	Item	Page(s)
3.	DECLARATIONS OF INTEREST	
	Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.	
4.	MINUTES	1 - 8
	To approve the Minutes of the meeting held on 31 August 2016.	
5.	ITEMS FROM MEMBERS OF THE PUBLIC	
	To receive any questions, deputations or petitions submitted under Rule of Procedure 12.	
	<i>(The deadline for public participation submissions for this meeting is 6 October 2016).</i>	
6.	EXECUTIVE COMMITTEE FORWARD PLAN	9 - 14
	To consider the Committee's Forward Plan.	
7.	PERFORMANCE MANAGEMENT REPORT - QUARTER ONE 2016/17	15 - 51
	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter one performance management information.	
8.	BUSINESS TRANSFORMATION PROGRAMME	52 - 59
	To approve the updated Business Transformation Programme.	
9.	REVIEW OF PROCUREMENT STRATEGY	60 - 74
	To approve the updated Corporate Procurement Strategy.	
10.	WHISTLEBLOWING POLICY	75 - 99
	To approve the Council's Whistleblowing Policy.	
11.	ANTI-FRAUD AND CORRUPTION POLICY	100 - 119
	To approve the Anti-Fraud and Corruption Policy.	
12.	ANTI-BULLYING AND HARASSMENT POLICY	120 - 143
	To approve the Anti-Bullying and Harassment Policy to take effect from 1 November 2016.	
13.	REGULATION OF INVESTIGATORY POWERS ACT 2000	144 - 173
	To endorse the Regulation of Investigatory Powers Act 2000 procedural guide; to approve the social media policy; and to ensure training was undertaken by Officers.	

	Item	Page(s)
14.	COMMUNITY GRANT - QUEENS ROAD, TEWKESBURY To consider a way forward to resolve the outstanding position in relation to the Community Grant on Queen's Road, Tewkesbury.	174 - 177
15.	CHRISTMAS CAR PARKING To approve a change to the current free parking offer in Tewkesbury from the last Saturday in December to the first Saturday in December to coincide with 'Small Business Saturday'.	To Follow
16.	SEPARATE BUSINESS The Chairman will move the adoption of the following resolution: That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.	
17.	SEPARATE MINUTES To approve the separate Minutes of the meeting of the Committee held on 31 August 2016.	178 - 180
18.	THE HANGINGS, LAND ADJ RIVER AVON, NORTH OF QUAY STREET, TEWKESBURY <i>(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))</i> To consider the transfer of the Public Open Space land and the river wall known as The Hangings, adjacent to River Avon, North of Quay Street, Tewkesbury.	181 - 185

DATE OF NEXT MEETING
WEDNESDAY, 23 NOVEMBER 2016
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: R E Allen, Mrs K J Berry, R A Bird, D M M Davies, M Dean, Mrs E J MacTiernan, J R Mason, R J E Vines (Chair) and D J Waters (Vice-Chair)

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

Please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 31 August 2016 commencing at
2:00 pm**

Present:

Chair
Vice Chair

Councillor R J E Vines
Councillor D J Waters

and Councillors:

R E Allen, Mrs K J Berry, Mrs G F Blackwell (Substitute for R A Bird), D M M Davies, M Dean,
Mrs E J MacTiernan and M J Williams (Substitute for J R Mason)

also present:

Councillors Mrs J Greening

EX.22 ANNOUNCEMENTS

- 22.1 The evacuation procedure, as set out on the Agenda, was taken as read.
- 22.2 The Chair welcomed Councillor Julie Greening to the meeting and advised that she was in attendance as an observer.

EX.23 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 23.1 Apologies for absence had been received from Councillors R A Bird and J R Mason. Councillors Mrs G F Blackwell and M J Williams would be acting as substitutes for the meeting.

EX.24 DECLARATIONS OF INTEREST

- 24.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 24.2 There were no declarations of interest made on this occasion.

EX.25 MINUTES

- 25.1 The Minutes of the meeting held on 13 July 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.26 ITEMS FROM MEMBERS OF THE PUBLIC

- 26.1 There were no items from members of the public on this occasion.

EX.27 EXECUTIVE COMMITTEE FORWARD PLAN

- 27.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 8-12. Members were asked to consider the Plan.
- 27.2 Accordingly, it was

RESOLVED: That the Committee's Forward Plan be **NOTED**.

EX.28 FINANCIAL UPDATE - QUARTER ONE PERFORMANCE

- 28.1 The report of the Finance and Asset Management Group Manager, circulated at Pages No. 13-20, attached the first quarterly monitoring report of the Council's financial performance for the financial year 2016/17. Members were asked to scrutinise the information provided.
- 28.2 The Finance and Asset Management Group Manager explained that, in February 2016, the Council had set a tight budget for 2016/17 in respect of income but he was pleased to be able to report a surplus at the end of quarter 1. Attention was drawn to Paragraph 2.2 of the report which provided an overall view of the position. Approximately £62,000 had been saved on employees – this was mostly due to vacant posts, however, quite a few of those had now been filled; £19,645 had been saved in premises costs which was due to successful business rates appeals on the Council's own premises. Currently income was showing a £38,244 surplus which was good given the high targets that had been set at the beginning of the year. The majority had been generated through planning, although trade waste and licensing had also contributed.
- 28.3 Appendix 1 to the report showed the position for each budget which was assigned to a Group Manager and the current variances against those budgets; although the position appeared to be significantly underspent, it had to be recognised that savings needed to be achieved from the base budget in terms of salaries and procurement savings; both were held as corporate budget codes and accumulated throughout the year so were not deducted until the end of the financial year. Also detailed under the corporate budget was the retained income from the business rates scheme; this showed a deficit of £32,000. Whilst the position was shown as being down against target at the end of quarter 1, it did represent a marked improvement on the position of the last two years. Members were asked to bear in mind that there remained a substantial number of appeals and claims which were yet to be decided by the Valuation Office Agency and, whilst provision had been made for the likely outcome of the appeals, it was possible that the final position would be in excess of the provision made. The 2016/17 budget position was reliant on strong income streams, control of expenditure and the delivery of a variety of savings plans.
- 28.4 Attention was drawn to Appendix 2 which set out the capital position; this was currently showing an underspend against the profiled budget of £90,000 which was principally due to underspends on funding housing grant requests as a result of not paying out as much in quarter 1 as originally estimated. In addition, the leisure centre showed as being overspent even though, overall, the project was £50,000 under budget. Currently a number of capital items purchased as part of the project were showing as capital even though it had been agreed at the commencement of the project that they would be funded from revenue resources; that refinancing would not take place until the year end which was when the true budget position would be shown.

- 28.5 Appendix 3 provided a summary of the current usage of available reserves but did not take account of reserves that had been committed and not yet paid. Whilst the quarter 1 position showed that there remained a significant balance on the reserves, the expectation was that the remaining balance would be spent in the future. Currently the spend on reserves was at £149,112 so there was £6,749,800 remaining for the rest of the year.
- 28.6 During the brief discussion which ensued, a Member indicated that he had recently read a Local Government Association (LGA) briefing which recommended that Councils should review their insurance to include terrorism and he questioned whether the Council had included this in its costings. In response, the Finance and Asset Management Group Manager explained that the Council did have terrorism cover in place; however, it was currently going through a tender process for all of its insurances and had received advice on what was and was not sufficient.
- 28.7 Accordingly, it was

RESOLVED: That the financial performance information for the first quarter of 2016/17 be **NOTED**.

EX.29 CEMETERY PROVISION IN TEWKESBURY TOWN

- 29.1 The report of the Finance and Asset Management Group Manager, circulated at Pages No. 21-25, informed Members of the limited capacity at Tewkesbury Town Cemetery which it was estimated would be full within three years if no action was taken. Members were asked to agree a way forward which would also allow Officers to investigate the long term opportunities that would generate income for the benefit of the site including agreeing to the permanent suspension of presale burial plots; to agree that the provision of burials at Tewkesbury Cemetery be transferred to Bishop's Cleeve Cemetery as an alternative when Tewkesbury Cemetery was full; to delegate authority to the Finance and Asset Management Group Manager, in consultation with the Lead Member for Finance and Asset Management, to agree areas within Tewkesbury Cemetery for additional burials that had no impact on previous burials, tree roots and footpaths; and to agree future sundry items, such as a columbarium, where a business case was prudent and all necessary permissions were sought.
- 29.2 The Finance and Asset Management Group Manager explained that, under Section 214 of the Local Government Act 1972, the Council had the power, not an obligation, to provide cemeteries and crematoria. In Tewkesbury Borough many of the Parishes used the power rather than the Borough Council itself and the Council was the freeholder owner of only two of the cemeteries within the Borough; Bishop's Cleeve and Tewkesbury. In terms of deaths across the whole Borough there were around 850 per year and around 75% of those chose cremation rather than burial. In Tewkesbury and Bishop's Cleeve there had been approximately 40-50 burials in the last 12 months. Currently Bishop's Cleeve Cemetery had over 500 plots remaining for body burials which equated to over 20 years' worth of burials. In Tewkesbury cemetery there were 25 plots remaining on the current layout which gave a useful life of only one to two years; however, 109 plots had been pre-purchased and there were many double and triple graves which were yet to be utilised.

- 29.3 A number of options had been considered for the future but not all would be viable: the Association for Public Service Excellence (APSE) had been commissioned in July to investigate the need for a crematorium in the area. From the initial findings it appeared that there would not currently be a demand to support a crematorium based in Tewkesbury itself. The review had demonstrated that, to enable a crematorium to be commercially viable, there had to be a throughput of around 650 to 700 cremations per year; there were currently 635 per year from Tewkesbury Borough and a number of those would continue to use Cheltenham and Gloucester crematorium; Officers had investigated the possibility of reburial on sections of Tewkesbury cemetery and had identified an area where a majority of exclusive burial rights and leases had exceeded 100 years and had expired, however, under Section 25 of the Burial Act 1857, burial authorities required a licence from the Secretary of State for reburial. This was unlikely to be granted given the junior Justice Minister's view that it was not critical to introduce a policy for reusing graves away from the London authorities; investigations had been made into the possibility of using other areas of the cemetery for burials such as between trees and along the edges of roads and pathways – this exercise had identified approximately 40 additional graves which would provide an additional two to three years of burials; Officers had considered the option of purchasing a new site for burials but land that was not susceptible to flooding or of historic interest was at a premium around Tewkesbury and the likely cost of plots would make it an unviable option; in terms of an additional cemetery, the investment did not seem to make financial or operational sense when alternative land availability would most likely be some distance from the current provision in Tewkesbury town and when there was still availability for burials in Bishop's Cleeve and scattering of ashes at Tewkesbury; and Officers had also looked at alternative internment options with a columbarium featuring highly as an appropriate option since it could be sited along fence lines and under trees and could be sold in ten year leases. However, work would need to be undertaken to investigate the suitability and demand for such an option. In response to a query, the Committee was advised that a columbarium was a free standing stone structure which included a number of compartments that housed urns of ashes. The door for each compartment was suitable for a memorial plaque and there was often also a receptacle for flowers. The compartments were usually large enough to intern two urns so it could significantly extend the life of the cemetery.
- 29.4 During the discussion which ensued, a Member proposed, and it was seconded, that an additional recommendation be agreed to ensure that the usage of Tewkesbury cemetery was kept under review and that opportunities for further cemetery provision continued to be sought as the opportunity arose. Another Member questioned whether the Council asked for provision for burial ground through developers and whether the graves that were reserved at Tewkesbury Cemetery had been reviewed to see if they were still required. In response, the Finance and Asset Management Group Manager indicated that it was intended that a request for burial facilities be added to the Community Infrastructure Levy list and Section 106 Agreements would also look at that issue. In terms of a review of the burial plots, he confirmed that this had been undertaken relatively recently but he would be happy to undertake a further review in the near future. In terms of crematoria, he explained that Officers had been in discussion with Cheltenham Borough Council about a partnership for its crematorium project and it had been agreed that there may be some potential opportunities which could be explored.

29.5 Accordingly, it was

RESOLVED:

1. That it be **AGREED** that the presale of burial plots in Tewkesbury Cemetery be permanently suspended.
2. That it be **AGREED** that the provision of burials at Tewkesbury Cemetery be transferred to Bishop's Cleeve Cemetery as an alternative when Tewkesbury Cemetery is full.
3. That authority be delegated to the Finance and Asset Management Group Manager, in consultation with the Lead Member for Finance and Asset Management, to:
 - a. agree areas within Tewkesbury Cemetery for additional burials that have no impact on previous burials, tree roots or footpaths;
 - b. agree future sundry items, such as columbariums, where a business case is prudent and all necessary permissions are sought; and
 - c. keep the usage of Tewkesbury Cemetery under review and seek opportunities for further cemetery provision in Tewkesbury as the opportunity arises.

EX.30 DESIGNATION OF NEIGHBOURHOOD PLAN AREAS: THE LEIGH AND STOKE ORCHARD & TREDINGTON

30.1 The report of the Development Services Group Manager, circulated at Pages No. 26-32, asked Members to approve the designation of two neighbourhood areas which covered the Parishes of The Leigh; and Stoke Orchard and Tredington (combined).

30.2 Members were reminded that the Council had a statutory duty to advise and assist communities in the preparation of neighbourhood development plans, also known as neighbourhood plans, and those responsibilities were set out within the Localism Act 2011. A neighbourhood development plan was a statutory community-led framework for guiding future development and growth of an area and related to the use and development of land and associated social, economic and environmental issues. A neighbourhood plan should establish general planning policies for the development and use of land in a designated neighbourhood area, i.e. where new homes and offices should be built and what they should look like, and could be as detailed or general as people wished. However, it still needed to meet the needs of the wider area which, for Tewkesbury Borough, would be set out within the Joint Core Strategy and the Borough Plan once adopted.

30.3 The applications received had been assessed against the requirements set out within the legislation and were considered to meet them such as to enable the designation of the neighbourhood areas. Once this had been established, as required by the legislation, the Council had published the applications for a period of not less than six weeks to invite representations on the proposals. There had been no representations made in respect of either application and, as such, it was recommended that the designation of a neighbourhood plan area covering The Leigh, and one covering Stoke Orchard and Tredington, be approved.

- 30.4 The Development Services Group Manager explained that, if approved, this would bring the total number of neighbourhood plan areas in the Borough to 18. Accordingly, it was

RESOLVED: That the designation of Neighbourhood Areas covering the Parishes of The Leigh and Stoke Orchard and Tredington (combined) be **APPROVED**.

EX.31 STREET NAMING AND NUMBERING

- 31.1 The report of the Development Services Group Manager, circulated separately at Pages No.1-5, asked Members to consider a proposal for Tewkesbury and Cheltenham Boroughs to align their street naming and numbering charging system so that an income was received which covered the running costs of the service.
- 31.2 Members were advised that the street naming and numbering service had been operated for Tewkesbury Borough Council by the shared Cheltenham and Tewkesbury Building Control Service since its formation in November 2009. Prior to that the Tewkesbury Building Control Service had operated and maintained the system. Tewkesbury Borough was currently the only District Council in the County which did not make a charge for the discretionary aspects of the service and, therefore, if it began charging it would align more closely with other street naming and numbering services as well as providing a more understandable service for customers. It was felt sensible for a single charging system to be available across the County, however, currently the only practical option was to align Tewkesbury and Cheltenham (as that was a shared service) and to work with Stroud, Gloucester, Cotswold and the Forest of Dean Councils to develop a system which was aligned across all of the Districts, subject to compliance with the legal requirement that charging be based on a cost recovery basis.
- 31.3 Based on the 2015 figures for Tewkesbury, and using the current Cheltenham Borough Council charging levels, it was estimated that the potential income could reach £32,175 which would mean a surplus of £838.00 to be put back into the service once the costs, including Officer time, had been covered. Members felt that the proposal was a good idea, especially given the fact that the service could be self-financing, they did however express concern that this had not been done before. In response, the Development Services Group Manager explained that, when the original Section 101 Agreement had been put into place to set up the shared service, there had been a lot of legislative issues and this was why the charges had not been introduced immediately. Those issues had now been addressed and it was felt to be a good time to review the matter. Another Member questioned why it was anticipated that there would be problems aligning the charges across the County. In response, she was advised that each District had a different scale of fees and moves to align them previously had not been successful.
- 31.4 In terms of the implementation of the charges for Tewkesbury, Members were advised that the consultation period would run for approximately six to eight weeks; they could then be implemented. In terms of the requirement that the service be non-profit making, Members were advised that this was set down within the legislation. There were four categories for street naming and numbering which were used in Cheltenham and the same model would be used in Tewkesbury: changes to an existing postal address £35.00; new development not involving new street names £50.00 per plot/unit up to a maximum of £500.00; developments requiring new street name and numbering £100.00 per street plus £50.00 per plot up to a maximum of £500.00; and renaming of existing streets £100.00 per street. Officers were looking at increasing the profile of the service so as to improve its market share; this would of course be helpful for its resilience against competitors

in the private sector. In response to a query regarding maintenance costs, Members were advised that this related to IT equipment and, if it was not budgeted for, the upgrades required would not be easily obtained. A Member referred to the maintenance of street furniture in his area but was advised that this would usually be undertaken by County Highways. Another Member indicated that her Ward had fairly recently received some funding for new signs so she thought that there may be a small budget available within the Borough Council for this.

31.5 The Chief Executive advised that the Council was trying to make all of its activities as commercial as possible and building control was no exception. Cheltenham Borough Council was taking the same kind of approach to commercialism so both would be looking to maximise income as best as they could according to the rules. Having considered the report, and information provided, it was

RESOLVED:

1. That it be **AGREED** that charging for street naming and numbering in the Borough be introduced and that authority be delegated to the Deputy Chief Executive, in consultation with the Lead Member for Built Environment, to take all necessary steps to implement such charges.
2. That it be **RECOMMENDED TO COUNCIL**:
 - a. that, after giving the requisite notice under Section 180 and Schedule 14 Paragraph 25 of the Local Government Act 1972, the provisions of Sections 17, 18 and 19 of the Public Health Act 1925 shall apply throughout the Borough; and
 - b. that, once Sections 17, 18 and 19 of the Public Health Act 1925 have been adopted, Section 64 of the Towns Improvement Clauses Act 1847 shall cease to have effect so far as it relates to street naming (although it would still apply to matters of house numbering).

EX.32 SEPARATE BUSINESS

32.1 The Chair proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

EX.33 SEPARATE MINUTES

33.1 The separate Minutes of the meeting held on 13 July 2016, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.34 SENIOR MANAGEMENT REVIEW

(Exempt –Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)

- 34.1 The Committee considered a report which detailed proposals resulting from a review of the senior management structure and made a recommendation to Council thereon.

The meeting closed at 3:25 pm

EXECUTIVE COMMITTEE FORWARD PLAN 2016/17

REGULAR ITEM:

- Forward Plan – To note the forthcoming items.

<p>Addition to 12 October 2016</p> <ul style="list-style-type: none"> • Business Transformation Programme. • Queen’s Road Community Grant. • Confidential Item: The Hangings, Land adj River Avon, North of Quay Street, Tewkesbury.
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Committee Date: 23 November 2016			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Financial Update – Quarter 2 Performance (Annual).	To consider the quarterly budget position.	Simon Dix, Head of Finance and Asset Management.	No.
Recruitment of Environmental Warden.	To consider the recruitment of an Environmental Warden.	Richard Kirk, Interim Head of Community Services.	Yes – from October meeting to gain more clarity from Parish Councils as to their interest.
Review of Safeguarding Children Policy.	To consider and review the Safeguarding Policy.	Richard Kirk, Interim Head of Community Services.	No.
Homeless Strategy.	To consider the draft Homeless Strategy 2016–21. This Strategy will be progressed in advance of the overarching Housing Strategy to comply with statutory obligations.	Richard Kirk, Interim Head of Community Services.	Removed from the Forward Plan – will be considered as part of the Housing Strategy and will go to Council in January 2017.

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Agenda Item 6

Committee Date: 23 November 2016

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Fee Charging Strategy.	To consider and agree a Fee Charging Strategy for the Council.	Simon Dix, Head of Finance and Asset Management.	No.
Medium Term Financial Strategy (MTFS) (Annual).	To recommend to Council the adoption of the five year MTFS which describes the financial environment the Council is operating in and the pressures it will face in delivering its services and a balanced budget over the period.	Simon Dix, Head of Finance and Asset Management.	Yes – deferred from October meeting to await more clarity from the government with regard to its intentions for local government finances.
Placement Policy.	To consider a Placement Policy for the Council.	Janet Martin – Human Resources Adviser.	No.
Review of Community Grants Criteria, Potential Introduction of Community Lottery and Future of the Post of Community Funding Officer.	To approve a new Community Grants Criteria and to consider the potential introduction of a community lottery along with the future of the post of Community Funding Officer.	Andy Sanders, Economic and Community Development Manager.	No.

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Committee Date: 4 January 2017

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Performance Management Report – Quarter 2 2016/17 (Annual).	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter two performance management information.	Graeme Simpson, Head of Corporate Services.	No.
Housing Strategy.	To approve the Housing Strategy.	Richard Kirk, Interim Head of Community Services.	Removed from the Forward Plan – will be considered by Council in January 2017.
Tree Management Policy.	To approve the Tree Management Policy.	Andy Noble, Asset Manager.	No.

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Committee Date: 4 January 2017			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Economic Development and Tourism Strategy.	To approve the amended Economic Development and Tourism Strategy following an Overview and Scrutiny review.	Andy Sanders, Economic and Community Development Manager.	No.
Confidential Item: Spring Gardens/Oldbury Road Regeneration. (To be considered in private because of the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)).	To consider the information provided and agree a way forward.	Simon Dix, Head of Finance and Asset Management.	Yes – Deferred from October to allow time for further information to come forward to allow a decision on the matter.

Committee Date: 1 February 2017			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Budget 2017/18 (Annual).	To recommend a budget for 2017/18 to Council.	Simon Dix, Head of Finance and Asset Management.	No.
Treasury Management Strategy (Annual).	To approve the Treasury Management Strategy.	Simon Dix, Head of Finance and Asset Management.	No.
Financial Update – Quarter 3 Performance (Annual).	To consider the quarterly budget position.	Simon Dix, Head of Finance and Asset Management.	No.

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Committee Date: 15 March 2017			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required

Committee Date: 26 April 2017			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Performance Management Report – Quarter 3 2016/17 (Annual).	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter three performance management information.	Graeme Simpson, Head of Corporate Services.	No.
Flood Risk Management Group Terms of Reference and Action Plan (Annual).	To undertake an annual review of the Terms of Reference of the Flood Risk Management Group and action plan.	David Steels, Environmental Health Manager	No.
Council Plan Update 2016/17 (Annual).	To consider the Council Plan and make a recommendation to Council.	Graeme Simpson, Head of Corporate Services.	No.
High Level Service Plan Summaries (Annual).	To consider the key activities of each service grouping during 2017/18.	Graeme Simpson, Head of Corporate Services.	No.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	12 October 2016
Subject:	Performance Management – Quarter 1 2016-17
Report of:	Councillor Phil Awford, Chair of Overview and Scrutiny Committee
Corporate Lead:	Mike Dawson, Chief Executive
Lead Members:	Councillor Mrs E J MacTiernan
Number of Appendices:	Two

Executive Summary:

New Council Plan priorities (2016-2020) were approved by Council on 19 April 2016. Supporting the priorities is a set of objectives and actions. Progress in delivering the objectives and actions are reported through a Council Plan Performance Tracker. The Tracker is a combined document which also includes performance on a key set of performance indicators. The tracker is reported to Overview and Scrutiny Committee on a quarterly basis and the outcome of the review is then reported to Executive Committee by the Chair of Overview and Scrutiny.

At Overview and Scrutiny Committee on 6 September 2016, consideration was given to the 2016/17 quarter one performance management information. The observations made by the Committee can be found in Appendix 1. The tracker document that was presented at Overview and Scrutiny Committee can be found in Appendix 2.

Recommendation:

To review and, if appropriate, take action against the observations of the Overview and Scrutiny Committee resulting from its review of the 2016/17, quarter one performance management information.

Reasons for Recommendation:

The Overview and Scrutiny Committee examine the work of the Executive Committee and hold it to account in order to help the Council achieve its priorities.

Resource Implications:

None directly associated with this report.

Legal Implications:

None directly associated with this report.

Risk Management Implications:

If delivery of the Council's priorities is not effectively monitored then it cannot identify where it is performing strongly or where improvement in performance is necessary.

Performance Management Follow-up:

Performance management information is reported to Overview and Scrutiny Committee on a quarterly basis. The outcome of each quarterly review is then reported to Executive Committee.

Environmental Implications:

None directly associated with this report.

1.0 INTRODUCTION/BACKGROUND

- 1.1** New Council Plan priorities (2016-2020) were approved by Council on 19 April 2016. Supporting the priorities is a set of objectives and actions. Progress in delivering the objectives and actions are reported through a Council Plan performance tracker. The tracker is a combined document which also includes performance on a key set of performance indicators. The tracker is reported to Overview and Scrutiny Committee on a quarterly basis and the outcome of the review is then reported to Executive Committee by the Chair of Overview and Scrutiny.
- 1.2** At Overview and Scrutiny Committee on 6 September 2016, consideration was given to the 2016/17 quarter one performance management information. The observations made by the Committee can be found in Appendix 1. The tracker document that was presented at Overview and Scrutiny Committee can be found in Appendix 2.

2.0 COUNCIL PLAN PERFORMANCE TRACKER

- 2.1** The Council Plan (2016-2020) has four priorities which contribute to the overall Council Plan vision "Tewkesbury Borough, a place where a good quality of life is open to all". The priorities are:
- Finance and Resources.
 - Economic Development.
 - Housing.
 - Customer Focused Services.

Each of the four priorities is supported by a number of objectives and actions which will focus activity on delivery of the priorities. The tracker has been developed and contains a set of key performance measures to monitor delivery of each Council Plan action. The actions are reviewed and where appropriate refreshed on an annual basis.

2.2 For monitoring the progress of the Council Plan actions the following symbols are used:

☺ – action progressing well.

☹ – the action has some issues or delay but there is no significant slippage in the delivery of the action.

⊗ – significant risk to not achieving the action or there has been significant slippage in the timetable or performance is below target.

Grey – project has not yet commenced.

✓ – action complete or annual target achieved.

For monitoring of key performance indicators the following symbols are used:

↑ - PI is showing improved performance on previous year.

↔ - PI is on par with previous year performance.

↓ - PI is showing performance is not as good as previous year.

2.3 The majority of actions are progressing well, for example, key activities to bring to Member's attention include:

- the introduction of a new commercial theme to the Council's business transformation programme.
- procurement of a new waste and recycling fleet is progressing in accordance with key project milestones.
- opening of the new leisure centre.
- the Cascades demolition project has commenced.
- an economic assessment of the Borough has been commissioned for completion by September.
- a successful bid of £130k grant funding to kick start developing a vision for Junction 9.
- formation of an Overview and Scrutiny Committee Working Group to support development of a new Housing and Homelessness Strategy.
- commencement of phase two of the Planning Service review.
- development of a new website is progressing well for implementation in November.

2.4 Due to the complex nature of the actions being delivered then inevitably some may not progress as smoothly or quickly as envisaged. Actions with either a ⊗ or ☹ are highlighted below: -

Action	Status and reason for status
Develop the Tewkesbury Borough Plan	⊗ - focus has been on progressing the Joint Core Strategy.
Let out the top floor of the Public Services Centre	☹ - proposals are still being considered. A pathway has yet to be approved.

Five actions have yet to commence as these are programmed to start later in the financial year with the majority of these targeted for completion by the end of the financial year.

3.0 KEY PERFORMANCE INDICATORS (KPIs)

3.1 The set of Key Performance Indicators (KPIs) are a combination of contextual indicators and target related indicators. The set of KPIs must remain flexible to ensure they meet our needs. The data reported is the position at the end of June 2016.

3.2 Of the 17 indicators with targets, their status as at the end of quarter 1 is :

☹ (achievement of target is unlikely)	☺ (on target)	☺ (target likely to be achieved by the end of the year)
2	11	4

And in terms of the direction of travel i.e. performance compared to last year, the status for the 17 indicators are:

↑ (better performance than last year)	↓ (not as good as last year)
11	6

Note: the direction of travel for KPI 27 and 28 - anti-social behaviour and crime incidents. There are no targets for these indicators but the direction of travel is positive with a reduction in reported incidents.

3.3 Key indicators of interest include:

KPI 14 – processing major planning applications. Performance is currently below target and not as good as last year but this can change significantly as the calculation is based on low application numbers.

KPI 15&16 – processing minor and other planning applications. Performance is currently below target but improved upon 2015/16.

KPI 20 – number of enviro-crimes. Reported incidents suggest the target for 2016/17 will be exceeded.

KPI 23 & 24 – processing of benefit claims and change of circumstances. Performance is not as good as 2015/16 but remains top quartile nationally.

KPI 29 – sickness absence. Long term sickness is impacting on the ability to meet target.

KPI 30 – recycling. Both the direction of travel and keeping on target is positive.

KPI 32 – broadly compliant food establishments. Both the direction of travel and keeping on target is positive.

4.0 OTHER OPTIONS CONSIDERED

4.1 None.

5.0 CONSULTATION

5.1 None.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 Council Plan 2016-2020.

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None directly.

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None directly.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 Linked to individual Council Plan actions.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 Linked to individual Council Plan actions.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 Council Plan 2012-16 approved by Council 19 April 2016.

Background Papers: None.

Contact Officer: Graeme Simpson, Head of Corporate Services Tel: 01684 272002
Email: graeme.simpson@tewkesbury.gov.uk

Appendices: 1 – Overview and Scrutiny review and observations of quarter one performance management information.
2 – 2016/17 - Quarter One Council Plan Performance Tracker.

Questions raised by Overview and Scrutiny Committee at meeting held on
6 September 2016

Questions Raised by Overview and Scrutiny	Response from Officers
Performance Tracker:	
<p>Finance and Resources: (objective 3, action c) Undertake a review of the discretionary trade waste service to ensure it is operating on a viable commercial level – A Member questioned when the review would take place.</p>	<p>The Corporate Services Group Manager advised that the review was part of the commercial programme and a date would be brought forward once that was operational. The Member went on to raise concern that a number of the actions did not include target dates and felt that this would be beneficial. The Corporate Services Group Manager agreed that target dates would make the Performance Tracker a more robust document and it was agreed that they should be included for all actions where possible.</p>
<p>Finance and Resources: (KPI 2) – Outstanding sundry debt in excess of 12 months old – A Member sought clarification as to the amount of old debt.</p>	<p>The Chief Executive indicated that he did not have any further detail on this performance indicator but he would arrange for a response to be circulated to Members following the meeting.</p>
<p>Economic Development: (objective 1 – Action b) Produce, deliver and launch a new Economic Development and Tourism Strategy – A Member raised concern that the Overview and Scrutiny Working Group conducting the review of the Strategy had been ongoing for some time and he questioned whether it was realistic for the strategy to be in place by the end of the year.</p>	<p>The Corporate Services Group Manager indicated that the target was for the Working Group report to be presented to the Overview and Scrutiny Committee by the end of the year and to the Executive Committee in January. The Member felt that, if a review went on beyond six months, the Committee should receive a progress report explaining when it would be completed. The Member was advised that the Economic and Community Development Manager had been asked to circulate a Member Update when this issue had been raised at the Committee meeting in June and Officers would check that this had been actioned.</p>

<p>Economic Development: (Objective 3 – Action a) Produce a vision for the J9 area.</p>	<p>The Chief Executive indicated that a successful bid had been made to the Large Sites Infrastructure Fund (LSIF) for £130,000 to kick start work on the vision for Junction 9 and work was now ongoing. In addition, £200,000 had been secured from the Homes and Communities Agency for a road study at Junction 9; clarification was provided that this was a Tewkesbury Borough Council bid but the money had been passed to the County Council to commission the study. The County Council had contributed a further £70,000 resulting in a total of £400,000 for work to support improvement and development around Junction 9.</p>
<p>Economic Development: (Objective 4 – Action b) Work with Tewkesbury Regeneration Partnership to progress projects that regenerate Tewkesbury Town – A Member raised concern that the Partnership was meeting frequently but it seemed that little was being achieved.</p>	<p>The Chief Executive advised that the major scheme was on hold awaiting feedback from partners; the details could not be made public at the moment but he provided assurance that work was ongoing.</p>
<p>Economic Development: (KPI 3) – A Member questioned whether 64 should still be used as the retirement age given that people were often working much beyond that.</p>	<p>The Revenues and Benefits Group Manager advised that government statistics looked at employment rates amongst working age people and he believed that 64 was the national figure which organisations worked to. This would be checked following the meeting and, if that was not the case, it would be amended accordingly.</p>
<p>Housing (Objective 1 – Action b) Develop the Tewkesbury Borough Plan – A Member sought clarification as to whether the Plan was still progressing at a reasonable rate.</p>	<p>The Chief Executive explained that, unfortunately, a lot of work on the Tewkesbury Borough Plan had stopped due to resources within the strategic planning team where the focus had been on the Joint Core Strategy amendments. Although there were a number of elements of the Borough Plan which were reliant upon the completion of the Joint Core Strategy, there were some areas where work had been able to continue when resources had allowed and, whilst it was not on target, it was still moving.</p>

<p>Housing (Objective 4 – Action b) Deliver 150 affordable homes each year – A Member noted that 43% of affordable homes were being built to Sustainable Homes Code Level 4 and 39% of homes to Lifetime Home standard. He questioned what standard the remaining 18% were being built to and why they were not all built to the same, higher, standard.</p>	<p>The Development Manager advised that the Sustainable Homes Code had been abolished so these figures referred to those homes where it had been possible to agree the same criteria via Section 106 Agreement. Lifetime Homes standard could not be insisted upon but Officers did negotiate within the Section 106 Agreement and, from what he understood, the figures showed a very positive outcome. In terms of the percentages, he explained that they were not intended to add up to 100%; some of the homes would have been built to both Sustainable Homes Code Level 4 and Lifetime Homes standard.</p>
<p>Housing (KPIs 14-15) – Planning processing times – A Member noted that there had been staffing issues within the Planning department and he questioned whether this was the main barrier to achieving these targets.</p> <p>Another Member questioned how morale was among the Planning team given the challenges currently being faced.</p> <p>A Member also raised concern that Phase 2 of the Planning Services Review had commenced before Phase 1 had been fully completed.</p>	<p>The Development Manager clarified that these were targets which Officers always aspired to achieve, however, there were various challenges each year which impacted upon performance. Staffing had been a particular problem in recent months and, although new appointments had been made, there were still a number of posts to fill. It was noted that some staff had changed departments, for example from Planning to Planning Policy, and, whilst this did add to the challenges, the Development Manager advised that his priority was to have a happy team. In that particular instance, he felt that retaining the Planning Officer's local knowledge of the area would benefit the Planning Policy Team and, as a lot of his work would be related to the Tewkesbury Borough Plan, he would have experience of applying the policy to real life scenarios.</p> <p>In terms of major applications, where performance had fallen during the quarter, he explained that this was based on a relatively small number of applications and he was confident that the target would be met by the end of the year. The targets in respect of the other two indicators, relating to minor applications and 'other' applications, were achievable but, to a certain extent, would be dependent on the success of the next round of recruitment.</p>

In response to a Member query as to the main reason for the turnover of staff, the Development Manager advised that Officers often wanted to move into the private sector and the non-monetary perks that had previously been associated with working for local government i.e. job security, no longer existed making it very difficult to compete; however, Tewkesbury Borough Council was reasonably successful at attracting people and the market supplements for new and existing roles which had been approved by Council were helping with retention and recruitment. In terms of morale, the Development Manager indicated that it was surprisingly good and the new recruits had brought a new energy to the relatively young team. There was a good ethos and everyone was working well together.

The Chief Executive reminded Members that Phase 2 of the Planning Services review was underway and consideration was always being given as to how things could be improved to make the service as good as it could be. Recruitment in planning was a problem for every local authority in the country and it may be necessary to consider different business models which would improve performance whilst also ensuring that the service could compete in a more commercial environment, particularly given the Government's Planning reform proposals. He made reference to One Legal which had earned £300,000 of income in 2015/16 and indicated that this model may be possible for other services such as Planning. A Member questioned when this work would start and was advised that the commercial programme would commence before the end of the year and a report would be taken to the Transform Working Group setting out what was planned. All senior managers were being trained in commercial approaches and the programme was being developed with the support of the Association for Public Service Excellence (APSE).

	<p>With regard to Phase 2 of the Planning Services Review, Members were reminded that this had been scaled back and was achievable within the timescales. The first workstream was to review Phase 1 and it was recognised that some of the changes had had a positive effect in terms of the minor and 'other' applications but there were other changes which had not benefited the customer or Officers. Assurance was provided that the team constantly reviewed procedures and if something was not working they would stop doing it.</p>
<p>Customer Focused Services: (Objective 2 – Action b) Roll out a programme of customer services training for staff across the Council – A Member questioned whether there had been any particular issues which had prompted the need for training and whether this could be provided in-house.</p>	<p>Confirmation was provided that there had been no problems; however, it was important to ensure that staff were delivering the best customer service possible. Customer service training across all services was something that the Corporate Services Group Manager was keen to implement as part of the Customer Care Strategy which was centred on the Customer Care Standards. It was thought that an external provider would deliver the training and this would be rolled out in early 2017.</p>
<p>Customer Focused Services: (Objective 3 – Action a) Work with partners to investigate the potential for a reception refurbishment and integrated customer services team – A Member queried whether this was linked to the letting of the top floor of the Public Services Centre.</p>	<p>The Chief Executive confirmed that this was the case and undertook to ensure that this was made clear in future.</p>
<p>Customer Focused Services (Objective 3 – Action b) To let out the top floor of the Public Services Centre – A Member sought an explanation as to why it was taking so long to let out the office space.</p>	<p>The Chief Executive explained that the Public Services Centre was unique in Gloucestershire and was at the cutting edge of Local Government service provision. This was a concept which Officers had been keen to build on for some time and, whilst the space could be let to the private sector, this would not necessarily do justice to the potential for enhancing the Public Services Centre. He provided assurance that work was ongoing with Gloucestershire County Council partners on a potential way forward for the building and a number of options were being considered. A business case was expected to come forward by the end of September and, provided it was a positive outcome, this would be presented to the Executive</p>

	<p>Committee and Council in November/December. If the business case was unviable then it would be necessary to look at an alternative solution based on monetary return. He explained that there were a number of challenges when looking at the future use of the whole building and a range of potential issues in terms of the relocation of services for both staff and members of the public. Members would appreciate that there was an element of confidentiality to the discussions; however, he was able to advise that one element was a bid to the Local Enterprise Partnership to host a growth hub centre which would be a very positive provision for businesses within the Borough.</p>
<p>Corporate Performance Indicator (KPI 23-24) Benefits processing times – A Member questioned why there had been a reduction in performance.</p>	<p>The Revenues and Benefits Group Manager advised that there had been some sickness absence within the team but those staff members had now returned to work. There had been a small increase in the number of housing benefit claims, however, processing of new claims was now back on track and there had been an outturn of 15 days during July 2016. Change in circumstances claims were also holding steady and council tax was in line with the previous year. Business rates were more volatile and, during the early months, firms had been slow to pay but had now caught up. There had been a significant increase in rateable values which was positive.</p>
<p>Corporate Performance Indicator (KPI 29) – Average number of sick days per full time equivalent – A Member noted that this was significantly higher than the same quarter in 2015/16 and queried what was being done to mitigate this.</p>	<p>The Chief Executive explained that there were a number of long term physical illnesses which were impacting on the statistics. There were also some issues in certain services which were subject to change and assurance was provided that they were being closely monitored by service managers and the Corporate Leadership Team. The overall position remained quite positive.</p>

Corporate Performance Indicator (KPI 31) – Residual household waste collected per property in kilograms – A Member questioned why there was no mention of commercial waste within the performance indicators.

Members were advised that this was one of the old Best Value Performance Indicators and the Council's performance was benchmarked nationally alongside all other local authorities. There was currently no indicator for commercial waste and that was something which would be considered as part of the trade waste review.

Council Plan Performance Tracker and Key Performance Indicators 2016-17 Progress Report (Quarter 1)

Council Plan tracker actions/ KPI progress key:		KPI direction of travel key:	
😊	Action progressing well/ PI on or above target	↑	PI is showing improved performance on previous year
😐	Action has some issues/delay but not significant slippage/ PI below target but likely to achieve end of year target	↔	PI is on par with previous year performance
😞	Significant risk to not achieving the action or there has been significant slippage in the timetable, or performance is below target/ PI significantly below target and unlikely to achieve target	↓	PI is showing performance is not as good as previous year
	Project has not yet commenced/ date not available or required to report		
✓	Tracker action is complete or annual target achieved		

PRIORITY: FINANCE AND RESOURCES

Actions	Performance tracker	Responsible Officer/Group	Progress to date	Comment
Objective 1. Start on the path to being financially independent of the government's core grants.				
a) Deliver the council's transformation programme.	1. Delivery of approved programme.	Corporate Leadership Team (CLT)	😊	Delivery of the programme is monitored by Transform Working Group (TWG). There are a number of projects within the programme and which are at different stages of implementation. Key projects include: website development, Spring Gardens/ Oldbury road regeneration, housing development company, letting of second floor, planning and environmental health service review. A new theme around commercialisation is to be added to the programme.
b) Implement a Fees and Charges Strategy to maximise return in the medium term.	1. Approval of strategy.	Group Manager Finance & Asset Management		Work not scheduled to commence until second half of the financial year.

PRIORITY: FINANCE AND RESOURCES

Actions	Performance tracker	Responsible Officer/Group	Progress to date	Comment
Objective 2. Maintain a low council tax.				
a) Produce a medium term strategy which ensures that council tax remains in the lowest quartile nationally.	1. Benchmark to confirm lowest quartile.	Group Manager Finance & Asset Management		Work not scheduled to commence until second half of the current financial year.
Objective 3. Investigate and take appropriate commercial opportunities.				
a) Develop a programme of commercial projects, including developing an entrepreneurial-type culture for councillors and staff.	1. Implement agreed programme.	Corporate Leadership Team (CLT)	☺	Commercial workshop for members and senior managers has taken place. Further workshops and training facilitated by Association for Public Service Excellence (APSE) has been programmed for the second quarter. As part of this, a cohort of officers, including staff from partnership organisations, will be reviewing six proposed commercial opportunities (trade waste, pest control, funeral services, Out of the Hat tourist information centre, selling service, expansion of One Legal) as well as developing a pipeline of further opportunities. Support from APSE to provide commercial skills and capacity has also been agreed.
	2. Develop entrepreneurial culture.			Training and involving a wide group of officers from all levels across the organisation will help to embed an entrepreneurial culture.
b) Produce a business case alongside partner authorities for the formation of a housing development company.	1. Development of business case.	Group Manager Finance & Asset Management	☺	The four partner authorities are harvesting information on existing and proposed housing development companies. In addition, five sites have been identified to carry out viability appraisals. A high level financial analysis has also been conducted for presentation to the project board in early July. It is envisaged that if the financial analysis is positive the project board will engage with professional support to deliver a business case.

PRIORITY: FINANCE AND RESOURCES

Actions	Performance tracker	Responsible Officer/Group	Progress to date	Comment
Objective 3. Investigate and take appropriate commercial opportunities.				
c) Undertake a review of the discretionary trade waste service to ensure it is operating on a viable commercial level.	1. Undertake and complete review.	Interim Group Manager Environmental and Housing		This will be jointly undertaken with Ubico - date has yet to be agreed. There is a potential for an overview and scrutiny role in this project.
Objective 4. Use our assets to provide maximum financial return.				
a) Ensure value-for-money procurement of a new waste and recycling fleet.	1. Deliver against project milestones	Interim Group Manager Environmental and Housing Services	☺	Work is progressing in accordance with the requirements of the timetable and is on schedule with project milestones. Key milestone is: <ul style="list-style-type: none"> • Ordering of vehicles (September 2016)
b) Deliver the council's asset plan.	1. Monitor delivery of asset plan.	Group Manager Finance & Asset Management	☺	A number of key asset related activities are progressing including: <ul style="list-style-type: none"> • Completion of the new leisure centre. • Approval of Spring Gardens and Oldbury Road regeneration project including the establishment of a member reference panel. • Decommissioning of Cascades site and tender for demolition. • Purchase of investment property approved and progressing. • Renewal of lease for caravan site in Tewkesbury agreed.

Key performance indicators for priority: Finance and resources

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
1	Percentage of creditor payments paid within 30 days of receipt.	94.12%	94.00%	94.96%				↑	☺	Above target due to bi-weekly payment runs and quicker turnaround of invoices by budget holders.	Lead Member Finance and Asset Management/ Simon Dix
2	Outstanding sundry debt in excess of 12 months old.	£44,609	£50,000	£30,866				↑	☺	Good progress has been made tackling very old debt, especially trade waste.	Lead Member Finance and Asset Management/ Simon Dix

PRIORITY: ECONOMIC DEVELOPMENT

Actions	Performance tracker	Reporting Officer/Group	Progress to date	Comment
Objective 1. Be the primary growth engine of Gloucestershire's economy.				
a) Carry out an economic assessment within the borough.	1. Complete assessment	Group Manager Development Services	☺	Bruton Knowles have been appointed and will be complete by September 2016. Feedback will be provided via a member seminar in the Autumn.
b) Produce, deliver and launch a new Economic Development and Tourism Strategy.	1. Approval of new strategy	Group Manager Development Services	☺	An Economic Development and Tourism Strategy Working Group has been formed to support the production of a new strategy. The economic assessment, employment land review and business survey that Bruton Knowles are currently carrying out, will feed into this work. A key component to the strategy is an emerging vision 'For Tewkesbury borough to be the engine that delivers growth in Gloucestershire'. It is expected that the new strategy will be in place by the end of the year.

PRIORITY: ECONOMIC DEVELOPMENT

Actions	Performance tracker	Reporting Officer/Group	Progress to date	Comment
Objective 2. Identify and deliver employment land within the borough.				
a) Produce an employment land review of sites within the borough.	1. Complete review	Group Manager Development Services	☺	The review has been commissioned to look at the economic growth options and potential sites. A member seminar to present the assessment by Bruton Knowles will take place on 13 October 2016. This will form a key part of the evidence base to inform the Tewkesbury Borough Plan and the Economic Strategy.
b) Allocate and deliver employment land through the JCS and Tewkesbury Borough Plan.	1. Allocate and deliver through JCS	Group Manager Development Services	☺	The latest economic evidence has been used to inform the JCS. The latest evidence has suggested a need to support delivery of a minimum of 192ha of B class employment land and 39,500 jobs over the plan period to 2031. This is a significant increase on the employment provision in the existing Submission JCS (Nov 2014) of 82ha and 28,000 jobs. However, the JCS authorities have evidenced how this growth can be delivered through the JCS and district-level plans. These latest growth aspirations are proposed to be set out through revised policies that will form the main modifications to the plan
	2. Allocate and deliver through borough plan			The JCS will set out the strategic employment needs and will also note that some of this need is to be met through the delivery of the Borough Plan. The Employment Land Review study will provide the evidence about the potential for new and existing employment sites to meet this need.

PRIORITY: ECONOMIC DEVELOPMENT

Actions	Performance tracker	Reporting Officer/Group	Progress to date	Comment
Objective 3. Maximise the growth potential of the M5 junctions within the borough.				
a) Produce a vision for the J9 area.	1. Produce a vision	Group Manager Development Services	☺	A successful bid to the Large Sites Infrastructure Fund (LSIF) for funding (£130,000) to enable the commissioning of specialist support to help with areas of work including visioning, community engagement and programme management for the J9 area. The successful agency/company will work with the J9 Member Reference Panel and partners to help develop and adopt a vision for the J9 area.
b) Work with our partners, including the JCS partners and the LEP, to promote the M5 Growth Zone.	1. Initiatives to promote growth zone	Group Manager Development Services	☺	This links to the Economic Strategy work that is currently underway and to the final outcomes of the emerging JCS. The borough plan will identify opportunities and policies for the M5 growth zone. We are working with LEP, Gloucestershire County Council (GCC), Highways England (HE) and other partners on transport projects relating to A46/ A438/ J9 and J10.
c) Work with partners to build a case for an all-ways M5 junction 10.	1. Production of economic business case	Group Manager Development Services	☺	We are currently working with the LEP, GCC and other partners on a bid to the Department of Transport's Large Local Major Transport Schemes fund for funding to develop a business case.
Objective 4. Deliver regeneration for Tewkesbury town.				
a) Put in place a plan to regenerate Spring Gardens, following the opening of the new leisure centre.	1. Regeneration plan	Group Manager Development Services/ Group Manager Finance & Asset Management	☺	Development proposal agreed at Council in April 2016. Professional services appointed through Scape framework. A member working group has been established. Alternative scheme layouts reviewed and preferred layout established. A number of surveys of the area have been carried out. Tender has been awarded to carry out the demolition of Cascades. Officers are currently looking at options for the area to provide a mixed use scheme whilst also retaining adequate car parking and providing for the twice weekly market and Mop Fair.

PRIORITY: ECONOMIC DEVELOPMENT

Actions	Performance tracker	Reporting Officer/Group	Progress to date	Comment
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Objective 4. Deliver regeneration for Tewkesbury town.

b) Work with Tewkesbury Regeneration Partnership to progress projects that regenerate Tewkesbury Town.	1. Delivery of projects	Group Manager Development Services	☺	<p>After 67 years the 'Missing Link' has been completed. This provides an improvement to the riverside walk. The Heritage Walks and Interpretation project has progressed with initial designs being presented to the working group. The design concept was well received and work is ongoing to finalise the content within the start of the next quarter. The final stages of the draft new business website have taken place at the end of the quarter, with the aim of launching it within the first few weeks of Q2.</p> <p>An Expression of Interest form has been submitted for the Townscape Heritage Lottery Initiative, to focus on shop front improvements, alleyways, public realm and public engagement. A Lottery officer will meet with Tewkesbury Borough Council officers in Q3 to discuss the full bid, with submission in September 2017.</p>
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Key performance indicators for priority: Economic development

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
3	Employment rate 16-64 year olds.	83.7%		84%						84% relates to 45,900 people within the borough. This is higher than the county rate of 79.9%.	Leader Member Economic Development/ Julie Wood
4	Claimant unemployment rate.	1%		0.9%						0.9% relates to 485 people within the borough. This rate is lower than the county rate of 1% (Source: ONS June 2016)	Leader Member Economic Development/ Julie Wood



Key performance indicators for priority: Economic development

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
5	Number of business births.	445 (2014 figure)								Not yet available. The 2015 figures should be released in November 2016. Source: ONS Business demography.	Leader Member Economic Development/ Julie Wood
6	Number of business deaths	285 (2014 figure)									
7	Number of visitors to Tewkesbury Tourist Information Centre (TIC)	31,485	31,000	10,094				↑	😊	Numbers have increased by 653 compared to Q1 2015/16. A 'pop-up' TIC was provided for the Antiques Roadshow assisting 350 people.	Leader Member Economic Development/ Julie Wood
8	Number of visitors to Winchcombe Tourist Information Centre (TIC)	10,187	10,000	4,302				↑	😊	Numbers have increased by 544 compared to Q1 2015/16.	Leader Member Economic Development/ Julie Wood

PRIORITY: HOUSING

Actions	Performance tracker	Reporting Officer/Group	Progress to date	Comment
Objective 1. Increase the supply of suitable housing across the borough to support growth and meet the needs of our communities.				
a) Continue working with our partner councils to ensure the Joint Core Strategy is adopted.	1. Adoption of JCS	Group Manager Development Services		<p>The inspector's interim report was published at the end of May 2016. Hearing sessions took place during June and July to discuss the report and the councils proposed approach to them.</p> <p>Following the July hearing sessions the councils will then be required to prepare a main modifications plan during August. The Inspector will then hold a further set of hearing sessions to specifically discuss the main modifications that are to be proposed in the JCS in September 2016.</p> <p>The JCS will then be brought back to each council in October 2016 to approve the final main modifications to the plan for a six week public consultation.</p> <p>There has been significant slippage on the original expected timetable. However, the examination is now progressing and moving towards adoption by early 2017.</p>
b) Develop the Tewkesbury Borough Plan.	1. Adoption of Tewkesbury Borough Plan.	Group Manager Development Services		<p>A draft plan was subject to public consultation between 27 February and 13 April 2015.</p> <p>The timetable is inextricably linked to the JCS.</p> <p>Focus has been on progressing the JCS and this has had the knock-on impact of delaying progress of the plan.</p> <p>Nevertheless, officers have been developing the evidence base in respect of Gypsy and Travellers, employment land, housing land, open space and community facilities. These will all have an important contribution towards the plan.</p> <p>A number of Neighbourhood Plans are also being progressed. These will form part of the overall development plan and will inform plan.</p>

PRIORITY: HOUSING

Actions	Performance tracker	Reporting Officer/Group	Progress to date	Comment
Objective 1. Increase the supply of suitable housing across the borough to support growth and meet the needs of our communities.				
c) Support Neighbourhood Development Plans across the borough where communities bring them forward.	1. Promotion of and number of plans supported	Group Manager Development Services		<p>11 neighbourhood plans have been designated across 15 parishes. A twelfth neighbourhood plan is awaiting designation.</p> <p>Most advanced of the plans are the Winchcombe & Sudeley and Highnam Neighbourhood Plans which both completed their examinations in June 2016. Both plans have been successful at examination subject to changes being made to them that has been recommended by the examiner. The next step is to make these modifications and make arrangements for a local referendum to vote on the plans.</p> <p>A number of other Neighbourhood Plans are also advancing and officers have particularly been working with the Alderton, Ashchurch Rural, Churchdown & Innsworth, Down Hatherley, Norton & Twigworth, Gotherington and Twyning neighbourhood plan groups.</p>
d) Utilise new tools available under the Housing and Planning Bill.	1. Identify and implement relevant tools	Group Manager Development Services		Officers will continue to monitor new planning tools made available through the bill. In May 2015 the Bill achieve royal ascent and is now an act of parliament. Tools such as the permission in principle and the brownfield register are identified as particularly pertinent and we await further guidance on their implementation.
Objective 2. Achieve a five year supply of land.				
a) Ensure adequate land is allocated within the Joint Core Strategy and Tewkesbury Borough Plan to meet housing needs.	1. Allocate of adequate land	Group Manager Development Services		The JCS (Nov 2014) identified a housing need of 30,500 dwellings across the JCS and 10,100 for Tewkesbury Borough. Over the course of the examination new evidence using the latest demographic population and household formation data has been required. This has produced a new housing requirement of 31,830 (8,640 for Tewkesbury). The Inspectors Interim Report (May 2016) recommends further uplifts to the Objectively Assessed Needs (OAN) to take into account of economic growth and a 5% uplift to increase affordable housing delivery and flexibility. This is still subject to discussion but would raise the housing requirement for 35,175 (9,983 for

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				Tewkesbury). The JCS is required to demonstrate how this housing requirement will be met and ensure that there is a 5 year supply of housing land. The JCS identifies larger Strategic Allocation sites that will contribute significantly to meeting these needs. However, the TBP will also be required to allocate land for smaller-scale non-strategic growth at the Rural Service Centres and Service Villages and Tewkesbury town.
b) Continue to promote sustainable development throughout the borough.	1. Ways to promote sustainable development	Group Manager Development Services	☺	Through the JCS and TBP the strategy for growth and the identification of sustainable sites to deliver it will be identified. The plans will also provide general development management policies that, in accordance with the National Planning Policy Framework, will enable to ensure that any additional growth is delivered in a sustainable way and against the objectives of the plans.

PRIORITY: HOUSING

Actions	Performance tracker	Reporting Officer/Group	Progress to date	Comment
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Objective 3. Deliver the homes and necessary infrastructure to create new sustainable communities in key locations.

a) Monitor annually the delivery of homes within the borough.	1. Annual monitoring mechanism	Group Manager Development Services	✓	Housing and land monitoring completed for 2014/15 and the Annual Monitoring Report was published in October 2015. The 2015/16 monitoring has now been completed and the report has been published onto the council's website in July 2016. This report provides information on how many homes have been delivered within this year. Work to the 2016/17 annual report will commence in Spring 2017.
b) Work with partners, infrastructure providers and developers to progress the delivery of key sites.	1. Identification and delivery of key sites	Group Manager Development Services	☺	Through the development of the JCS the authorities have been working extensively with infrastructure providers to ensure the delivery of the strategic allocations. This has been necessary to provide sufficient evidence to demonstrate that the sites are deliverable and that their impacts can be mitigated. A particularly important area of infrastructure has been around highways and a close partnership has developed between the JCS authorities, Gloucestershire County Council (GCC) and Highways England (HE) to find the right solutions for the road network in the area.

Objective 4. Deliver affordable homes to meet local need.

<p>a) Develop a new Housing and Homelessness Strategy for 2016-2020.</p>	<p>1. Approval of strategy</p>	<p>Interim Group Manager Environmental and Housing</p>	<p>😊</p>	<p>Terms of reference and a working group was agreed at O&S committee on 19 July 2016. The first meeting of the working group is due to take place on 18 August 2016. The target date for the new strategy approval is January 2017.</p>
<p>b) Deliver 150 affordable homes each year.</p>	<p>1. Delivery of more than 150 homes</p>	<p>Interim Group Manager Environmental and Housing</p>	<p>😊</p>	<p>We are currently on track with our target with an estimate of 149 new affordable homes to be delivered during this financial year. (See KPI 13 for quarterly figures).</p> <p>We have seen 43% of affordable homes being built to the Sustainable Homes code level 4 (a level above Building Regulations); these have been built at Homelands two and Cleavelands in Bishops Cleeve and Invista in Brockworth</p> <p>There have been 39% of the homes built this quarter to Lifetime Homes Standard; all of which are on the Homelands two and Cleavelands developments.</p>
<p>c) Work in partnership to prevent residents becoming homeless.</p>	<p>1. Partnership working initiatives</p>	<p>Interim Group Manager Environmental and Housing</p>	<p>😊</p>	<p>We are continuing to work with partners to prevent homelessness in the borough. For example, working with other local authorities in Gloucestershire and West Oxfordshire to introduce a more effective Choice Based Lettings (CBL) and housing advice, prevention, and homelessness management system.</p> <p>We have also worked with Orbis and Travelodge to ensure that there is a robust out of hours homelessness service across the county. Along with working with the financial inclusion partnership to forecast and tackle unaffordability on individual households within our area before they lose their homes. Our prevention funding is used to engage the private rented landlords to meet the housing need of those facing homelessness and ease the pressure on the social housing system.</p>

Key performance indicators for priority: Housing

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
9	Total number of homeless applications presented	111		28				↑		This figure is lower than Q1 2015/16 figures, which was reported at 35. The positive emphasis on homeless prevention has helped lower the numbers.	Lead Member Health and Wellbeing/ Richard Kirk
10	Total number of homeless applications accepted	57		13				↑		This figure has decreased compared to Q1 2015/16, where it was reported to be 17.	Lead Member Health and Wellbeing/ Richard Kirk

Key performance indicators for priority: Housing

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
11	Total number of active applications on the housing register	1887 972 – 1 bed 623 – 2 bed 208 -3 bed 71 – 4 bed 12 – 5 bed 1 – 6 bed		1924 1012–1 bed 630–2 bed 198–3 bed 74 – 4 bed 8 – 5 bed 2 – 6 bed						The number of active households registered on CBL has continued to rise steadily, particularly those with a one bedroom need. The demand for social housing has risen across the county and is likely to be because of welfare reform.	Lead Member Health and Wellbeing/ Richard Kirk
12	Total number of homeless prevention cases	172		54				↑		Housing Services prevented more households becoming homeless than ever recorded during a quarter. Performance has also kept homeless applications and homeless accepted duties at their lowest for several years.	Lead Member Health and Wellbeing/ Richard Kirk

Key performance indicators for priority: Housing

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
13	Number of affordable homes delivered	229	150	93				↑	☺	Of homes delivered: <ul style="list-style-type: none"> • 18 Social rent • 33 Affordable rent • 31 Shared ownership • 11 discounted sale Within areas: <ul style="list-style-type: none"> • Bishops Cleeve- 36 • Brockworth- 17 • Longford- 15 • Stoke Orchard- 11 • Winchcombe- 14 	Lead Member Health and Wellbeing/ Richard Kirk
14	Percentage of 'major' applications determined within 13 weeks or alternative period agreed with the applicant.	87.50%	80%	58.82%				↓	☹	Performance is based on a low number of applications. However figures are expected to improve throughout the year to meet the target.	Lead Member Built Environment/ Julie Wood
15	Percentage of 'minor' applications determined within 8 weeks or alternative period agreed with the applicant.	70.11%	90%	76.67%				↑	☹	There are still some capacity issues, however recruitment is ongoing with some positive appointments already made. Will be a challenge to meet the target by year end but it is achievable.	Lead Member Built Environment/ Julie Wood

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16	Percentage of 'other' applications determined within 8 weeks or alternative period agreed with the applicant.	79.13%	90%	85%						See KPI 15 above.	Lead Member Built Environment/ Julie Wood
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PRIORITY: CUSTOMER FOCUSED SERVICES

Actions	Performance Tracker	Reporting Line	Progress to date	Comment
Objective 1. Maintain and improve our culture of continuous service improvement.				
42 a) Deliver phase two of the planning and environmental health service reviews.	1. Completion of review	Group Manager Development Services/ Interim Group Manager Environmental and Housing	☺	Phase two of the planning service review has commenced and a presentation on the key actions was delivered to Overview and Scrutiny Committee in July 2016. We are now moving forward to deliver these actions. Environmental Health Service- A report was presented to the Project Programme Board setting out the context of the review and that exploratory work is currently being undertaken before the project is formally established in Q2. The work in the first quarter concentrated on reviewing information technology options to enable more flexible and remote working, with officers from environmental health and IT departments commencing trials with a number of products.
b) Consider our approach to enviro-crimes, with particular focus on fly-tipping and dog fouling.	1. Deliver different approval to enviro crimes	Interim Group Manager Environmental and Housing	☺	A report was presented to the overview and scrutiny meeting on the 19 July 2016 outlining the current position regarding enviro crimes and the proposed work to combat these issues. For fly tipping, a proactive project to tackle the issue is reaching maturity and it is hoped that positive and hard hitting action will be taken as a result. Additional signs and cameras are due to be used to help combat the issue in due course. The project has also brought about a formal agreement with Gloucestershire Constabulary to share intelligence.

				<p>A prosecution was taken against a commercial operator for not transporting and disposing of their waste correctly. Unfortunately this case was unsuccessful. Nevertheless the case helped officers gain experience of such issues and they are keen to take positive action in future cases.</p> <p>Parish councils have been contacted about a proposed joint venture to employ an 'environmental warden' to help combat enviro-crimes. A report to the Executive Committee is proposed for October.</p>
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PRIORITY: CUSTOMER FOCUSED SERVICES

Actions	Performance Tracker	Reporting Line	Progress to date	Comment
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Objective 2. Develop our customer service ethos to ensure that we deliver to the needs of residents.

49	a) Adopt and promote customer care standards to further improve the quality of service our residents receive.	1. Approval and role out	Group Manager of Corporate Services	✓	Customer care standards have been adopted as part of the Customer Services Strategy. The strategy was approved at Executive Committee on 9 March 2016. The standards have been promoted and this promotion will continue.
	b) Roll out a programme of customer services training for staff across the council.	1. Roll out of training programme	Group Manager of Corporate Services		Training programme and provider has yet to be investigated. This action has an internal completion date of 31 March 2017 and will be delivered in accordance with this date. With regards to the customer services team, three of the team are currently undertaking an NVQ in Customer Service.

Objective 3. Further expansion of the Public Services Centre (bring in other partners).

a) Work with partners to investigate the potential for a reception refurbishment and integrated customer services team.	1. Explore potential options	Group Manager of Corporate Services		The provision of an integrated customer services team is dependent upon the strategic 'jigsaw' of partner services operating from the PSC. Likewise, any potential refurbishment.
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PRIORITY: CUSTOMER FOCUSED SERVICES

Actions	Performance Tracker	Reporting Line	Progress to date	Comment
Objective 3. Further expansion of the Public Services Centre (bring in other partners).				
b) To let out the top floor of the Public Services Centre.	1. Let out and receive income	Group Manager Finance and Asset Management	☹️	Proposal to integrate additional public services into the building, incorporating large scales works to the ground floor, refurbishment of the top floor and the re-use of Lower Lode depot have been reviewed with regard to the financial viability. Re-design and feasibility appraisal was concluded in July with decision taken on whether to progress this option taken to Corporate Leadership Team (CLT). Further possibilities are being investigated and will be presented back to CLT in September.
Objective 4. Improve and expand our partnership both public and private sector and explore opportunities to do this.				
44 a) Continued delivery of the proposed One Legal expansion.	1. Delivery of project milestones	Corporate Leadership Team (CLT)/	😊	The original proposal to merge the Gloucestershire County Council legal services is no longer able to proceed. However One Legal continues to explore and take up appropriate opportunities to expand its client base by delivering services to other public bodies which are yet to be established.
b) With partners, develop and implement a programme for financial inclusion.	1. Approval and roll out of programme	Group Manager Revenues and Benefits	😊	The programme for developing financial inclusion is underway and a report identifying the impacts of welfare reform has been written and was discussed at the financial inclusion meeting on the 27 July 2016. A financial inclusion action plan was also brought to the group. Essentially, key areas for development have been identified and groups will be set up to follow through on the recommendations.
c) Work with partners to improve digital links between public services to make life simpler for customers.	1. Deliver digital initiatives	Group Manager of Corporate Services	😊	This is a key strand of the digital strategy. One project currently progressing is partnership working with GCC which is at an advanced stage and will provide improved customer access at Bishops Cleeve library. This includes the potential for customers to use video conferencing to services within the council.

PRIORITY: CUSTOMER FOCUSED SERVICES

Actions	Performance Tracker	Reporting Line	Progress to date	Comment
Objective 5. To improve customer access to our services and service delivery through digital methods.				
a) Develop and deliver a Digital Strategy.	1. Approval and delivery of strategy actions	Group Manager of Corporate Services	☺	The council's first ever digital strategy was approved at Executive Committee on 6 April 2016. The strategy has key actions which will be monitored moving forward. Progress of those actions will be reported in future performance trackers.
b) Develop and roll out a new website to reflect our commitment to excellent online services.	1. Launch new website	Group Manager of Corporate Services	☺	The corporate services team are working on an innovative approach to the website design. In layman's term it is a build your own website which is significantly cheaper than procuring through the traditional route. A temporary website developer role has recently been advertised to support delivery. Targeted implementation is November 2016.

Key performance indicators for priority: Customer focused services

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
17	Total enquiries logged by the Area Information Centre (AIC).	1708		499						Enquiries received at the AIC's are as follows for Q1: Bishops Cleeve: 131 Brockworth: 199 Churchdown: 102 Winchcombe: 67 <hr/> Total: 499	Lead member Customer Focus/ Graeme Simpson
18	Total number of people assisted within the borough by Citizens Advice	1363		370						Heaviest demand has been: Brockworth 16%, Priors Park 11%, Churchdown St. Johns 9%, Cleeve St.	Lead Member Economic Development /Promotion /

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	Bureau (CAB).									<p>Michaels 8% and Winchcombe 7%. The five wards represents 51% of clients seen.</p> <p>The five main areas where advice was given:</p> <ul style="list-style-type: none"> • Benefits 27% • Debt 25% • Employment 13% • Housing 7% • Relationships 7% 	Julie Wood
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Key performance indicators for priority: Customer focused services

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
19	Financial gain to clients resulting from CAB advice	£332,197		£92,585						During this quarter clients have benefitted from £92,585 of financial gains, of which £57,476 (62%) represent increases in disposable income.	Lead Member Economic Development /Promotion / Julie Wood
20	Number of reported enviro crimes	1314	1000	424				↓	☹	Breakdown is: <ul style="list-style-type: none"> • Noise – 79 (56) • Dog fouling – 12 (36) • Fly tipping – 261 (229) • Abandoned vehicles – 61 (72) (Q4 2015/16 in brackets).	Lead Member Clean and Green Environment/ Richard Kirk

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Key performance indicators for priority: Customer focused services

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
21	Community Groups assisted with funding advice	N/A (new KPI)		80						<p>Community groups assisted have received £55,961 (£178,861) worth of external grants and £33,185 (£162,679) worth of TBC Community Grants. Cumulative figures since July 2015 in brackets.</p> <p>Resulting in 245 groups being supported with funding advice.</p> <p>A Community Funding Event was held in May 2016 88 people from local community groups attended.</p>	Lead Member Economic Development/ Promotion / Julie Wood

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Key performance indicators for priority: Corporate

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
22	<p>Benefits caseload:</p> <p>a) Housing Benefit</p> <p>b) Council Tax Support</p>	<p>4,032</p> <p>4,627</p>		<p>4,049</p> <p>4,571</p>						<p>A slight rise in housing benefit claims. However council tax support claims continue to fall.</p>	Lead Member Finance and Asset Management/ Richard Horton

Key performance indicators for priority: Corporate

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
23	Average number of days to process new benefit claims	12.76	15.00	16.49				↓	☹️	During this quarter we have seen an increase in claims. This was due to a resource issue and the team carrying out reviews on working age. Q1 2015/16 it was reported as 15.31. However, we are on track to achieve a good performance over the remaining quarters. (Although target is higher compared to 2015-16 outturn, the figure remains the top quartile nationally).	Lead Member Finance and Asset Management/ Richard Horton
24	Average number of days to process change in circumstances	5.22	10.00	6.48				↓	😊	Currently monitoring the impacts of the increase in the national living wage rates which has created additional changes to process.	Lead Member Finance and Asset Management/ Richard Horton

25	Percentage of council tax collected	98.24%	98%	29.45%				↑	☺	Collection rate is very healthy and slightly up on the first quarter of 2015/16 which was 29.43%.	Lead Member Finance and Asset Management/ Richard Horton
Key performance indicators for priority: Corporate											
KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
26	Percentage of NNDR collected	99.24%	98%	32.01%				↓	☺	Collection rate down on last year but is rapidly improving. Last year 33.34%	Lead Member Finance and Asset Management/ Richard Horton
27	Number of anti-social behaviour incidents	2447		620				↑		This is a decrease of 8% for the same period in the previous year.	Lead Member Community/ Richard Kirk
28	Number of overall crime incidents	3071		741				↑		This is a decrease of 5% for the same period in the previous year.	Lead Member Community/ Richard Kirk
29	Average number of sick days per full time equivalent	8.74	7.00	2.55 (10.21 annual equivalent)				↓	☹	The number of sick days during Q1 totals to 435 days. This figure is significantly higher than Q1 2015/16 (210 days). Due to the impact of continuing long term sickness- 63% of sickness was long term. Short term sickness is also higher (56% higher than Q1 2015/16) per employee.	Lead Member Organisational Development/ Graeme Simpson

Key performance indicators for priority: Corporate

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
50 30	Percentage of waste recycled or composted	50.68%	52%	54.76%				↑	😊	<p>Compared to Q1 2015/16, almost all the tonnages have improved.</p> <p>The food waste campaign is still having an effect and increasing the tonnage from last year. There has also been a high demand for blue and brown bins for bins is extremely high which has resulted in more blue and garden waste bins being delivered. Demand for the garden waste service has increased and customer numbers now exceed 15000.</p> <p>Proactive work has mitigated the needle contamination issue.</p>	Lead Member Clean and Green Environment/ Richard Kirk

Key performance indicators for priority: Corporate

KPI no.	KPI description	Outturn 2015-16	Target 2016-17	Outturn Q1 2016-17	Outturn Q2 2016-17	Outturn Q3 2016-17	Outturn Q4 2016-17	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Group Manager
31	Residual household waste collected per property in kgs	427kg	430kg	109kg				↑	☺	Waste to landfill has decreased overall (see KPI 30) which is a good sign considering the national trend. There has been a slight increase in the tonnage for bulky collections and also the non-recyclable waste at the MRF.	Lead Member Clean and Green Environment/ Richard Kirk
32	Food establishments in area broadly compliant with food hygiene regulations (%)	92.19%	93%	93.95%				↑	☺	During quarter 1 the total number of 843 premises: <ul style="list-style-type: none"> • 792 were broadly compliant • 51 non-compliant • 16 unrated premises In July officers carried out a successful prosecution. This resulted in a fine and good publicity.	Lead Member Clean and Green Environment/ Richard Kirk

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TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	12 October 2016
Subject:	Business Transformation Programme
Report of:	Graeme Simpson, Corporate Services Group Manager
Corporate Lead:	Mike Dawson, Chief Executive
Lead Member:	Councillor D J Waters Councillor Mrs E J MacTiernan
Number of Appendices:	One

Executive Summary:

On 2 April 2014, a new programme, Transform Tewkesbury Borough was approved. The programme involves looking at how the Council can do things differently and innovatively to create savings. The programme provides a strategic and planned approach to meet the financial challenges facing the council. The council's principles for change is guided by four principles:

- The Council is able to remain financially viable as an independent organisation.
- Improving our existing relationship and exploring possible new partnerships for the future.
- Easy, convenient and low-cost access to services for everyone.
- The organisation is flexible, dynamic, responsive and affordable.

To plan and manage the programme, four themes were approved under which sit key projects. The four themes are:

- Partnerships and commissioning.
- Use of buildings and assets.
- Using technology and sustaining improvement.
- People and culture.

Since the introduction of the programme, identified projects have been delivered. These include significant projects such as the new leisure centre, continued development of the Public Service Centre, delivery of a new operating model for our depot services and the Revenues and Benefits service review.

The programme therefore needs to be refreshed to reflect new emerging projects and significantly to introduce a fifth theme on commercialisation. This entrepreneurial way of thinking will be essential to support our financial position, particularly if there are further expected cuts in central government funding.

Recommendation:

To APPROVE the updated business transformation programme.

Reasons for Recommendation:

The previous transform programme, approved in April 2014, needs to be refreshed. This is through a combination of a number of projects within the original programme being delivered and new projects emerging. This includes the introduction of a fifth theme to recognise the Council's new approach around commercialisation.

Resource Implications:

None arising directly from this report.

Legal Implications:

None arising directly from this report.

Risk Management Implications:

The transform programme and the governance supporting it, such as the Transform Working Group and underlying project management arrangements, will minimise the risks to success.

Performance Management Follow-up:

Progress in delivering the programme is reported to each Transform Working Group meeting.

Environmental Implications:

None arising directly from this report.

1.0 INTRODUCTION/BACKGROUND

1.1 Tewkesbury Borough Council is currently undergoing significant change, due to cuts from central government. Alongside other Councils, we have had to make huge savings while working out how to deliver services in a way that costs less but provides the same level and quality of support for our residents and communities. The financial pressure on the Council hasn't lifted and, having saved £3m since 2014, a further £2.2m needs to be found up until 2020. Given the financial environment, in 2014 a new programme called Transform Tewkesbury Borough was approved. The programme involves looking at how we can do things differently and innovatively to create savings.

2.0 TRANSFORM TEWKESBURY BOROUGH 2014

2.1 The programme is guided by four principles, which will help shape the programme and future organisational change:

- The Council is able to remain financially viable as an independent organisation.
- Improving our existing relationship and exploring possible new partnerships for the future.
- Easy, convenient and low-cost access to services for everyone.
- The organisation is flexible, dynamic, responsive and affordable.

2.2 To plan and manage the programme, four themes were approved, under which sit key projects. The four themes were:

- Partnerships and commissioning.
- Use of buildings and assets.
- Using technology and sustaining improvement.
- People and culture.

2.3 A number of projects which sit under these themes, and were included in the original programme, have now been successfully delivered. These include the building of the new leisure centre, completion of the Revenues and Benefits service review, delivery of a new operating model for depot services (Ubico) and continued development of the Public Service Centre.

3.0 TRANSFORM TEWKESBURY BOROUGH 2016 ONWARDS

3.1 Based upon the successful delivery of a number of projects within the original programme and new projects emerging, the original programme needs to be refreshed. In addition, and of significant importance, is to formally recognise the Council's approach to maximising income. This new entrepreneurial way of thinking will be essential to support the Council's financial position. A fifth theme is therefore proposed to be added to the programme:

- Commercialisation.

Key projects and activity under this theme include:

- Embed entrepreneurial skills into the workforce.
- Develop a pipeline of business cases for commercial projects.
- Implementation of a fees and charges strategy.

The principles supporting the programme remain the same.

3.2 Examples of projects which have emerged across the themes since the original programme include the regeneration of Spring Gardens and Oldbury Road in Tewkesbury Town Centre, procurement of a new waste and recycling fleet, digital initiatives, planning and environmental health service reviews, maximising flexible working and customer service training. The updated programme can be found in Appendix 1.

4.0 MONITORING PROGRESS

4.1 As with the original programme, updates on all projects will be provided at each Transform Working Group. The overall programme will be reviewed on an annual basis and the core document, as presented today, will be updated to reflect any significant changes to it.

5.0 OTHER OPTIONS CONSIDERED

5.1 None.

6.0 CONSULTATION

6.1 Consultation on the programme has been undertaken with both the Chair and Vice-Chair of the Transform Working Group. The programme was also presented at Transform Working Group on 8 September 2016.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 Council Plan 2016-20.
Asset Management Plan.
Digital Strategy.
Customer Care Strategy.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 None directly associated with this report.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 No direct resource implications.

10.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

10.1 No direct sustainability implications.

11.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

11.1 The Transform Program is driven by the Council's financial challenge including the provision of value for money services.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 The previous Transform Programme was approved at Executive Committee on 2 April 2014.

Background Papers: None

Contact Officer: Graeme Simpson, Head of Corporate Services Tel: 01684 272002
Email: graeme.simpson@tewkesbury.gov.uk

Appendices: 1 – Updated Business Transformation Programme.



Business transformation Programme

August 2016



Transform
Tewkesbury Borough



Business transformation

“Better for customers and better for business”

The challenge

Tewkesbury Borough Council is currently undergoing significant change, due to cuts from central government.

Alongside other councils in the country, we have had to make huge savings while working out how to deliver services in a way that costs less but provides the same level and quality of support for our residents and communities.

The financial pressure on us hasn't lifted and having saved £3m since 2014 we need to save a further £2.2m up until 2020.

Financial environment

The public sector austerity programme, embarked upon by the coalition government in 2010, continues to impact on local government finance. Substantial cuts to the Revenue Support Grant have already been absorbed by the council with government projections detailing the end of the support grant in 2019/20. The government introduced a partial retained business rates scheme in 2013 whereby authorities could benefit from growth in business. Unfortunately for this council, successful appeals by businesses, such as Virgin Media have led to losses in the last couple of years.

The New Homes Bonus programme was also introduced by the coalition government which saw financial rewards being retained by the authority for six years in return for the occupation of new homes within the borough. The council has received significant amounts from this scheme which has supported the councils financial position through austerity. However, the government announced in late 2015 that it intended to review the scheme with the objective of reducing it by around two-thirds. The council is still awaiting the outcome of the consultation.

The government is also consulting on 100% business rates retention for local authorities by the end of the current parliament. This could be beneficial for the council but until the full scheme detail is agreed, the impact of the scheme cannot be projected. It is also dependent on a healthy economy.

Given the changes to local government finance in recent years and the continuing uncertainty over funding, it is imperative the council does what it can to meet the financial challenges it faces. The business transformation programme is key to this.

The council's response

“ In 2014, we approved a new programme, Transform Tewkesbury Borough. The

programme involves looking at how we can do things differently and innovatively to create savings but maintaining our ethos that whatever we do and in the decisions we make, we will be a council that is better for customers and better for business.

We were buoyed by the feedback of a Local Government Association peer review which concluded in November 2014 we were a council that punches above its weight and was one that understood its challenges and was committed to change.

Since the introduction of the programme this has provided a strategic and planned approach to meet the challenges ahead and has enabled us to build upon the success of previous achievements. I am really pleased with the positivity of the Transform Working Group which has seen members and officers working effectively together to meet this challenge.

As a result we have delivered significant transformational projects such as the recently opened new leisure centre, continued development of the Public Service Centre, delivery of a new operating model for our depot services, and individual service reviews such as Revenues and Benefits which is now a top performing service. Moving forward, significant projects on the horizon include delivery of our new digital strategy, Tewkesbury town centre regeneration and the development

Business transformation

“Better for customers and better for business”

of a more commercial approach to maximising our income.

This new entrepreneurial way of thinking will be essential to support our financial position, particularly if there are further expected cuts in central government funding. It is recognised that some of the skills we need to enable officers to develop ideas are new and as such investment in training and development is an important requirement of our new approach. As such, APSE (Association of Public Service Excellence) will be working with us to support delivery of a commercial programme.

To recognise the importance of this approach a new commercial theme has been added to the programme to support the four established themes. While our financial challenges ahead are clear, the Transform Programme will help us to make sure we are ready to face them effectively, and we will be continuing to put our residents at the very heart of what we do. ”

Cllr Dave Waters, Lead Member for Finance and Asset Management.

The council’s principles for change

The Transform Programme is guided by four principles, which will help shape future organisational change:

1. The council is able to remain financially viable as an independent organisation.
2. Improving our existing relationship and exploring possible new partnerships for the future.
3. Easy, convenient and low-cost access to services for everyone.
4. The organisation is flexible, dynamic, responsive and affordable.

The work programme

To plan and manage the programme there will be a focus on five themes. Within each theme there are key projects:

Partnerships and commissioning:

- Explore opportunities for expansion of existing shared services.
- Review all services and identify opportunities to work with partners, in order to deliver top notch services at a lower cost.
- Expand services delivered through the Public Service Centre.



Use of buildings and assets:

- Work with partners to investigate the potential for a reception refurbishment and integrated customer service team.
- Lease the top floor of the Public Services Centre.
- Deliver the council’s asset plan.
- Regeneration of Spring Gardens and Oldbury Road in Tewkesbury town centre.
- Ensure value-for- money procurement of a new waste and recycling fleet.



Using technology and sustaining improvement:

- Make better use of technology to encourage more electronic working by delivering the digital strategy.
- Complete phase two of Environmental Health and Planning service reviews and implement the findings.
- Improve the experience for the customer when contacting the council, for example, new corporate website.



People and culture:

- Create and implement a workforce development strategy.
- Plan for different ways of working, so that staff are able to work unhindered by location, work pattern, or delivery approach.



Business transformation

“Better for customers and better for business”

- Deliver programmes for organisational, staff and member development.
- Maximise flexible working and flexible hiring opportunities to enable the council to recruit the best talent possible.
- Complete a programme of customer services training for staff across the council.



Commercialisation:

- Produce a business case and if viable form a housing development company.
- Embed entrepreneurial skills into the workforce.
- Work with APSE to carry out a strategic assessment of the council's commercial potential.
- Develop a pipeline of business cases for commercial projects for consideration by transform working group.
- Undertake a review of the trade waste service to ensure it is operating on a viable commercial level.
- Implementation of a fees and charges strategy to maximise the revenue stream due to the council.

Through the Transform Programme, we want to achieve:

- Significant Savings.
- Increased income through existing and new income streams.
- Consistent, reliable, high quality customer service accessible to all.
- Maximising the use of our assets.
- Commitment to the workforce and elected members to ensure they are supported, informed, involved and developed.

The business transformation programme also supports delivery of our council plan priorities. Our council plan (2016-2020) has an overall vision:

Tewkesbury borough, a place where a good quality of life is open to all.

Within the council plan is a set of values which we apply across our services and can be applied to the transform programme. The council is one which:

- Values its employees.
- Puts its customers first.
- Is positive about working with others to achieve its vision.

Our four priorities are:

- Finance and resources
- Customer focused services
- Housing
- Economic development

Monitoring of programme

An update of all projects is reported to the transform working group who meet at least six weekly. This group comprises senior officers and members including executive committee members who work together to solve the challenges ahead. A project management framework is in place to ensure there is good governance over individual projects.

Email: graeme.simpson@tewkesbury.gov.uk
Web: www.tewkesbury.gov.uk

Tewkesbury Borough Council
Gloucester Road
Tewkesbury
Gloucestershire
GL20 5TT

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	12 October 2016
Subject:	Review of Procurement Strategy
Report of:	Simon Dix, Head of Finance and Asset Management
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Councillor D J Waters
Number of Appendices:	One

<p>Executive Summary:</p> <p>The Corporate Procurement Strategy was last updated in October 2012 and is now due for review. The strategy has been updated to reflect the progress made and is supported by the Contact Procurement Rules, approved at this Committee in January 2016.</p>
<p>Recommendation:</p> <p>To APPROVE the updated Corporate Procurement Strategy.</p>
<p>Reasons for Recommendation:</p> <p>The Council is spending public money and has a duty to do this in an open and transparent way and obtain best value. The Procurement Strategy reflects this obligation and promotes effective procurement.</p>

<p>Resource Implications:</p> <p>None directly arising from the report.</p>
<p>Legal Implications:</p> <p>The Council was required to adopt Contract Procedure Rules in order to comply with Section 135 Local Government Act 1972 which requires all local authorities to make standing orders with respect to the making of contracts by them or their behalf. This Strategy supports the Contract Procedure Rules.</p>
<p>Risk Management Implications:</p> <p>None.</p>
<p>Performance Management Follow-up:</p> <p>The Procurement Working Group oversees procurement practice throughout the organisation and offers support to services to ensure value for money is obtained within the contractual and procurement activities of the Council. The contracts register of the Council is subject to transparency requirements and is published on a quarterly basis.</p>

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Corporate Procurement Strategy (CPS) is aimed at promoting effective procurement across the whole organisation.
- 1.2** The current CPS was last fully approved by Members in October 2012.
- 1.3** Historically, the Council spends circa £4.3m per annum on procuring goods, services and works although this has recently increased to £6.4m with the outsourcing of services to Ubico Ltd; the budget for capital fluctuates from year to year with approximately £7.8m being spent in 2015/16. In a time of significant austerity measures there is even more focus on procurement to help the Council deal with the severe challenges we face.
- 1.4** This Strategy sets out how procurement will support the delivery of the Council's Corporate Plan 2016–2020 and its corporate priorities, as well as meet the Council's legislative obligations.
- 1.5** In addition, the Strategy also takes into account recommendations of the Local Government Association in the National Procurement Strategy for Local Government in England 2014.

2.0 REVISED CORPORATE PROCUREMENT STRATEGY

- 2.1** The current Corporate Procurement Strategy contained a number of actions to ensure that procurement within the organisation was taken forward over the period of the Strategy. Responsibility for procurement was transferred to the Finance and Asset Management Group in 2014 and, since then, a number of those actions have been delivered. These include:
- Procurement Working Group re-established.
 - Procurement activities overseen by Procurement Advisor.
 - Procurement training offered to all Officers involved in procurement process.
 - Updated procurement toolkit issued to staff.
 - A selling to the Council guide established.
 - Contract Procedure Rules reviewed and approved by Members.
 - Contract Procedure Rules training rolled out to staff.
 - Compliance with requirement to publish all contracts with a value over £25,000 on the government website 'Contract Finder'.
- 2.2** The draft Corporate Procurement Strategy for 2016–2020 is detailed at Appendix A.

2.3 The draft CPS for the next four years continues the aim of ensuring procurement is carried out effectively and delivers value for money for the Council. In this respect, much of the Strategy remains the same. However, in order for procurement practices to be efficient and consistent throughout the whole organisation, the main actions within the new Strategy relate to the development of the purchase ordering module within the financial system, which will replace paper based manual practices, and the implementation of a new procurement system to automate our procurement responsibilities and ensure effective interaction with our suppliers. The new system will also meet our transparency requirements for publishing contract information, manage contracts throughout the term of the contract and meet new legislative requirements for electronic tendering.

2.4 If the revised CPS is approved by Executive on 12 October 2016, it is the intention that it will be replacing the existing CPS with immediate effect.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 The Procurement Working Group, chaired by the Section 151 Officer, was consulted during the drafting of the revised Strategy.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Contract Procedure Rules last approved by Council in January 2016.
Financial Procedure Rules last approved by Council in November 2011.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 None.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 The Corporate Procurement Strategy helps the Council to demonstrate value for money in its procurement activities.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Approval of Contract Procedure Rules at Council on 13 January 2016.

Background Papers: None.

Contact Officer: Simon Dix, Head of Finance and Asset Management
Tel: 01684 272005 Email: simon.dix@teWKesbury.gov.uk

Appendices: A – Corporate Procurement Strategy.

Corporate Procurement Strategy

~~2012 - 2016~~ 2016 - 2020

Created: ~~October 2012~~ September 2016
Version: 014

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1. Introduction

1.1 Definition

Procurement is the process of securing the works, goods and services that the council requires in order to carry out its duties; ranging from day-to-day consumables and equipment, letting of service contracts, the engagement of agencies and consultancies, to the provision of services.

In summary, procurement is *“the whole process of acquisition of goods, services and works, from the initial assessment of business need through to the end of life of the asset or service”*.

1.2 Purpose

It is vital that the council has a clear corporate procurement strategy to help ensure that:

- It obtains best value.
- Its procurement choices reflect corporate objectives.
- It continuously improves the quality and cost-effectiveness of service provision.
- Its approach to procurement is consistent.
- Resources are used effectively.
- Staff procurement skills are developed, shared and used effectively, and
- Procurement rules are complied with.

The council is constantly seeking innovative ways of working and as our corporate approach to procurement continues to develop, the strategy will capture the most appropriate elements of best practice, whilst remaining sufficiently flexible to respond to the rapidly changing procurement environment.

This strategy is aimed at promoting effective procurement across the whole organisation and should be read in conjunction with the council's contract procedure rules and financial procedure rules.

1.3 Aims and objectives

The overarching aim of this strategy is to ensure our procurement activities are undertaken efficiently, legally and ethically whilst, where possible, contributing to the economic, social and environmental well-being of the borough.

The council's intention is to procure goods, services and works to deliver consistently high quality services that meet service needs and which are fit for purpose, have an optimum lifetime cost, use processes which are economic and efficient and which contribute to the council's corporate objectives.

The procurement strategy is therefore aligned with the Council Plan, as well as other corporate strategies and plans, which encompass the core principles of:

- Using resources effectively and efficiently.
- Promoting economic development.
- Providing customer focused services, and
- Developing housing relevant to local needs.

2. Procurement at the council

2.1 Governance, structure and responsibilities

The officer with overall responsibility for procurement at the council is the ~~director of resources~~ Head of Finance and Asset Management; a member of the Executive Committee has portfolio responsibility for finance, which includes procurement.

It is expected that all Heads of Service and operational managers will promote the implementation of the procurement strategy within their own service areas.

Procurement at the council is undertaken by the budget holder concerned, in accordance with the council's scheme of delegation, and advice is provided by the ~~director of resources~~ procurement advisor, One Legal and the Performance and Audit team.

The highest standards of conduct must be observed by members and officers engaged in procurement of any type on behalf of the council. In all their dealings they must preserve the highest standards of honesty, integrity, impartiality and objectivity and comply with the council's relevant rules and procedures and applicable codes of conduct.

2.2 Controls and standards

The council has recently reviewed and updated its procurement toolkit and published model contract documentation to ensure a corporate approach to procurement and compliance with the strategy is achieved. The council also maintains corporate and departmental contract registers to enable regular monitoring.

2.3 Countering fraud

The council is committed to countering fraud and corruption and officers who procure goods, works and services must be fully aware of the rules and procedures that support this aim. Counter fraud and corruption arrangements should be the consequence of effective business systems, practices and control arrangements, specifically the:

- Contract procedure rules.
- Financial procedure rules.
- Employee code of conduct, and
- The anti-fraud and corruption strategy.

2.4 Management of risk

All staff involved in procurement must assess the risk involved and plan, monitor and control the actions that will address these identified risks and potential problems. The risks when procuring, for example; failure to evaluate fairly, failure to receive value for money, viability of suppliers, failure of the supply chain and fraud and corruption, are key considerations and an integral part of the procurement process, supporting the strategy to achieve its stated objectives.

2.5 Development plan

The development plan appended to this strategy details the programme of actions that will be undertaken to strengthen the council's procurement activities.

2.6 Budget savings

An objective of the strategy is to deliver savings wherever possible through procurement. The council will work to deliver savings, using best practice while ensuring its procurement is sustainable and effective.

2.7 The Procurement Landscape

Public procurement operates in a highly regulated environment that is governed by legislation and policies set by the European Union, nationally through statute and case law, and locally by the Council's Constitution (specifically Contract Rules and Finance Rules). In addition to legislation the Council is also required to fulfil other obligations placed upon it such as the Local Government Transparency Code 2015, and to implement initiatives introduced by the UK Government.

3. Corporate social responsibility

Through this procurement strategy and the procurement toolkit, the council must satisfy the aspirations of all stakeholders. These include customers, suppliers, employees, the local community, government bodies, partners and environment groups.

To satisfy this scrutiny, the council aims to demonstrate its corporate social responsibility through procurement. Under the **Public Services (Social Value) Act 2012**, public bodies in England and Wales are required to consider how the services they commission and procure might improve the economic, social and environmental well-being of the area.

Comment [HB1]: Is this up to date?

It's important to recognise that corporate social responsibility embraces a number of distinct areas and how this can be demonstrated will vary according to what it is that is being procured.

3.1 Sustainability

The National Procurement Strategy states that every council should build sustainability into its procurement strategy, processes and contracts. The council aims to integrate sustainability into all of its future contracts and to continuously improve the sustainability performance of its activities by:

- Ensuring that sustainability forms part of the decision making process in procurement.
- Wherever possible, procuring from sustainable sources.
- Aiming to achieve value for money on a whole life basis.
- Working in partnership with other public bodies to maximise sustainable procurement gains.

3.2 Environmental responsibility

The council recognises the need to carry out procurement activities in an environmentally responsible manner and is committed to ensuring that services are delivered in a way that protects the quality of the environment and minimises any adverse impact on community well-being. To achieve this, the council will, where appropriate:

- Comply with all relevant environmental legislation.
- Ensure that suppliers' environmental policies are considered during the tender evaluation process and that appropriate environmental criteria are used in the award of contracts.
- Ensure that proper consideration is given to the viability of environmentally friendly alternatives.
- Reduce the purchase of new products by re-using, repairing or refurbishing existing products wherever possible.
- Assess the potential environmental risk when procuring.
- Consider the whole life cost of goods including operational, maintenance and disposal costs.
- Apply procedures for the proper management and disposal of assets.

Where appropriate, the council will require its suppliers and its subcontractors to comply with Environmental Protection Act legislation.

3.3 Equalities

The council has a duty to eliminate unlawful discrimination and is committed to promoting equality of opportunity. This duty applies to procurement and the council will ensure that when tendering contracts and services that either a business has its own equality and diversity policy which complies with legislation or that it commits to adhere to the council's [Equality and Diversity Policy](#).

Comment [HB2]: Is this up to date?

As required by legislation, the council will ensure its services are equally accessible and appropriate to the borough. It will not discriminate on the grounds of age, colour, disability, ethnic origin, gender, sexuality or any other unjustifiable grounds.

The council will ensure that all procurement activities undertaken are compliant with equalities legislation and, where appropriate, will:

- Undertake an equalities impact assessment at the earliest stages of the procurement lifecycle.
- Require that companies provide details of their equal opportunities policies as part of the procurement process.
- Ensure the procurement process is conducted in a manner which ensures equal treatment of all bidders/tenderers.
- Ensure that all organisations have equal access to procurement opportunities with the council, and
- Balance the cost to the environment and local businesses with issues of equality and competitiveness.

3.4 Health and safety

The council has a statutory duty with regard to the health and safety of its employees and others who may be affected by its activities, regardless of whether the service is contracted out or not. The council will therefore clearly specify its requirements for health and safety and make health and safety a key condition in the selection of suppliers.

It is important to recognise that the amount of health and safety information required will vary according to what it is that is being procured.

3.5 Ethics, code of conduct and human rights

For intermediate and high value procurement, the council expects ethical standards from suppliers and, where possible, will use suppliers that can demonstrate fair-trade and ethical trading of their business.

The council aims to ensure that the highest standards of conduct are observed by members and officers engaged in procurement of any type on behalf of the council.

In all their dealings council employees must preserve the highest standards of honesty, integrity, impartiality and objectivity and comply with the council's constitution, financial and contract procedure rules and applicable codes of conduct.

3.6 Community involvement, economic development and competition

The purpose of the **Public Services (Social Value) Act 2012** is to assist authorities to improve the economic, social and well-being of its area through procurement. Although the act applies to service contracts (and those that have an element of goods and works), and not goods or works contracts, the council will endeavour to promote social values in council contracts.

Comment [HB3]: Is this up to date?

As part of its endeavour to promote social values, the council will enable smaller organisations to compete for the supply of goods and services, the council aims to keep its procurement processes as simple as possible and will:

- Publish details of forthcoming bidding opportunities
- Publish details of all council contracts
- Invite local companies to register an expression of interest in supplying certain services to the council, and
- Support businesses by way of explaining requirements and opportunities.

In this regard, the council will comply with EU requirements and the Competition Act 1998 and no supplier will be given an unfair advantage.

It is vital that there is transparency in the process of obtaining quotes, inviting tenders and awarding contracts. The council will conduct all procurement activity in a manner that is open and fair.

3.7 Community Right to Challenge

The Localism Act 2011 sets out the framework for Community Right to Challenge, which came into force on 27 June 2012. The right enables voluntary agencies, community groups, charities, Parish and Town Councils and groups of two or more employees to express an interest in delivering relevant services on behalf of relevant authorities, and requires the authority to undertake a procurement exercise for that service.

The council, as a relevant authority, must consider any expression of interest received and either accept, accept with modification or decline it, in accordance with statutory guidance. The council will therefore need to be prepared for such challenges and seek to develop its approach to this whole agenda.

Through new mechanisms such as the Community Right to Challenge, communities will now have more opportunities to take over activities and to influence how services are provided

4. Value for money

The council is committed to achieving value for money and has a continuing obligation to demonstrate economy, efficiency, effectiveness of service delivery and that what it procures is the most economically advantageous option. Obtaining value for money does not mean that the council is obliged to accept the lowest price.

It is essential that the council not only adopts processes to secure best value, but can evidence the efficiencies obtained.

In order to achieve value for money the council aims to:

- Minimise administrative processes and unnecessary bureaucracy.
- Treat each procurement activity as an opportunity to achieve best value.
- Utilise collective buying power where appropriate.
- Use competition where appropriate.
- Balance quality, cost and benefit criteria.
- Consider all options in obtaining the most appropriate solution, and
- Build continuous improvement and annual efficiency requirements into contracts.

5. Partnering and collaboration

5.1 Working in partnership

Partnership working has developed over the period of the previous strategy with the council now benefiting from a range of shared services and partnering arrangements.

The council is committed to exploring all options in order to provide the quality services required now and in the future, and partnering will be considered when engaging in reviews of services as a potential alternative to established methods of service delivery.

The council is keen to work in partnership, provided there is a business case, in order to:

- Share best practice
- Share scarce resources and skills
- Provide training to staff
- Promote collaborative procurement where this could lead to improved value for money, and
- Gather market intelligence.

5.2 Collaboration

Collaborative procurement is one of the benefits that can be derived from partnership working. The council supports the concept of public bodies coming together to combine their buying power, to procure or commission goods, works or services or to create shared services to produce economies of scale and accelerate learning.

The council will therefore actively participate with other authorities and organisations, where appropriate and feasible, to seek economies through joint procurement, framework agreements and shared services.

The council will seek opportunities for joint commissioning across local statutory bodies in order to secure a more efficient use of resources and achieve cross-cutting objectives, focussing on understanding what communities need.

6. Electronic procurement

6.1 Electronic tendering

In accordance with the council's contract procedure rules, electronic procurement will be used wherever possible, making use of electronic tools to increase efficiency and reduce costs during the procurement process. Through the use of e-tendering, a reduction in advertising, paper and overhead costs for suppliers and buyers can be expected.

E-tendering can also be beneficial in unlocking public sector tendering opportunities for small and medium sized enterprises (SME), and provides a more secure environment than the traditional hard copy process. Wherever possible the council will work with SME to help them move to electronic purchasing.

6.2 Electronic purchasing

The electronic marketplace industry has grown over the period of the previous strategy and has allowed the council to increase the ordering of goods and services online as well as introduce more online transactions. For example; stationery supplies, which account for more individual orders than any other goods or services, are ordered and invoiced electronically. Moving forward, the council aims to increase electronic purchasing where there are opportunities to do so.

The council uses purchasing cards in relation to low value procurement, allowing the council to largely eliminate the use of petty cash. They also produce the added benefit of eliminating the processing of invoices. Purchasing cards also increase the level of control above that provided by order books.

6.3 Technology

Technology did not feature heavily in the previous procurement strategy; however, advances in technology have generated significant improvements in public service delivery and, moving forward technology is essential for the delivery of this strategy. The use of government websites such as contract finder has enabled the easy access to national and international suppliers which has ensured best value is achieved when procuring goods and services. The council will continue to take advantage of the advancement in technology in order to eliminate unnecessary cost from the procurement process and is committed to the introduction of both electronic purchase order and procurement systems over the life of this strategy.

7. Moving forward

The council aims to develop an ethos of continuous improvement and modernisation throughout all areas of procurement within the council and recognises that in order to achieve its procurement objectives it will need to build capacity and skills within the council.

7.1 Training and development

~~Since the previous procurement strategy the council have held a series of training sessions will seek to develop the skills of staff engaged in the procurement processes to a level consistent with their objectives of this strategy~~ and has developed a procurement toolkit, as a guide to best practice, which will remain up to date and accessible.

7.2 Monitoring and performance

The procurement strategy will be reviewed on an annual basis to ensure that it remains up to date and relevant and the action plan is being delivered.. The procurement group has been re-established since the last procurement strategy and meet quarterly to discuss current projects and co-ordinate the actions of officers carrying out procurement activities across the council.

The monitoring of delivery of contracts is a critical factor, and assurance will be provided through internal audit to ensure that services are being provided.

8. Relevant Tewkesbury Borough Council documents

- Council Plan 2016 - 2020.
- Contract Procedure Rules.
- Financial Procedure Rules.
- Employee Code of Conduct.
- Anti-fraud and Corruption Strategy.
- Risk Management Strategy.
- Equality and Diversity Policy.

Comment [HB4]: Up to date?

Appendix 1

Development Plan

Action	Completion date
Achieve procurement savings to support the delivery of the Medium Term Financial Strategy	Ongoing
Consider joint procurement with other councils where possible in compliance with the strategy	Ongoing
Implementation of a purchase ordering system All procurement to be overseen by a designated procurement officer	April 2017 April 2013
Implementation of a web based procurement system and portal	April 2017 September 2013
Analyse and monitor council spend to proactively determine opportunities for effective corporate procurement	September 2013 Ongoing
Develop opportunities with partners to share skills and resources to enable effective procurement Develop a guidance note on evaluation and train managers accordingly	Ongoing September 2013
React to any changes in procurement regulations and legislation as a result of leaving the European Union Re-establish the procurement group	Ongoing October 2013
Procurement training to be provided for new staff and refresher training for current staff Provide procurement training to all officers involved in the procurement process	Ongoing December 2013
Management of contracts training to be given to relevant staff	January 2014 June 2017
Update and maintain all contract registers to ensure compliance with transparency requirements	March 2014 Ongoing

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	12 October 2016
Subject:	Whistleblowing Policy
Report of:	Graeme Simpson, Head of Corporate Services
Corporate Lead:	Mike Dawson, Chief Executive
Lead Member:	Councillor Mrs E J MacTiernan
Number of Appendices:	Two

Executive Summary:

The Counter Fraud Unit was asked to review this Policy on behalf of Tewkesbury Borough Council.

The draft Policy has been developed in consultation with the Counter Fraud Unit, as part of the counter fraud provision, and with the four authorities in the GO Shared Service partnership (GOSS); Cheltenham Borough Council, Cotswold District Council, West Oxfordshire District Council and Forest of Dean District Council.

The Policy has been updated to reflect legislative requirements and employer responsibilities to ensure that the Council protects staff who report or whistle-blow about any areas of concern within the authority and to safeguard those against whom allegations are made.

The Audit Committee was asked to review and approve the Policy. This is a complete redraft and Audit Committee has recommended the Policy go to the Executive Committee for approval due to the significant revisions.

Recommendation:

That the updated Whistleblowing Policy be APPROVED, subject to any minor amendments as a result of consultation with the GO Shared Service partnership (GOSS).

Reasons for Recommendation:

The Whistleblowing Policy is a governance policy and has been redrafted with the assistance of the Counter Fraud Unit because referrals relating to wrongdoing form a significant role within the counter fraud service.

It should also be recognised that the counter fraud service provision is a partnership, so co-ordinating policy across multiple organisations is critical to the success of the partnership.

This Policy highlights the key legislation and the roles and responsibilities of Members, Officers and other parties.

Resource Implications:

There are no direct financial implications as a result of this report. However, the adoption of this Whistleblowing Policy will help support the prevention and detection of fraud and reduce potential financial loss to the Council.

Legal Implications:

Whistleblowing is subject to the Public Interest Disclosure Act 1998 which came into force on 2 July 1999 and has been amended by the Enterprise and Regulatory Reform Act 2013. The Whistleblowing Policy is set out to ensure it complies and follows the Legislation. It enables those protected e.g. if you are a worker, employee, office worker, a trainee or an agency worker to make a protected disclosure.

Any breach of the Policy or the revealing of the identify of someone that has made an anonymous disclosure could result in litigation action against the Council and a significant fine.

Risk Management Implications:

If the Council does not have effective Whistleblowing Policy it puts staff members and its reputation at risk. The authority must fulfil its legal obligations in relation to whistleblowing arrangements. Without an appropriate Policy in place the Council is unable to take effective and efficient measures to ensure staff are protected when making allegations of wrongdoing and that staff are protected from vexatious allegations.

Performance Management Follow-up:

The Counter Fraud Unit will review and amend this Policy as necessary, in conjunction with Tewkesbury Borough Council and the four authorities within the GOSS partnership, to ensure that it continues to remain compliant.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

- 1.1 The Council's Whistleblowing Policy was reviewed by Officers in One Legal, the Human Resources section and the Counter Fraud Unit. The Counter Fraud Unit is undertaking a review of a number of policies and procedures to enable data matching and criminal investigations to be legally undertaken and in support of each service area.
- 1.2 All referrals received by the Counter Fraud Unit must be dealt with in the correct manner adhering to regulations, legislation and guidance. This includes internal alerts of wrongdoing which must adhere to whistleblowing legislation.
- 1.3 As such the Counter Fraud Unit was asked to review Tewkesbury Borough Council's revised Policy. It has also been involved in reviewing the four separate policies within the GOSS partnership. The aim was to redraft a best practice policy for all, to facilitate continuity amongst Tewkesbury Borough Council and the GOSS partnership.
- 1.4 The Policy has been initially compiled from a review of our policy and all policies across the region and current legislation.

2.0 WHISTLEBLOWING POLICY

2.1 If an individual is considering raising a concern, the Policy will enable them to understand the type of issues which can be raised, how the person raising a concern will be protected from victimisation and harassment, how to raise a concern and what the Council will do as a consequence of the report.

2.2 In administering its responsibilities, this Council has a duty to protect staff members who choose to alert the authority to wrongdoing and to protect employees against whom vexatious allegations are made.

2.3 The Council has a responsibility to prevent wrongdoing within the authority by promoting high ethical standards and encouraging the exposure of any abuse, thus supporting corporate and community plans.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 The Policy has been compiled from a review of all the policies across the region and current legislation by the Counter Fraud Team. Following the initial drafting of the Policy, the document is now being circulated to Cotswold District Council, West Oxfordshire District Council, Cheltenham Borough Council and the Forest of Dean District Council. Due to the nature of the policy the Trade Unions are currently being consulted. The Policy was presented to the Audit Committee on 21 September 2016.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Anti-Fraud, Corruption and Bribery Policy, the Anti-Bullying and Harassment Policy, Disciplinary and Grievance Procedures, the Constitution, Code of Conduct for Employees and the Members Code of Conduct, RIPA Procedure and Guidance, Financial Rules and Contract Rules.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 Whistleblowing is embedded in the Employment Rights Act 1966 (as amended by the Public Interest Disclosure Act 1998). This legislates 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."

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 It will be essential that the Counter Fraud Team and the HR Team work closely together on any issues relating to staff investigations as the Council's disciplinary process will need to be followed, and the process managed carefully, to ensure any criminal investigation is not compromised and that HR policies are not breached.

Managers should ensure that all staff, including agency staff, consultants and contractors etc. are aware of, and follow, Council policies and procedures.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 The Counter Fraud Team Leader has ensured that the Whistleblowing Policy reflected appropriate ethical considerations and human rights. An equality impact assessment has been undertaken and there are no implications arising from this.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None.

Contact Officer: Janet Martin, HR Manager. Telephone: 01684 272030.
Email: janet.martin@tewkesbury.gov.uk or,

Iona Mosely, Chartered Legal Executive. Telephone: 01684 272067.
Email: iona.mosely@tewkesbury.gov.uk

Appendices:

1. Whistleblowing Policy.
2. Equality Impact Assessment.



COTSWOLD
DISTRICT COUNCIL



WEST OXFORDSHIRE
DISTRICT COUNCIL



CHELTENHAM
BOROUGH COUNCIL

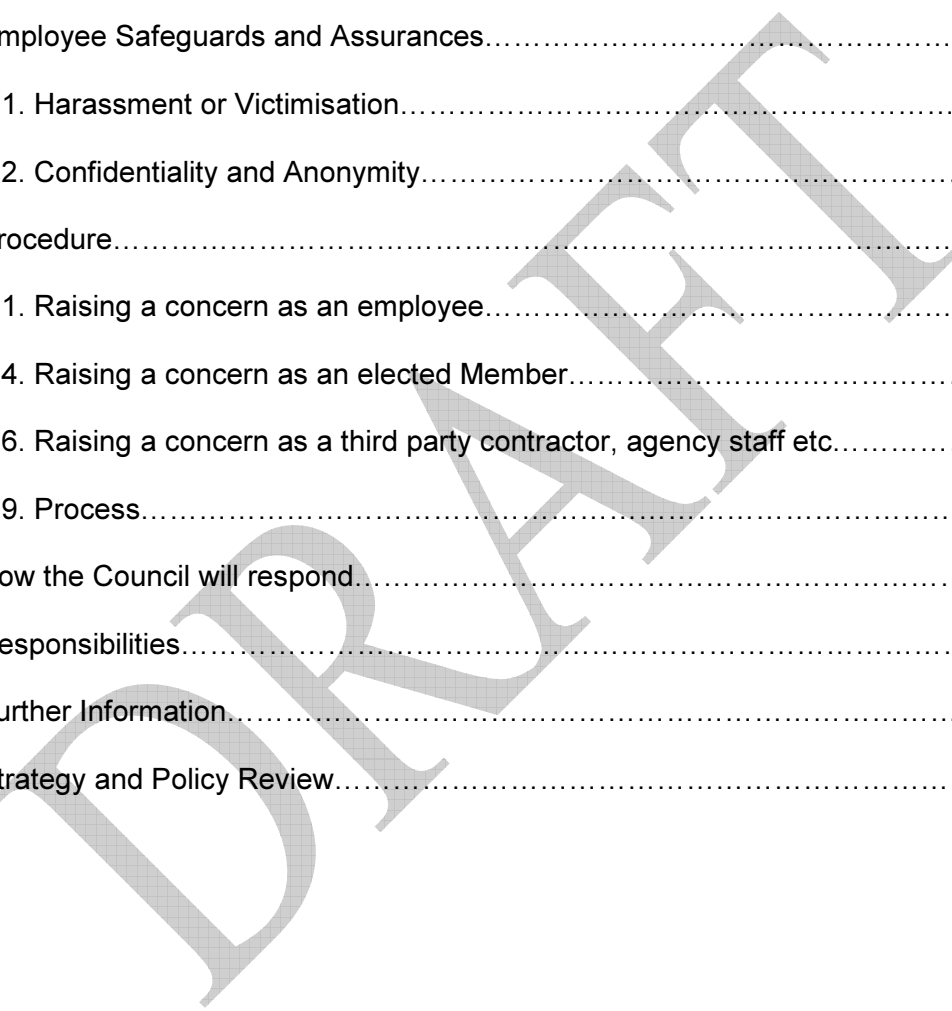


Appendix 1

Whistleblowing Policy

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Whistleblowing Policy

1. INTRODUCTION AND PURPOSE OF THE POLICY

- 1.1. Employees 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'.
- 1.2. Whistle-blowing 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.
- 1.3. Employees 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.
- 1.4. Whistle-blowing law is embedded in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This legislates 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'.
- 1.5. To be covered by this law, an employee who makes a disclosure must reasonably believe two things:
 - That they are acting in the public interest - therefore personal grievances and complaints are not ordinarily covered by whistle-blowing law.
 - That the disclosure of information indicates past, present or future wrongdoing within the following categories:
 - (a) criminal offences which may include financial impropriety such as fraud.
 - (b) failure to comply with legal obligations.
 - (c) miscarriages of justice.
 - (d) endangering another person's health and safety.
 - (e) damage to the environment.
 - (f) covering up any wrongdoing in any of the above.
- 1.6. Employees are not prevented from making disclosures in the public interest by 'gagging clauses' in settlement or compromise agreements.
- 1.7. The Council is now part of various shared service arrangements and it is important that there is clear guidance for anyone wishing to raise an issue. This policy applies to all employees of the Council, and to individuals working within the organisation who are not employees (e.g. contractors, agency staff, volunteers, Members, staff of associated employers etc.)

Whistleblowing Policy

- 1.8. The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we wish to encourage employees and others with serious concerns about any aspect of the Council's work to come forward and voice them without fear of reprisal.
- 1.9. This policy is intended to encourage and enable employees to make disclosures at an early stage, rather than waiting. Individuals 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.
- 1.10. 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.
- 1.11. This policy should be read if you are considering raising a concern to provide clarification in relation to the following:
 - The type of issues which can be raised.
 - How the person raising a concern will be protected from victimisation and harassment.
 - How to raise a concern.
 - What the Council will do as a consequence of the report.
- 1.12. This policy has been agreed with any relevant trade unions or non-union representatives.

2. AIMS AND SCOPE OF THE POLICY

- 2.1. This policy aims to:
 - Encourage staff to raise serious concerns at the earliest opportunity and to question and act upon concerns about practice.
 - Encourage employees to be watchful for illegal or unethical conduct and report anything of that nature that they become aware of. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work.
 - Ensure all reported allegations are treated in absolute confidence, with every effort made by the Council not to reveal a whistle-blower's identity if they so wish. However, it may be necessary for the whistle-blower to become an identified witness at an appropriate time, particularly if it has not been possible to substantiate the allegation by other means. The implications of this and the appropriate support/protection arrangements will be discussed with the whistle-blower. This is detailed at Part 3; Employee Safeguards and Assurances.
 - Ensure all reported allegations are treated fairly, ethically and consistently.

Whistleblowing Policy

- 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 employee who raised the issue, as appropriate.
 - Provide reassurance for those acting in good faith that they will be protected from possible reprisals or victimisation. This means that the continued employment and opportunities for future promotion or training of the employee will not be prejudiced because he or she has raised a legitimate concern. Victimisation of an employee for raising a qualified disclosure is a disciplinary offence.
 - If misconduct is discovered as a result of any investigation under this procedure, the Council's disciplinary procedure will be used, in addition to any other appropriate measures. This could include internal criminal investigation and appropriate further action.
 - Allow whistle-blowing individuals to raise concerns and proceed further if they are dissatisfied with the Council's response. It should be recognised that certain cases will have to proceed on a confidential basis and that feedback will be limited due to legal constraints.
- 2.2. 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.
- 2.3. There are existing procedures in place to enable employees to lodge a personal grievance relating to their own employment. This process does not form part of this policy. For further guidance on whistle-blowing and grievances, employees can contact the Advisory, Conciliation and Arbitration Service (ACAS) at www.acas.org.uk/grievances.
- 2.4. 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 the Head of Human Resources at the earliest opportunity.
- 2.5. 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.
- 2.6. 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.

Whistleblowing Policy

- 2.7. 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, employees should not agree to remain silent. They should report the matter to a chief officer.
- 2.8. This policy and procedure is primarily for issues where the interests of others or of the organisation itself are at risk. That issue may be one of the following (although this list is not exhaustive). The following are examples of concerns that might be raised:
- Financial irregularities including fraud, corruption or unauthorised use of public funds or other assets.
 - Conduct which is against the law, a miscarriage of justice or a failure to meet a legal obligation.
 - Failure to observe health and safety regulations, or actions which involve risks to the public or other employees.
 - Damage to the environment.
 - A criminal offence being committed.
 - Claiming benefits and/or expenses to which there is no entitlement.
 - The conduct of contractors and/or suppliers to the council.
 - Sexual, racial, disability or other discrimination.
 - Neglect or abuse; physical or verbal.
 - Any other unethical conduct, malpractice, negligent or unprofessional behaviour.
 - Discriminatory acts not specifically covered by other procedures.
 - Concealment of any of the above.

3. EMPLOYEE SAFEGUARDS AND ASSURANCES

- 3.1. **Harassment or Victimisation**
- 3.2. 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.
- 3.3. 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 whistle-blower will face serious disciplinary charges.
- 3.4. The Council will support and protect whistle-blowers 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.
- 3.5. 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 whistle-blowing.

Whistleblowing Policy

- 3.6. 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.
- 3.7. **Confidentiality and Anonymity**
- 3.8. All reports will be treated in the strictest of confidence and every effort will be made to protect, and not disclose, the identity of an informant if that is their wish. However, if disciplinary or other proceedings are an option as a result of the investigation it may not be possible to take any action without further assistance, in which case the informant may be asked to become an identified witness and provide a witness statement. It is possible that the identity of the informant will become obvious during the investigation. In addition there is a risk that some colleagues may speculate about the source of the original complaint.
- 3.9. The law does not compel an organisation to protect the confidentiality of a whistle-blower. However, it is considered best practice to do so unless required by law to disclose it.
- 3.10. The subject of the allegations cannot exercise their normal Subject Access Rights under the Data Protection Act 1998 in seeking disclosure of the source of the allegations thus protecting the informant's identity.
- 3.11. Under the Freedom of Information Act 2000 there are clear examples of mitigation against disclosure; in particular information given in confidence cannot be released under such requests.
- 3.12. At all times the informant will receive full support from the Council. There will be a limited number of people aware of the investigation at any one time but there will always be a representative from Human Resources involved in the process.
- 3.13. This policy encourages a whistle-blower to put their name to an allegation. If you do not reveal your identity then you will not receive a response or feedback. It may also make the task of investigating the allegation and protecting the whistle-blower more difficult.
- 3.14. Concerns can of course be raised anonymously but are much less powerful. They can be considered at the discretion of the Council. In exercising this discretion the factors taken into account would include:
- The seriousness of the allegation.
 - The credibility of the concern.
 - The likelihood of confirming the allegation from other sources.

Whistleblowing Policy

4. PROCEDURE

4.1. **Raising a concern as an employee**

4.2. The initial point of contact will depend on the seriousness and sensitivity of the issues involved and who is suspected of wrongdoing. Issues should normally be raised with the Head of Human Resources. A decision can then be made in relation to how the matter will be dealt with and who should be informed.

4.3. Alternatively an employee can speak to their own manager, or someone they feel comfortable talking to. A third party may also attend any meetings for moral support. A whistle-blower may also wish to take advice from, or invite, a trade union or professional association to raise a matter on their behalf. Meetings may be held away from the workplace if necessary.

4.4. **Raising a concern as an elected Member**

4.5. If an elected Member has any concerns about the Council's work, they should raise the matter directly with the Head of Democratic Services, the Head of Paid Service or the Monitoring Officer. In the case of financial irregularity, disclosure may be made to the Chief Finance Officer.

4.6. **Raising a concern as a third party contractor, agency staff etc.**

4.7. Concerns should be raised with the Head of Human Resources, the Head of Paid Service or the Monitoring Officer. In the case of financial irregularity, disclosure may be made to the Chief Finance Officer.

4.8. There are a number of prescribed bodies and organisations who may be contacted if there is a reason not to raise the matter internally. Please see the attachment appended to this policy – Department for Business Innovation and Skills 'Blowing the Whistle to a prescribed person' June 2015. This provides a comprehensive list with contact details therein. The Council would not ordinarily expect a whistle-blower to make disclosures to the media prior to raising the matter internally. If a person does approach the media with their concerns, the informant should expect in most cases to lose their whistle-blowing law rights.

4.9. **Process**

4.10. 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 whistle-blower 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. An informant may be asked if they have any personal interest in the matter.

4.11. When raising an issue or making an allegation it is important that it is made clear that an informant is doing so as a whistle-blower to ensure they are dealt with correctly.

Whistleblowing Policy

- 4.12. Although it is not expected that a person prove beyond doubt that the allegation is correct, it will need to be demonstrated that the allegation has been made in good faith and there are reasonable grounds for concern.
- 4.13. An informant should:
- Remain calm and not be flustered where possible.
 - Make a note of the facts as soon as it is feasible to do so.
 - Be specific with dates, times, locations, names etc.
 - Deal with the matter promptly.
 - Contact someone with the appropriate authority to deal with the matter.
- 4.14. An informant should not:
- Be reticent because they fear they are wrong.
 - Approach, alert or confront individuals directly themselves.
 - Investigate personally – there are important rules of evidence which must be adhered to.
 - Consult or discuss the matter with anyone other than those with the correct authority.
 - Do nothing or leave it to someone else to report.
- 4.15. If approached by someone wishing to whistle-blow, a person should take full details and contact The Head of Human Resources to discuss the matter. It is imperative that employees do not undertake any kind of investigation or intelligence gathering exercise which could compromise the evidence.
- 4.16. It may be necessary for The Head of Human Resources (or other appropriate Officer) to take a preliminary statement to gather more information to entirely understand the situation and nature of the allegation.

5. HOW THE COUNCIL WILL RESPOND

- 5.1. The action taken by the Council will depend on the nature of the issue. The Council will respond to your concerns as quickly as possible; please note that testing the concerns is not the same as accepting or rejecting them.
- 5.2. The overriding principle for the Council will be the public interest. In order to be fair to all employees, including those who may be wrongly or mistakenly accused, initial independent enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. This decision will be made by The Head of Human Resources, The Head of Paid Service, The Monitoring Officer or the Chief Finance Officer. The matters raised may be:
- Investigated internally, either in accordance with internal policy and procedure or in line with criminal investigative regulations where appropriate. Whilst not all allegations will result in criminal action, this is an option open to the Council and it is thus critical that the investigation is conducted in the appropriate manner. Evidence gathered as part of that investigation could form part of the disciplinary process whether or not criminal proceedings commence.
 - Referred to the Police or other external enforcement agency such as the Health and Safety Executive, Environment Agency etc.
 - Referred to the External Auditor.

Whistleblowing Policy

- Form the subject of an independent enquiry.
- 5.3. Concerns or allegations which fall within the scope of existing procedures will normally be referred for consideration under those procedures. In some situations the matter may be resolved without the need for an investigation. Urgent and immediate action may be necessary where the security of relevant information is at risk or to protect the safety of individuals
 - 5.4. If an investigation is appropriate, it may be necessary for this to be carried out under terms of strict confidentiality, i.e. by not informing the subject of the complaint until (or if) it becomes necessary to do so. However, in certain cases, such as allegations of ill treatment of others, suspension from work may have to be considered immediately. Protection of others is paramount in all cases.
 - 5.5. Within ten working days of a concern being raised, the whistle-blower will receive the following in writing:
 - Acknowledgement that the concern has been received.
 - Confirmation of how the Council proposes to deal with the matter.
 - If an investigation is to take place, who will be conducting the investigation.
 - If further investigation is not appropriate, the reasons why.
 - Process information and staff support mechanisms.
 - 5.6. Contact between the whistle-blower and the Officers considering the issues and/or conducting an investigation will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If the matter is on-going then feedback may be limited; if the matter is dealt with promptly then the whistle-blower will be advised on the outcome.
 - 5.7. You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.
 - 5.8. Coordination of any investigation will be undertaken by an appropriate Officer with the authority to do so. The investigator will have the authority to access all necessary data and other resources pertinent to a full, fair and properly conducted investigation.
 - 5.9. The investigation process is independent and will seek to determine whether an irregularity has been committed, and if so, by whom.
 - 5.10. Once an investigation has been completed there are a number of potential outcomes including the following:
 - No case to answer; case closed.
 - Informal action.
 - Formal action; disciplinary action and/or prosecution by the Council. Suspension may also be appropriate.
 - External referral to the Police and/or other body.

Whistleblowing Policy

- 5.11. The Council will do what it can to minimise any difficulties that you may experience as a result of raising a concern. For instance, if you are asked to give evidence in criminal or disciplinary proceedings, the Council will arrange for you to receive appropriate advice and support.
- 5.12. If a member of staff is dissatisfied with the conduct of an investigation, whether as the person under investigation, as the informant, or in any other involved capacity, a complaint may be raised with the Head of Paid Service. A review may then take place.
- 5.13. This Policy does not prevent any person from taking external legal advice.

6. RESPONSIBILITIES

- 6.1. 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 whistle-blowing cases brought to their attention immediately with the Head of Human Resources and provide support to any employee making such a complaint.
- 6.2. Employees should be vigilant and raise any serious concerns about aspects of work or practices which affect the integrity of the Council or safety of employees and/or the public.
- 6.3. Senior and Statutory Officers - Head of Human Resources, Head of Paid Service, Monitoring Officer, Head of Democratic Services and Chief Finance Officer will respond to whistle-blowing submissions positively and within the timescales set out. The Head of Paid Service has overall responsibility for ensuring that the Council adheres to this Policy.
- 6.4. Human Resources will record and deal with any whistle-blowing issues including the provision of any support and advice as required to include attendance at meetings as necessary.

7. FURTHER INFORMATION

- 7.1. Further information on Council policy can be found in the following documents (or equivalent documentation / codes) :
 - The Constitution.
 - Code of Conduct for Employees and the Members Code of Conduct which include information in relation to gifts and hospitality and declaring and registering interests.
 - Counter Fraud and Anti-Corruption Policy.
 - Prosecution Policy.
 - Anti-Money Laundering and Proceeds of Crime Policy.
 - Recruitment and Selection Policy.
 - RIPA Procedure and Guidance.
 - Counter Fraud and Anti-Corruption Investigation Procedures and Guidelines.
 - Financial Rules.
 - Contract Rules or equivalent.
 - Fair Processing Statement.
 - Disciplinary and Grievance Procedures.

Whistleblowing Policy

8. STRATEGY AND POLICY REVIEW

- 8.1. The appropriate department will review and amend this strategy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the vision of the Council.

- 8.2. Responsible Department: Counter Fraud Unit
Date: July 2016
Review frequency as required by legislative changes / every three years.

Equality impact assessments – for services and policies

What is an equality impact assessment?

An equality impact assessment is an important part of our commitment to improving equality practice. The form will help us find out what impact or consequences our functions, policies, procedures and practices have on our citizens, employees and potential employees.

By undertaking an impact assessment, we are able to:

- Take into account the needs, experiences and circumstances of those groups of people who use (or don't / can't use) our services.
- Identify any inequalities people may experience.
- Think about the other ways in which we can deliver our services which will not lead to inequalities.
- Develop better policy-making, procedures and services.

Impact assessment are required by law; The Race Relations Amendment Act, The Disability Discrimination Act and the amended Sex Discrimination Act all require local authorities to assess the impact of their functions, policies, practices and services, or the likely impact of any that are proposed, on equality.

However, our view is that we should be using the results of impact assessment to improve service delivery so that we become more accountable to the people that we serve.

Background

Name of service / policy and date	Whistleblowing Policy
Lead officer	Janet Martin, HR Manager
Other people involved in completing this form	Donna Marks, One Legal

Step 1 - About the project

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<p>What is the aim of the project and what outcomes is it contributing to</p>	<p>The proposed changes to the Whistleblowing Policy have been developed in response to the need to review the current policy and update it to reflect legislative and employer responsibilities. The aim of the policy is ensure that the Council protects staff who report or whistle-blow about any areas of concern within the authority and to safeguard those against whom allegations have been made. The policy also aims to assist the Counter Fraud Unit, by having a policy which can be used not only with this authority, but with the four authorities in the GOSS partnership (Cheltenham Borough Council, Cotswold District Council, West Oxfordshire District Council and the Forest of Dean District Council. The policy has been developed in consultation with the Counter Fraud Unit.</p> <p>The main purpose of the Whistleblowing process is to enable employees, former employees and relevant stakeholders to bring any improper conduct of unlawful action to the attention of the Council or relevant external bodies, while protecting their anonymity, and supporting them through the process. The process is designed to prevent the individual from being the subject of victimisation, harassment or discrimination as a result of their allegations.</p> <p>The Public Interest Disclosure Act 1998 provides for an anti fraud mechanism in all public service environments. This is a way for staff, members and partners to raise concerns about fraud and corruption in confidence.</p> <p>The Whistleblowing process is designed to support individuals who have genuine concerns in the interests of assisting the council in eliminating fraud. Malicious or false concerns will not be tolerated and raising them may result in disciplinary action.</p>
<p>Who are the primary customers of the project and how do they / will they benefit</p>	<p>The primary customers are staff at Tewkesbury Borough Council, ex employees and the Counter Fraud Unit. This policy is applicable to all current and former employees, members, and external stakeholders. It is essential that the Council supports and encourages whistle-blowers, to maintain transparent and efficient working practices, and protects them from potential discrimination or victimisation as a result of their complaints.</p>

<p>How and where is the policy implemented</p>	<p>In order to implement the new policy there will be staff briefings to let staff know about it and how it works. The policy will be available on the intranet and the internet. The Council communicates its commitment to protecting and supporting whistle-blowers via the intranet and additional statements in the complaints procedure and the counter fraud and corruption strategy. The Council believes that a culture of openness and honesty is key to tackling fraud and this process is vital in allowing employees and partners to highlight areas which require investigation.</p> <p>A whistleblower is defined by the Council as an employee, former employee or member of a relevant business who reports misconduct to the Council or to an external organisation which has the power to intervene. The Council supports anyone who has witnessed fraud or has genuine concerns about possible improper conduct by officers or members. The Council aims to promote the confidentiality of the Whistleblowing process, however where the information provided or statement by the whistleblower contributes to a criminal prosecution, this information may be disclosed in court.</p> <p>The whistleblowing process is closely linked to guidance and policy which determines the Council's expectations of staff and inappropriate behaviours. As a result, this procedure may be used in conjunction with policies such as the grievance and disciplinary procedure. An employee may also be advised by the HR team as to what process is most appropriate in their case, e.g. they may be inclined to use the whistleblowing process but a grievance may be a more appropriate course of action and they may be advised to use this process instead to resolve the issue.</p> <p>As a whistleblower is essentially raising a concern about improper action or unlawful conduct in relation to the Council in a protected environment, the whistleblowing process is very closely linked to the supporting framework of policies and procedures which govern the actions of employees within the Council.</p>
<p>What potential barriers might already exist to achieving these outcomes</p>	<p>Fear of potential discrimination or victimisation and defamation of character as a result of raising a complaint.</p>

Step 2 – What do you know already about your existing / potential customers

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What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information	There is no data available.
What does it tell you about who use your service / policy and those that don't?	
What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?	Fear of potential victimisation and harassment and not being believed.
If not, who do you have plans to consult with about the service / policy?	The current Whistleblowing procedure is the result of consultation with trade union representatives, CMT, Audit Committee, and Heads of HR across the other four GOSS authorities.

Step 3 - Assessing Impact

How does your service / policy impact on different groups in the community? The groups in bullets are current priority groups identified by the CSP.

Group	What are you already doing to benefit this group	What are you doing that might disadvantage this group	What could you do differently to benefit this group	No impact on this group
Ethnicity / Race <ul style="list-style-type: none"> • Bangladeshi women • Economic migrants • Chinese community BME young people				There is no impact on this group. No monitoring data is available by Race group on the take-up of the Whistleblowing process. The procedure applies equally to all races and access to information about the

Appendix 2

				procedure is available to all council employees irrespective of race.
Gender and trans-gender <ul style="list-style-type: none"> • Women who are not in work • Trans-gender people 				There is no impact on this group. Although no monitoring data is available on the take-up of this procedure, the procedure applies equally to all genders and access to information about the procedure is available to all council employees irrespective of gender.
Age <ul style="list-style-type: none"> • Older people experiencing isolation and poverty • Vulnerable children and young people 				There is no impact on this group. No monitoring data is available on the take-up of this process by age. Access to the information on and communication about the Whistleblowing procedure is equal, irrespective of age. As a result this procedure has a neutral impact on employees depending on age group.

Appendix 2

				<p>Age-related impairments such as degeneration in sight and hearing will affect older employees disproportionately.</p> <p>However, the accessible formats available to all employees will mediate any potential negative impact this may have on older workers.</p>
<p>95</p> <p>Disability</p> <ul style="list-style-type: none"> • People experiencing mental ill-health • People with physical disabilities • Children and young people with learning difficulties and/or disabilities 				<p>There is no impact on this group. No monitoring data is available on the take-up of this process by disabled and non-disabled stakeholders.</p> <p>Access to information regarding the procedure is available via the council's intranet and council-wide communications.</p> <p>All council communications are available in accessible formats on request as are Council Policies e.g. in Braille and larger print.</p>

				External access to the intranet is assisted through the options to increase text size and to browse Webpages 'Aloud', enabling visually impaired individuals to access information.
Religion or belief <ul style="list-style-type: none"> • Muslim community 		Religion or belief is not being monitored by the Council.		<p>No monitoring data is available on the take-up of this process by stakeholders by religion/faith.</p> <p>Access to the available information on the Whistleblowing process is equal irrespective of their religious belief and as a result the impact of this procedure does not differ depending on group.</p>
Sexual orientation <ul style="list-style-type: none"> • Lesbian women • Gay men • Bi-sexual people 		Sexual orientation is not being monitored by the council.		<p>No monitoring data is available on the take-up of this process by employees by orientation. The information available on the Whistleblowing process is equally accessible irrespective of orientation and as a result the impact of this procedure does not differ depending on group.</p>

<p>Other socially excluded groups or communities</p> <ul style="list-style-type: none"> • People on low incomes • People with poor literacy skills • Gypsies and Travellers 				<p>As the procedure is written in English there is a potential impact on employees whose first language is not English and therefore may struggle reading the policy. It is a universal re-quisite that all Council employees are fluent in English so as to enable them to deliver services and engage with the organisation. In addition, it is expected that HR makes employees aware of council policies in their HR induction and answer any questions they may have.</p>
<p>Staff</p> <ul style="list-style-type: none"> • Who work part-time or on an irregular shift pattern • Staff with caring responsibilities • Staff who are on maternity or paternity leave 				<p>There is no impact on this group. Access to the available information on the Whistleblowing process is equal irrespective of staff in this group; and as a result the impact of this procedure does not differ depending on working full-time, part-time, and caring responsibilities of those on maternity or paternity leave. Staff on maternity</p>

				leave can be kept up to date through keeping in touch days.
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Step 4 - what are the differences

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<p>Are any groups affected in different ways to others as a result of the whistleblowing policy</p>	<p>This procedure applies equally to all Council employees, members, past employees and external stakeholders and provides a confidential service which does not discriminate in any of the equalities strands.</p> <p>Race: There is no negative impact identified in this EQIA by race.</p> <p>Gender: There is no negative impact identified in this EQIA by gender.</p> <p>Disability: There is no negative impact identified in this EQIA on disabled or non-disabled stakeholders</p> <p>Age: There is no negative impact identified in this EQIA by age</p> <p>Sexual Orientation: There is no negative impact identified in this EQIA by sexual orientation.</p> <p>Religious/Faith groups: There is no negative impact identified in this EQIA by religion/ faith.</p>
<p>Does the proposed whistleblowing policy either directly or indirectly discriminate?</p>	<p>No</p>
<p>If yes, what can be done to improve this?</p>	<p>Not applicable.</p>
<p>Are there any other ways in which the service can help support priority communities in Tewkesbury?</p>	<p>None identified.</p>

Step 5 – taking things forward

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<p>What are the key actions to be carried out and how will they be resourced and monitored?</p>	<p>Action Plan Below</p>				
	<p>Recommendation</p>	<p>Key activity</p>	<p>Progress milestones</p>	<p>Officer Responsible</p>	<p>Progress</p>
	<p>Publicise Whistleblowing Policy on the Intranet and internet.</p> <p>This would reinforce the message of support from senior managers and promote the process to all employees.</p>	<p>Publicise the Policy on the Intranet and internet.</p>	<p>Publication of the Policy on the Intranet and internet</p>	<p>HR/Webmaster</p>	<p>Identified location on new website</p>
	<p>Communication</p>	<p>Ensure that employees and managers are aware of the Whistleblowing procedure and how it applies to their role.</p>	<p>Raised awareness and understanding of the procedure. Staff briefings</p>	<p>Communications officer, HR and One Legal</p>	<p>Plan to do staff briefings</p>
<p>Who will play a role in the decision-making process?</p>	<p>Corporate Leadership Team, Managers and Human Resources.</p>				
<p>What are your learning and development needs?</p>	<p>These are contained in the action plan</p>				
<p>How will you capture these actions in your service planning?</p>	<p>This will be captured in the high level service plans.</p>				

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	12 October 2016
Subject:	Anti-Fraud and Corruption Policy
Report of:	Simon Dix, Head of Finance and Asset Management
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Councillor D J Waters
Number of Appendices:	One

Executive Summary:

The Counter Fraud and Anti-Corruption Policy has been developed and updated to confirm latest legislation and to reflect the changes brought about by the creation of the Single Fraud Investigation Services (operated by the Department for Work and Pensions) which subsumed the Council's responsibilities for investigating Housing Benefit Fraud.

The Policy has been developed in consultation with other Gloucestershire authorities and West Oxfordshire District Council in order to provide a platform for the operation of the counter fraud unit.

The Policy was considered by the Audit Committee at its meeting in September 2016 and was recommended to the Executive Committee for approval.

Recommendation:

That the updated Anti-Fraud and Corruption Policy be APPROVED.

Reasons for Recommendation:

In administering its responsibilities; this Council has a duty to prevent fraud and corruption, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or Councillor. The Council is committed to an effective counter fraud and corruption culture, by promoting high ethical standards and encouraging the prevention and detection of fraudulent activities, thus supporting corporate and community plans.

Resource Implications:

There are no direct financial implications as a result of this report. However, the adoption of this Counter Fraud and Anti-Corruption Policy will help support the prevention and detection of fraud and reduce potential financial loss to the Council.

Legal Implications:

As detailed within the Policy.

Risk Management Implications:

If the Council does not have effective counter fraud and corruption controls it risks both assets and reputation.

The Council is required to adopt a Counter Fraud and Anti-Corruption Policy to enable Officers to proactively tackle fraudulent activity against the Council or other public sector bodies.

Performance Management Follow-up:

None directly arising from the report.

Environmental Implications:

None directly arising from the report.

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Council's existing Anti-Fraud and Corruption Policy was approved by Executive Committee in May 2013. It is recommended good practice that the Policy is updated at least every three years.

2.0 UPDATED POLICY

- 2.1** The draft Counter Fraud and Anti-Corruption Policy (Appendix A) has been developed to reflect latest legislation and to reflect the changes from the creation of the Single Fraud Investigation Services (operated by the Department for Work and Pensions) which subsumed the Council's responsibilities for investigating Housing Benefit Fraud.
- 2.2** Following the change in responsibility for investigating Housing Benefit Fraud, the Gloucestershire authorities along with West Oxfordshire successfully bid for £403,000 from the Department of Communities and Local Government to develop a counter fraud unit on behalf of the organisations. The formation of a regional counter fraud team will be able to utilise data matching to gather intelligence and skilled investigators to help counter all forms of fraud against the Councils and Social Housing Providers in the region.
- 2.3** The draft Policy has been developed in consultation with all of the Gloucestershire authorities and West Oxfordshire District Council to provide a platform for the operation of the counter fraud unit. It should also be recognised that the service is a partnership, so co-ordinating policy across multiple organisations is critical to the success of the partnership.
- 2.4** This policy highlights the key legislation and the roles and responsibilities of Members, Officers and other parties.

3.0 CONSULTATION

- 3.1** The policy has been prepared and drafted by the Audit Cotswolds Counter Fraud Team, which is the lead for the Gloucestershire Counter Fraud project. The policy has been initially compiled from a review of all policies across the region and current legislation.
- 3.2** Following the initial drafting of the policy, the document was then circulated to Section 151 Officers at all partner sites (Gloucestershire Districts and the County Council, plus West Oxfordshire District Council) for review.

3.3 This draft was then presented to the Corporate Governance Group for initial comment.

4.0 RELEVANT COUNCIL POLICIES/STRATEGIES

4.1 Anti-Fraud, Corruption and Bribery Policy approved by Executive Committee in May 2013.

5.0 RELEVANT GOVERNMENT POLICIES

5.1 None.

6.0 RESOURCE IMPLICATIONS (Human/Property)

6.1 As detailed within the Policy.

All Council employees and casual workers will need to be made aware of the changes to the updated policy.

It will be essential that the Counter Fraud Team and the HR Team work closely together on any issues relating to staff investigations as the Council's Disciplinary Process will need to be followed and the process managed carefully to ensure any criminal investigation is not compromised and that HR Policies are not breached.

7.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

7.1 None.

8.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

8.1 None.

9.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

9.1 None.

Background Papers: None.

Contact Officer: Emma Cathcart, Audit Cotswolds Tel: 01285 623356

Email: emma.cathcart@cotswold.gov.uk

Appendices: A – Anti-Fraud and Corruption Policy.



COTSWOLD
DISTRICT COUNCIL



WEST OXFORDSHIRE
DISTRICT COUNCIL

Appendix A

Counter Fraud and Anti-Corruption Policy

September 2016

Counter Fraud and Anti-Corruption Policy

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Counter Fraud and Anti-Corruption Policy

1. INTRODUCTION AND PURPOSE OF THE POLICY

- 1.1. In administering its responsibilities; this Council has a duty to prevent fraud and corruption, whether it is attempted by someone outside or within the Council such as another organisation, a resident, an employee or Councillor. The Council is committed to an effective Counter Fraud and Anti-Corruption culture, by promoting high ethical standards and encouraging the prevention, detection and investigation of fraudulent activities.
- 1.2. The Section 151 Officer has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure the proper arrangements for the Council's financial affairs to include the development of financial codes of practice and accounting instructions. Through delegation of duties, the Officer ensures appropriate controls are in place.
- 1.3. The Monitoring Officer has a statutory responsibility to advise the Council on the legality of its decisions and to ensure that the Council's actions do not give rise to illegality or maladministration. It is therefore essential for employees to follow the Council's policies and procedures to demonstrate that the Council is acting in an open and transparent manner.
- 1.4. The Council has a statutory duty to undertake an adequate and effective internal audit of its accounting records and its system of internal controls. The Council's Financial Rules state that 'whenever a matter arises which involves, or is thought to involve irregularities concerning cash, stores or other property of the Council, or any suspected irregularity in the exercise of the functions of the Council, the Director or Head of Service has a duty to immediately notify the Section 151 Officer and the Monitoring Officer, who shall take steps as they consider necessary by way of investigation and report'. Furthermore the Financial Rules also state that each Director and Head of Service is responsible for 'notifying the Section 151 Officer and the Head of Internal Audit immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources.
- 1.5. The Council has a zero tolerance approach to fraud committed or attempted by any person against the organisation or any of its partner agencies. The Council will thoroughly investigate all suggestions of fraud, corruption or theft, from within the Council and from external sources which it recognises can:
 - Undermine the standards of public service that the Council is attempting to achieve by diverting resources from legitimate activities.
 - Reduce the level of resources and services available for the residents of the borough, district or county as a whole.
 - Result in consequences which damage public confidence in the Council and / or adversely affect staff morale.
- 1.6. Any proven fraud will be dealt with in a consistent and proportionate manner. Appropriate sanctions and redress for losses will be pursued, to include criminal proceedings against anyone perpetrating, or seeking to perpetrate, fraud, corruption or theft against the Council.

Counter Fraud and Anti-Corruption Policy

1.7. The Council is committed to the highest possible standards of openness, probity, honesty, integrity and accountability. The Council expects all staff, Councillors and partner organisations to observe these standards and values, which are defined within the Code of Conduct for Employees and the Members Code of Conduct, to help achieve the Council's over-arching priority for the continued delivery of outcomes and value for money for local tax-payers.

2. DEFINITIONS

2.1. **FRAUD:** The term "fraud" is usually used to describe depriving someone of something by deceit, which might either be misuse of funds or other resources, or more complicated crimes like false accounting or the supply of false information. In legal terms, all of these activities are the same crime, theft, examples of which include deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts and collusion.

2.2. Fraud was introduced as a general offence and is defined within The Fraud Act 2006. The Act details that a person is guilty of fraud if he commits any of the following:

- Fraud by false representation; that is if a person:
 - (a) dishonestly makes a false representation, and
 - (b) intends, by making the representation:
 - (i) to make a gain for himself or another, or
 - (ii) to cause loss to another or to expose another to a risk of loss.

- Fraud by failing to disclose information; that is if a person:
 - (a) dishonestly fails to disclose to another person information which he is under a legal duty to disclose, and
 - (b) intends, by failing to disclose the information:
 - (i) to make a gain for himself or another, or
 - (ii) to cause loss to another or to expose another to a risk of loss.

- Fraud by abuse of position; that is if a person:
 - (a) occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person,
 - (b) dishonestly abuses that position, and
 - (c) intends, by means of the abuse of that position:
 - (i) to make a gain for himself or another, or
 - (ii) to cause loss to another or to expose another to a risk of loss.

2.3. In addition the Act introduced new offences in relation to obtaining services dishonestly, possessing, making, and supplying articles for the use in frauds and fraudulent trading applicable to non-corporate traders.

Counter Fraud and Anti-Corruption Policy

- 2.4. **CORRUPTION:** Is the deliberate use of one's position for direct or indirect personal gain. "Corruption" covers the offering, giving, soliciting or acceptance of an inducement or reward, which may influence the action of any person to act inappropriately and against the interests of the organisation.
- 2.5. **THEFT:** Is the physical misappropriation of cash or other tangible assets. A person is guilty of "theft" if he or she dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.
- 2.6. **MONEY LAUNDERING:** Money laundering is the process by which criminals attempt to 'recycle' the proceeds of their criminal activities in order to conceal its origins and ownership whilst retaining use of the funds.
- 2.7. The burden of identifying and reporting acts of money laundering rests within the organisation. Any service that receives money from an external person or body is potentially vulnerable to a money laundering operation. The need for vigilance is vital and any suspicion concerning the appropriateness of a transaction should be reported and advice sought from the Head of Internal Audit. A failure to report a suspicion could compromise an individual and they could be caught by the money laundering provisions. All employees are therefore instructed to be aware of the increasing possibility of receiving requests that are not genuine and are in fact for the purpose of money laundering.
- 2.8. The Council recognises its responsibilities under the Money Laundering Regulations 2007 and the Proceeds of Crime Act 2002. These responsibilities are set out in detail within the Council's Anti-Money Laundering and Proceeds of Crime Policy. The Council's full reporting process is also detailed therein and the designated money laundering reporting officer is identified.
- 2.9. The Council's Legal Team also have their own professional guidance in relation to money laundering which places a duty on Solicitors to report any suspicions. These suspicions may override their legal professional privilege and confidentiality.
- 2.10. **BRIBERY:** The Bribery Act 2010 introduced four main offences, simplified below. Please note, a 'financial' or 'other advantage' may include money, assets, gifts or services within the following:
- **Bribing another person:** a person is guilty of an offence if he offers, promises or gives a financial or other advantage to another person. Further if he intends the advantage to induce a person to perform improperly a function or activity or if he knows or believes the acceptance of the advantage offered constitutes improper activity.
 - **Offences relating to being bribed:** a person is guilty of an offence if he requests, agrees to receive, or accepts a financial or other advantage intending that as a consequence an improper activity or function will be performed improperly or if he knows or believes the acceptance of the advantage offered constitutes improper activity. Where a person agrees to receive or accepts an advantage as a reward for improper activity or function that has been performed. It does not matter whether

Counter Fraud and Anti-Corruption Policy

the recipient of the bribe receives it directly or through a third party, or whether it is for the recipient's ultimate advantage or not.

- Bribery of a foreign public official: a person who bribes a foreign public official is guilty of an offence if the person's intention is to influence the foreign public official in their capacity, duty or role as a foreign public official. A person must also intend to obtain or retain business or an advantage in the conduct of business and must offer, promise or give any financial or other advantage.
- Failure of commercial organisations to prevent bribery: organisations, which include the Council, must have adequate procedures in place to prevent bribery in relation to the obtaining or retaining of business associated with the business itself.

2.11. The Council is committed to ensuring the prevention of corruption and bribery and sets out its policy in relation to the acceptance of gifts and hospitality within the Code of Conduct for Employees and the Members Code of Conduct. Receipt of any gifts or hospitality should be recorded by Officers and Members in the appropriate register. Officers and Members are also required to declare any outside interests that they have which may result in a conflict of interest in respect of transactions and dealings with the Council. Again, any such interests will be recorded in an appropriate register.

2.12. Prior to entering into any business arrangements, all Council Officers and/or business units should ensure that they have taken all reasonable steps to identify any potential areas of risk relating to bribery or corruption. If an Officer has any concerns they must raise them with The Head of Internal Audit.

3. SCOPE

3.1. In relation to any of the above mentioned offences, this policy applies to:

- All employees, including shared service employees, casual workers and agency staff.
- Councillors.
- Committee Members of Council funded voluntary organisations.
- Partner organisations, where the Council has a financial or statutory responsibility.
- Council Suppliers, Contractors and Consultants.
- The general public.

4. AIMS AND OBJECTIVES

4.1. The aims and objectives of the Counter Fraud and Anti-Corruption Policy are to:

- Ensure that the Council has measures in place to guard against fraud and loss and that the Council maximises revenue recovery.
- Safeguard the Council's valuable resources by ensuring they are not lost through fraud but are used for providing services to the community as a whole.
- Create a 'counter fraud' culture which highlights the Council's zero tolerance to fraud, corruption, bribery and theft, which defines roles and responsibilities and actively engages everyone (the public, Councillors, staff, managers and policy makers).

Counter Fraud and Anti-Corruption Policy

4.2. The Council aims to:

- Proactively deter, prevent and detect fraud, corruption, bribery and theft.
- Investigate any suspicions of, or detected instances of fraud, corruption, bribery and theft.
- Enable the Council to apply appropriate sanctions, to include prosecution, and recovery of losses.
- Provide recommendations to inform policy, system and control improvements, thereby reducing the Council's exposure to fraudulent activity.

5. PRINCIPLES

5.1. The Council will not tolerate abuse of its services or resources and has high expectations of propriety, integrity and accountability from all parties identified within this policy. Maintaining this policy supports this vision.

5.2. The Council has a documented Constitution, Scheme of Delegated Powers and Financial Regulations to give Councillors and Officers clear instructions or guidance for carrying out the Council's functions and responsibilities. Responsibility for ensuring compliance with these documents rests with management with adherence being periodically monitored by Internal Audit Services; where breaches are identified these will be investigated in accordance with this policy and the Council's Financial Rules.

5.3. The Council expects that Councillors and Officers will lead by example in ensuring adherence to rules, procedures and recommended practices. A culture will be maintained that is conducive to ensuring probity. Councillors and Officers should adopt the standards in public life as set out by the Nolan Committee, known as the Nolan Principles:

- Selflessness – to take decisions solely in terms of the public interest and not in order to gain for themselves.
- Integrity – not to place themselves under any obligation to outside individuals or organisations that may influence the undertaking of their official duties.
- Objectivity – when carrying out any aspect of their public duties, to make decisions and choices on merit.
- Accountability – to be accountable, to the public, for their decisions and actions and must submit themselves to the appropriate scrutiny.
- Openness – to be as open as possible about the decisions and actions they take and the reasons for those decisions and actions. The dissemination of information should only be restricted when the wider public interest clearly demands it.
- Honesty – to declare any private interests which relate to their public duties and take steps to resolve any conflicts arising in a manner which protects the public interest.
- Leadership – to promote and support these principles by leadership and example.

Counter Fraud and Anti-Corruption Policy

- 5.4. The Council will ensure that the resources dedicated to counter fraud activity are appropriate and any officers involved in delivering these services are trained to deliver a professional counter fraud service to the correct standards ensuring consistency, fairness and objectivity.
- 5.5. All fraudulent activity is unacceptable, and may result in consideration of legal action being taken against the individual(s) concerned. In addition, the Council has in place disciplinary procedures which must be followed whenever staff members are suspected of committing a fraudulent or corrupt act. These procedures are monitored and managed by the Human Resources Team and may be utilised where the outcome of an investigation indicates fraudulent or corrupt acts have occurred.
- 5.6. The Council may pursue the repayment of any financial gain from individuals involved in fraud, malpractice and wrongdoing. The Council may also pursue compensation for any costs it has incurred when investigating fraudulent or corrupt acts.
- 5.7. This policy encourages those detailed within this document to report any genuine suspicions of fraudulent activity. However, malicious allegations or those motivated by personal gain will not be tolerated and, if proven, disciplinary or legal action may be taken. Reporting arrangements in relation to incidents of fraud or irregularity are detailed below.
- 5.8. The Council will work both internally across different departments and with external organisations such as the Police, HM Revenue and Customs and other Councils to strengthen and continuously improve its arrangements to prevent fraud and corruption.
- 5.9. The Council collects and stores data within multiple departments to enable data cleansing, data sharing and data matching. This process can be utilised for the prevention and detection of fraud and the Council will pursue this where appropriate. The Council applies fair processing practices and these are reflected within data collection documents, stationery and other data collection processes such as those required for the National Fraud Initiative.

6. RESPONSIBILITIES

OFFICER / DEPARTMENT	SPECIFIC RESPONSIBILITIES
Head of Paid Service	Ultimately accountable for the effectiveness of the Council's arrangements for countering fraud and corruption.
Section 151 Officer	To ensure the Council has adopted an appropriate Counter Fraud and Anti-Corruption Policy. That there is an effective internal control environment in place and resources to investigate allegations of fraud and corruption.

Counter Fraud and Anti-Corruption Policy

<p>Monitoring Officer</p>	<p>To advise Councillors and Officers on ethical issues, conduct and powers to ensure that the Council operates within the law and statutory Codes of Practice.</p>
<p>Audit Committee</p>	<p>To receive formal assurance from Internal Audit at meetings and an annual opinion report in relation to the Council's control measures and counter fraud activity.</p> <p>The Audit Committee also receives assurance from external audit on the Council's Annual Accounts and Annual Governance Statement.</p>
<p>Councillors</p>	<p>To comply with the Members Code of Conduct and related Council policies and procedures.</p> <p>To be aware of the possibility of fraud, corruption, bribery and theft and to report any genuine concerns to the Head of Internal Audit.</p>
<p>External Audit</p>	<p>Has a duty to ensure that the Council has adequate arrangements in place for the prevention and detection of fraud, corruption, bribery and theft.</p> <p>Has powers to investigate fraud and the Council may invoke this service.</p>
<p>Head of Internal Audit</p>	<p>Responsible for assisting the development and implementation of the Counter Fraud and Anti-Corruption Policy. The Internal Audit Department have a duty to monitor the investigation of any reported issues of irregularity.</p> <p>To ensure that all suspected or reported irregularities are dealt with promptly and in accordance with this policy.</p> <p>That action is identified to improve controls and reduce means, opportunity and the risk of recurrence.</p>

Counter Fraud and Anti-Corruption Policy

	<p>Reporting to the appropriate Senior Officer(s) (Section 151 Officer and Monitoring Officer) with regard to the progress and results of investigations.</p> <p>Reporting annually to the Audit Committee on proven frauds.</p>
<p>Counter Fraud Services</p>	<p>To proactively deter, prevent and detect fraud, corruption, bribery and theft within or against the Council.</p> <p>To investigate all suspicions of fraud, corruption, bribery or theft, within or against the Council, in accordance with the Criminal Procedures and Investigations Act 1996 (CPIA).</p> <p>To consider reputational damage and the public interest test when investigating any instances of fraud, corruption, bribery or theft.</p> <p>To conduct interviews under caution when appropriate in accordance with the Police and Criminal Evidence Act 1984 (PACE).</p> <p>To undertake any surveillance operation or obtaining any communications data, adhering to the Regulation of Investigatory Powers Act 2000 (RIPA) – this is applicable when undertaking criminal investigations only.</p> <p>To comply with the Data Protection Act 1998 when obtaining or processing personal data.</p> <p>To report to the appropriate Senior Officer(s) for decisions in relation to further action.</p> <p>To enable the Council to apply appropriate sanctions, to include criminal proceedings, and to assist in the recovery of losses in accordance with the Council’s Prosecution Policy.</p> <p>To prepare Witness Statements and prosecution paperwork for the Council’s Legal Department.</p>

Counter Fraud and Anti-Corruption Policy

	<p>To attend and present evidence in the Magistrates Court, the Crown Court and Employment Tribunals.</p> <p>To provide recommendations to inform policy, system and control improvements.</p> <p>To provide fraud awareness training and updates for Councillors and staff.</p> <p>To publicise successes where appropriate.</p>
<p>Human Resources</p>	<p>To report any suspicions of fraud, corruption, bribery or theft to the Section 151 Officer, Monitoring Officer and Head of Internal Audit if reported directly to HR or if identified during any disciplinary or internal procedures.</p> <p>To ensure recruitment procedures provide for the obtainment and verification of significant information supplied by applicants.</p>
<p>Strategic Directors, Heads of Service, and Service Managers</p>	<p>The primary responsibility for maintaining sound arrangements to prevent and detect fraud and corruption rests with management.</p> <p>To promote staff awareness and ensure that all suspected or reported irregularities are immediately referred to the appropriate Senior Officer.</p> <p>To ensure that there are mechanisms in place within their service areas to assess the risk of fraud, corruption, bribery and theft. To reduce these risks by implementing internal controls, monitoring of these controls by spot checks and to rectify weaknesses if they occur.</p>

Counter Fraud and Anti-Corruption Policy

<p>Staff</p>	<p>To comply with Council policies and procedures when conducting their public duties.</p> <p>To be aware of the possibility of fraud, corruption, bribery and theft and to report any genuine concerns. Staff may report suspicions as detailed below.</p> <p>Referrals can also be made in confidence in accordance with the Council's Whistleblowing Policy.</p>
<p>Public, Partners, Suppliers, Contractors and Consultants</p>	<p>To be aware of the possibility of fraud and corruption within or against the Council and to report any genuine concerns or suspicions as detailed below.</p>

7. APPROACH TO COUNTERING FRAUD

- 7.1. The Council has a responsibility to reduce fraud and protect its resources by enabling counter fraud services to complete work in each of the following key areas:
- 7.2. **DETERRENCE:** The best deterrent is the existence of clear procedures and responsibilities making fraud and corruption difficult to perpetrate and easy to detect. As detailed already within this policy, the Council has a number of measures in place to minimise risk:
- Clear codes of conduct for Officers and Members.
 - Register for declarations of interest / gifts and hospitality for Members and Officers.
 - Clear roles and responsibilities for the prevention and detection of fraud, corruption, bribery and theft including an Audit Committee, an appointed Monitoring Officer, Section 151 Officer and trained counter fraud staff.
 - Effective ICT security standards and usage policies.
 - The application of appropriate sanctions and fines as detailed below.
- 7.3. The existence of an effective Internal Audit Team is a prime deterrent for fraud and corruption. The Internal Audit Team analyse and identify potential areas at risk of fraudulent abuse with the assistance of the Council's Corporate team, efficient and effective audits of principal risk areas can then be conducted.
- 7.4. The Council will promote and develop a strong counter fraud culture, raise awareness and provide information on all aspects of its counter fraud work. This may include advice on the intranet, fraud e-learning tools, publicising the results of proactive work, investigating fraud referrals and seeking the recovery of any losses.

Counter Fraud and Anti-Corruption Policy

- 7.5. **PREVENTION:** The Council will strengthen measures to prevent fraud. Internal Audit will work with management and policy makers to ensure new and existing systems, procedures and policy initiatives consider any possible fraud risks. Any audit conducted will also consider fraud risks as part of each review and ensure that internal controls are in place and maintained to combat this.
- 7.6. Important preventative measures include effective recruitment to establish the propriety and integrity of all potential employees. Recruitment is carried out in accordance with the Council's Recruitment and Selection Policy and provides for the obtainment and verification of significant information supplied by applicants.
- 7.7. The Council will undertake any internal remedial measures identified by any investigation to prevent future recurrence at the first opportunity.
- 7.8. **DETECTION:** A record of fraud referrals received will be maintained by Internal Audit (and other departments as applicable). This record helps to establish those areas within the Council most vulnerable to the risk of fraud. In addition, a consistent treatment of information and independent investigation is ensured. A Council wide fraud profile is created which then informs any detailed proactive work.
- 7.9. Internal Audit leads in the National Fraud Initiative (NFI) for the Council. The Council is legislatively required to participate in a national data matching exercise. Particular sets of data are provided and matched against other records held by the Council or external organisations. Where a 'match' is found it may indicate an irregularity which requires further investigation to establish whether fraud has been committed or an error made. An officer in the Internal Audit team is designated as the 'Key Contact' for this process. The initiative also assists in highlighting areas which require more proactive investigation. The Council may engage in other data matching/sharing for the purposes of fraud prevention and detection, and for the recovery of monies owed.
- 7.10. Safeguarding and deterrent internal controls and monitoring procedures are established for financial and other systems within the Council, for example those set out within the Council's Financial Rules / Contract Rules.
- 7.11. The Council relies on employees, Councillors and the public to be alert and to report any suspicions of fraud and corruption which may have been committed or that are allegedly in progress. Managers should be vigilant and refer any matters which may require additional monitoring to the Head of Internal Audit.
- 7.12. **INVESTIGATION:** The Council will investigate all reported incidents of fraud or irregularity using its counter fraud resources. The Council will ensure the correct gathering and presentation of evidence in accordance with the Criminal Procedures and Investigations Act 1996.
- 7.13. Investigations will make due reference to Employment Law as necessary and be conducted within a reasonable time in accordance with the Human Rights Act 1998. Investigations will also adhere to and comply with other applicable legislation such as the Police and Criminal Evidence Act 1984, Data Protection Act 1998 and the Freedom of Information Act 2000 as appropriate.

Counter Fraud and Anti-Corruption Policy

- 7.14. Officers may utilise investigative tools and gain intelligence utilising a number of legal gateways and data sharing agreements. This may include membership to third party organisations such as the National Anti Fraud Network (NAFN).
- 7.15. When investigating allegations of fraud and corruption, the Council may be required to conduct surveillance. The Council must comply with the Regulation of Investigatory Powers Act 2000 which ensures that investigatory powers are used in accordance with human rights. To ensure compliance the Council has a written procedure detailing who may authorise covert surveillance and the use of covert human intelligence sources. Standard documentation has been adopted which must be used by an Officer when seeking such authorisation.
- 7.16. Officers may also need to acquire intrusive and sensitive communications data when conducting an investigation. This is permissible however; the Council must adhere to the Regulation of Investigatory Powers Act 2000 when applying for this information and the correct nominated single point of contact must be used. As above, specific details are set out within the RIPA written procedure.
- 7.17. Further information in relation to the use of the above and protocol for Officers when investigating irregularities is set out within the Council's Counter Fraud and Anti-Corruption Investigation Procedures and Guidelines. These include the need to:
- Deal promptly with the matter.
 - Record all evidence received.
 - Ensure that evidence is sound and adequately supported.
 - Conduct interviews under caution when necessary.
 - Ensure security of all evidence collected.
 - Contact other agencies if necessary e.g. Police, Trading Standards, HM Revenue and Customs.
 - Notify the Council's insurers.
 - Implement Council disciplinary procedures where appropriate.
 - Attend court and present evidence.
- 7.18. **SANCTIONS:** The Council will apply considered sanctions to individuals or organisations where an investigation reveals fraudulent activity. This may include:
- Appropriate disciplinary action in line with the Disciplinary Policy.
 - Fines and penalties.
 - Criminal proceedings.
 - Civil proceedings to recover loss.
- 7.19. **REDRESS:** A crucial element of the Council's response to tackling fraud is seeking financial redress. The recovery of defrauded monies is an important part of the Council's strategy and will be pursued in line with internal debt recovery processes and legal redress i.e. Confiscation Orders and the application of the Proceeds of Crime Act 2002.

Counter Fraud and Anti-Corruption Policy

7.20. **CONTROL FAILURE RESOLUTION:** In addition to the above, Internal Audit also prepares a risk based annual Audit Plan that details the key objectives and areas of work for the year. Within these work areas indicators for fraud are considered. Internal Audit will also respond to requests from management where there may be concerns over the effectiveness of internal controls. The work plan is agreed and monitored by the Audit Committee and Section 151 Officer.

8. REPORTING, ADVICE AND SUPPORT

- 8.1. The Council's expectation is that Councillors and managers will lead by example and that employees at all levels will comply with the Constitution, Council Policies, Financial Regulations, Procurement Regulations, Financial and Contract Procedure Rules, codes of conduct and directorate procedures.
- 8.2. The Council recognises that the primary responsibility for the prevention and detection of fraud rests with management. It is essential that employees of the Council report any irregularities, or suspected irregularities to their Line Manager and if this is not appropriate then to the Head of Internal Audit.
- 8.3. The Council must create the right environment so that anyone can raise concerns in respect of irregularities with the knowledge that they will be treated seriously and confidentially. The Council will provide all reasonable protection for those who raise genuine concerns in good faith, as confirmed in the Council's Whistleblowing Policy.
- 8.4. If the informant is a member of the public or external contractor, they can contact the Internal Audit Team at the Council to report the suspicion. This can be done anonymously. A hotline number for reporting suspicions may also be established and if so, can be found on the Council's website. The Council's complaint procedure may also be utilised but may not be the most appropriate channel.
- 8.5. The above process does not relate to reporting Housing Benefit Fraud allegations (which are now dealt with by the Department for Work and Pensions) or to Council Tax Reduction Scheme offences. The informant should contact the Officer nominated to deal with this; details can be found on the Council's website within the Revenues and Benefit Section information.
- 8.6. The Officer who receives the allegation (whether from a Councillor or a Council employee) must refer the matter to the Head of Internal Audit and/or the Counter Fraud Officer within Internal Audit, to determine how the potential irregularity will be investigated and to whom the allegation should be discussed within the Council. This is to ensure correct investigative procedures are adhered to and that any potential fraud enquiry is not compromised.
- 8.7. As appropriate, reports will be issued to the Monitoring Officer, Head of Paid Service, Section 151 Officer, Senior Officers, and Executive Members etc. where the irregularity is material and/or could affect the reputation of the Council. Decisions will then be made with regard to the most appropriate course of action. Communications and publicity will also be managed if the matter is likely to be communicated externally.

Counter Fraud and Anti-Corruption Policy

- 8.8. If the investigation relates to an employee then Human Resources will be engaged and the Council's Disciplinary Procedure will also be considered however this will be managed carefully to ensure any criminal investigation is not compromised.
- 8.9. The Council's Counter Fraud and Anti-Corruption Investigation Procedures and Guidelines provide further detail about reporting.
- 8.10. The Council will also work in co-operation with the following bodies (and others as appropriate) that will assist in scrutinising our systems and defences against fraud, bribery and corruption:
- Local Government Ombudsman.
 - External Audit.
 - The National Fraud Initiative.
 - Central Government Departments.
 - HM Revenue and Customs.
 - The Police.
 - Trading Standards.
 - The Department for Work and Pensions.
 - Immigration Services.
 - The Chartered Institute of Public Finance and Accountancy (CIPFA).
 - The Institute of Revenues Rating and Valuation (IRRV).
- 8.11. As detailed within this document and the Council's Whistleblowing Policy, any concerns or suspicions reported will be treated with discretion and in confidence. Key contacts include:

Section 151 Officer – <i>Simon Dix 01684 272005</i>	Write to: Counter Fraud Services c/o Revenues & Benefits Council Offices
Monitoring Officer - <i>Sara Freckleton 01684 272011</i>	
Head of Internal Audit - <i>Graeme Simpson 01684 272002</i>	
Counter Fraud Officer – <i>Simon Holmes 01684 272135</i>	

9. FURTHER INFORMATION

- 9.1. Further information on Council policy can be found in the following documents (or equivalent documentation / codes) :
- The Constitution.
 - Code of Conduct for Employees and the Members Code of Conduct which include information in relation to gifts and hospitality and declaring and registering interests.
 - Whistleblowing Policy.
 - Prosecution Policy.
 - Anti-Money Laundering and Proceeds of Crime Policy.

Counter Fraud and Anti-Corruption Policy

- Recruitment and Selection Policy.
- RIPA Procedure and Guidance.
- Counter Fraud and Anti-Corruption Investigation Procedures and Guidelines.
- Financial Rules.
- Contract Rules or equivalent.
- Fair Processing Statement.
- Disciplinary Procedure.

10. STRATEGY AND POLICY REVIEW

- 10.1. The appropriate department will review and amend this strategy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the vision of the Council.
- 10.2. Responsible Department: Counter Fraud Unit
Date: September 2016.
Review frequency as required by legislative changes / every three years.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	12 October 2016
Subject:	Anti-Bullying and Harassment Policy
Report of:	Graeme Simpson, Head of Corporate Services
Corporate Lead:	Mike Dawson, Chief Executive
Lead Member:	Councillor Mrs E J MacTiernan
Number of Appendices:	Two

Executive Summary:

The Anti-Bullying and Harassment Policy has been refreshed to ensure that it is fit for purpose.

Recommendation:

That the amendments to the current Anti-Bullying and Harassment Policy be AGREED, to take effect from 1 November 2016.

Reasons for Recommendation:

The policy must give employees who believe that they have been bullied or harassed at work a route to raise the issue either informally or formally and it is important that the policy is fit for purpose, so that there are changes in behaviour. There are legal liabilities that can arise from a failure to act and there can be serious consequences for the health and wellbeing of individuals. This policy supports the right of all people to be treated with dignity and respect at work and provides procedures to deal with any issues of bullying or harassment in the Council.

Resource Implications:

These are contained within the body of the report.

Legal Implications:

The policy assists the Council in having a clear and fair procedure in place to deal with allegations of bullying and harassment. In accordance with the Equality Act 2010, certain forms of harassment at work will amount to unlawful discrimination. Harassment will amount to discrimination if it relates to a "relevant protected characteristic". Specifically, harassment is unlawful if it relates to: sex; gender reassignment; race, which includes colour, nationality, ethnic or national origins; religion or belief; sexual orientation; disability; or age. It is important that the authority has an anti-bullying and harassment policy, in order to make sure that all employees know that bullying and harassment at work will not be tolerated and instances of such behaviour will be viewed as misconduct leading to disciplinary action up to and including summary dismissal.

Risk Management Implications:

The policy gives all staff, who believe that they have either been bullied or harassed, guidelines on what action can be taken to mitigate the risk of further incidents of bullying or harassment.

Performance Management Follow-up:

The issues raised are monitored by the Human Resources section. The policy will be kept under review and updated in accordance with changes in equalities legislation and good practice.

Environmental Implications:

None arising directly from this report.

1.0 INTRODUCTION/BACKGROUND

1.1 Bullying or harassment of any nature is always unacceptable; it could result in increased staff turnover, high levels of stress and anxiety, reduced job performance, undermine morale and affect the personal lives of those who suffer. This policy provides a way to heighten awareness of the need for fair treatment, for individuals to raise issues about bullying or harassment and have these issues dealt with quickly, fairly, sympathetically and confidentially.

1.2 The current policy was agreed on 6 June 2012. The amendments to the policy are highlighted in the attached Appendix.

2.0 ANTI-BULLYING AND HARASSMENT POLICY

2.1 The Council is committed to creating a work place environment that is free from bullying and harassment, where everyone is treated with dignity and respect. This policy sets out the Council's commitment to adopting a zero-tolerance approach towards bullying and harassment, and how employees can raise issues formally and the procedures in place for dealing with them. The aim of the policy is to change behaviour and to ensure that staff comply with our core values and behaviours.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 Trade Unions and Management.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 HR Strategy, HR Service Plan, Whistleblowing Policy, Absence Management Policy and Disciplinary and Grievance Procedures.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 The key areas of legislation are the Equality Act 2010, the Data Protection Act 1998 and the Employment Rights Act 1996, and the Health and Safety at Work Act 1974.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 These are contained within the body of the report.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 An equality impact assessment has been carried out.

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None.

Background Papers: None.

Contact Officer: Janet Martin – Human Resources Manager. Tel: 01684 272057
Email: janet.martin@tewkesbury.gov.uk

Appendices:

1. The Anti-Bullying and Harassment Policy.
2. Equality Impact Assessment.

ANTI-BULLYING AND HARASSMENT POLICY

1.0 INTRODUCTION

1.1 The council is committed to providing a work place environment free of bullying and harassment, where everyone is treated with dignity and respect. Bullying or harassment can have serious consequences for the council and the health and wellbeing of individuals.

Bullying or harassment of any nature is always unacceptable; it may make people unhappy, it could result in loss of valued staff, high levels of stress and anxiety, reduced job performance, undermine morale and affect the personal lives of those who suffer. This policy provides a way to heighten awareness of the need for fair treatment, for individuals to raise their concerns about bullying or harassment and have these concerns dealt with quickly, fairly, sympathetically and confidentially.

1.2 This council is committed to providing a working environment for its entire staff that is comfortable and free from all forms of bullying and harassment. The council adopts a zero- tolerance approach towards bullying and harassment.

1.3 If the council has evidence to believe that an employee may have been bullying or harassing another employee, whether or not there has been a formally raised issue, the council will instigate an investigation.

1.4 Any employee who believes that another employee's conduct amounts to bullying or harassment has the absolute right to raise it as an issue to their line manager/human resources or if the issue is about the line manager, the next level manager.

1.5 Employees are encouraged to report any incidents of bullying or harassment that they experience or witness so that the council can investigate and resolve the matter. The council will take all such incidents seriously and an employee who raises a genuine incident of bullying or harassment will be protected and will not be penalised or victimised in any way. Victimisation is a disciplinary offence.

2.0 THE POLICY AIMS TO:

2.1 Prevent all forms of bullying and harassment by employees towards other employees of the council.

2.2 Help identify when bullying or harassment takes place.

2.3 Illustrate actions which may be regarded as bullying or harassment.

2.4 Provide a way for employees who believe they have been bullied or harassed to bring about action to stop the bullying and harassment without fear of reprisal.

2.5 Reassure employees that any issue will be taken extremely seriously and will be dealt with in a timely manner and treated in confidence. Any information relating to concerns about an employee's conduct or behaviour, investigations or disciplinary hearings and action should be disclosed only to those who have a direct involvement in dealing with these concerns, emphasising the need for confidentiality.

2.6 Warn employees found guilty of harassment or bullying that they may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships adversely affected. Serious harassment may be a criminal offence.

3.0 SCOPE

3.1 This policy applies to all employees of Tewkesbury Borough Council, contractors, agency staff and anyone engaged to work at the council, whether by direct contract with council or otherwise. If the complainant or the alleged harasser is not employed by the council, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the council could not dismiss the worker but would instead ask the agency to remove the worker, whilst the investigation and any disciplinary proceedings are concluded. The position regarding the Chief Executive, Chief Officers, and Elected Members, is dealt with in Sections 3.3 and 12, Responsibilities.

3.2 Bullying and harassment of employees by members of the public will not be tolerated. All incidents raised will be taken seriously and dealt with in line with this policy.

3.3 As paragraph 3.1 makes clear the principles and requirements of this policy apply to all officers of the council. It may be necessary however to modify the procedure where necessary, for example where the complaint is made against the Chief Executive or a Chief Officer and in the absence of a more senior officer to investigate it is necessary to use external people to investigate.

4.0 POLICY STATEMENT

4.1 It is the policy of Tewkesbury Borough Council to support the right of all people to be treated with dignity and respect at work. Any behaviour that undermines this is totally unacceptable. We know that workplace bullying and harassment has a detrimental and negative affect on individuals and therefore operational efficiency. We are committed to making every effort to provide a working environment free from bullying or harassment. In particular, this includes abusive or offensive behaviour or actions with regard to gender, race, sexual orientation, gender reassignment, disability, religion/belief or age. Our aim is to provide a working environment that respects the rights of each individual employee and where colleagues treat each other with the utmost respect and dignity.

4.4 All matters relating to any part of this policy are to be treated in the strictest confidence, given the sensitivity of such matters. This applies whether at an informal stage, or in obtaining relevant information at investigatory or disciplinary stages. Any breach of confidentiality may involve disciplinary action against those responsible.

4.5 This policy also applies to behaviour at or after work related functions held outside of normal working hours, either on or off the council's premises, such as Christmas parties, leaving celebrations, working lunches etc., if it has a bearing on the working relationship. Detrimental texts sent via mobiles or images of work colleagues posted on external websites following work events could amount to bullying.

4.6 Disciplinary action under the Disciplinary Procedure may be taken against any employee considered to be in breach of this policy. Mediation and training may be appropriate in addition to or instead of action under the disciplinary procedure.

4.7 Employees will be protected from intimidation, victimisation, and discrimination or from suffering any other form of detriment for making a complaint or assisting in an investigation.

5.0 **DEFINITION**

5.1 Bullying and harassment are illegal on a number of grounds. If insufficient steps are taken to protect employees against harassment or bullying, the council could face claims for compensation and even criminal damage. The key areas of legislation are the Equality Act 2010, the Data Protection Act 1998 and the Employment Rights Act 1996, and the Health and Safety at Work Act 1974. The council and individuals can be ordered to pay unlimited compensations where discrimination-based harassment has occurred, including the payment of compensation for injury to feelings.

Harassment is defined by the Equality Act 2010 as “unwanted conduct having the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.” Unwanted conduct having the prescribed purpose or effect will be unlawful if it includes:

- On grounds of race or ethnic or national origins
- On the grounds of the complainant’s sex
- On the grounds of religion or belief
- On the grounds of sexual orientation
- On the grounds of age
- On the grounds of disability
- On the grounds of gender re-assignment

This is not an exhaustive list of harassment further examples are described below.

5.2 Many people have different views about where the boundaries lie. This policy recognises the wide range of possible situations which might be encountered in the workplace, from “innocent” or inadvertent behaviour, which nevertheless offends, through to more serious cases of deliberate and persistent bullying or harassment.

5.3 Bullying can manifest itself in persistent, offensive, abusive, intimidating, malicious or insulting behaviour, or perhaps a misuse of sanctions. It can make the recipient feel upset, threatened, humiliated or vulnerable, undermine self-confidence and may cause stress. The behaviour is unsolicited, fails to respect the rights and dignity of others, and in doing so it also fails to recognise the impact that the behaviour or actions may have.

5.4 These actions may not always be face to face, but can be via the telephone, written correspondence, e-mail, social networks, text messages or any medium which results in an adverse effect on the individual’s performance, personal safety or well being.

5.5 Each person has the right to decide what behaviour is either acceptable or unacceptable; if an individual finds certain behaviour unacceptable and they feel **offended or humiliated** by it, then that individual has every right to say so, and their right to do so will be respected. If the individual feels that they have been treated in a way that is demeaning and unacceptable then they have grounds **to raise it as an issue**. Legally, the intention of the person who carried out the action is seen as irrelevant.

5.6 Conduct which may amount to bullying or harassment is often not intended to cause offence but occurs because of a lack of awareness of other peoples feelings.

6.0 EXAMPLES OF BULLYING AND HARASSMENT

6.1 The terms bullying and harassment are often regarded interchangeably. This list includes some examples of bullying or harassment covered by this policy (it is not an exhaustive list).

6.2 Physical: unwanted physical contact or intimidation, including unnecessary touching, patting or brushing against another employee, assault, coercing sexual behaviour, physical threats, insulting or abusive behaviour or gestures.

6.3 Verbal: remarks about appearance, derogatory or lewd comments, innuendoes, persistent name calling, statements which are suggestive, unwelcome, and abusive and offensive.

6.4 Behaviour: that denigrates or ridicules; intimidatory or physical abuse; making threats; attempts to stir up hatred against an individual or group.

6.5 Other: display or circulation of material (posters, magazines, calendars) which are sexually or racially offensive or degrading.

6.6 The following list gives more specific examples of behaviour which may amount to bullying or harassment, it is not exhaustive:

- Humiliating or ridiculing others about their work
- Ordering others to work below their level of competence for no reason
- Removing areas of responsibility without consultation
- Spreading rumours or gossip
- Ignoring or sending others to “Coventry”
- Shouting
- Spontaneous rages, often over trivial matters
- Invading personal space, shoving, blocking or barring the way
- Suggesting that others should leave the organisation
- Being hostile to others
- Constantly criticising others’ work and efforts
- Ignoring the views of others
- Practical jokes
- Setting unreasonable tasks or deadlines
- Making false allegations against others
- Engaging in excessive monitoring of the work of others
- Removing the rights of others
- Unreasonably obstructing an individual’s progress at work by blocking promotion or training opportunities without a genuine business reason
- Continuously or unreasonably blocking leave or preventing the use of flexi-time working hours (where flexi-time is in operation)
- Causing embarrassment by disciplining staff in public

7.0 WHAT IS NOT “BULLYING” OR “HARASSMENT”

7.1 There is a need for employee performance to be managed in order to bring about the aims of the council and this policy does not seek to diminish a manager’s ability to do this. Legitimate and constructive criticism of an employee’s performance or behaviour at work, which is delivered in an appropriate manner, is not bullying or harassment. It is also recognised that an occasional raised voice, difference of opinion or argument **may not** constitute bullying.

7.2 However, it is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

8.0 UNTRUE ALLEGATIONS

8.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against that employee and in such circumstances the council may not be able to preserve the confidentiality of the complainant.

9.0 THIRD PARTY HARASSMENT

9.1 The council could be found to be liable for harassment of an employee in the course of his or her employment, based on any of the protected characteristics. If management are aware that a third party for example a customer, client or supplier has subjected an employee to harassment on at least two previous occasions. The third party could be the same or a different person on each occasion and the employee may not necessarily suffer the same type of harassment.

10.0 HARASSMENT BASED ON ASSOCIATION

10.1 It is unlawful to discriminate against or harass any individual for association with another individual who has a protected characteristic. For example, if an employee is denied a promotion because she is taking care of a disabled relative and the line manager thinks that the employee will not have any time for new duties, this would amount to associative discrimination as disability is one of the specified protected characteristics.

11.0 HARASSMENT BASED ON PERCEPTION

11.1 It is unlawful to discriminate against or harass any individual based on perception that he or she has a protected characteristic when he or she does not, in fact, have the protected characteristic. For example, a male employee may look much older than his age. If the council does not allow him to make presentations to external customers because his line manager thinks that he is too old, the employee has been discriminated against because of a perception of the protected characteristic of age, even though he may be relatively young.

12.0 RESPONSIBILITIES

12.1 Employees

12.1.1 All employees have a personal responsibility not to behave in a way that could be offensive to others and should comply with the spirit and content of the policy and treat colleagues fairly and with dignity and respect. They should make it clear when they find another's behaviour unacceptable either informally, or if necessary, through the formal procedure. All employees have a responsibility to challenge unacceptable behaviour.

12.2 Managers

12.2.1 Managers have a responsibility to create a working atmosphere encouraging acceptable behaviour amongst their employees. They should also be responsive and supportive to any employee who **raises an issue** of harassment or bullying, and to the employee accused. Managers will act quickly, provide clear advice on the procedure, maintain confidentiality and monitor the situation after the **issue** has been resolved. **If the manager recognises unacceptable behaviour, they should take initial steps to the resolve the issues.**

12.3 Human Resources

12.3.1 It is the responsibility of Human Resources to ensure procedural compliance and fairness. They will ensure the complainant and the respondent are informed of the procedure and kept up to date on what actions are being taken. They will be involved in the investigation and will advise the investigating officer on the correct procedure. A Human Resources Officer should be present at any formal meetings held.

12.4 Elected Members

12.4.1 Councillors undertake on accepting office to comply with the provisions of the Tewkesbury Borough Council Protocol for Member/Officer Relations and the Member Code of Conduct. The Code contains certain express obligations (such as the requirement not to bully any person, to treat people with respect and to do nothing to bring the council or the Councillor's office into disrepute). A breach of these obligations may render a councillor liable to investigation. If a breach of the Code is found, sanctions may be imposed.

12.4.2 Elected Members carry out some of their duties in the workplace and will come into contact with the council's employees. Elected Members will be expected to conduct themselves in a way that is consistent both with the provisions of their Code and this policy.

13.0 PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT

13.1 Advice

13.1.1 The council recognises that it can be difficult to raise an issue of bullying or harassment, but anyone being bullied must take action. Tewkesbury Borough council has developed both an informal and formal procedure to ensure that **issues** are dealt with in a sensitive and confidential manner.

13.1.2 Employees who believe they are being bullied or harassed may wish to discuss their particular situation before deciding what action to take. The council operates an open door policy to discuss workplace problems and employees can fully discuss the matter with their manager on an informal basis. However, if this is not appropriate, employees can discuss the situation with a member of the Human Resources section, a Trade Union Representative, the next higher level manager or work colleague or with a Contact Officer who can act either as a "listening ear" or give advice on measures which can be taken to resolve the situation. A list of Contact Officers can be found on the intranet. The Contact Officer's role is described in paragraph 14.

13.1.3 Any one giving advice will:

1. Ensure the conversation remains confidential as far as possible
2. Listen sympathetically
3. Help employees consider objectively what has happened
4. Discuss what outcome the employee would wish to see
5. Draw attention to the available procedures and options
6. Help weigh up the alternatives, but without pressure to adopt any particular course
7. Assist the employee in dealing with the situation (if the employee asks for help)

13.1.4 Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious or potentially unlawful, the council reserves the right to investigate the situation – as it has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged bully/harassers behaviour.

14.0 **CONTACT OFFICERS**

14.1 The Contact Officer will meet the individual and maintain where possible confidentiality. They will provide support to employees raising the issue(s) of bullying and/or harassment, explain how the policy works, establish the facts from the employee's point of view, agree appropriate action with the employee and aim to prevent a re-occurrence.

14.2 There may be circumstances where the Contact Officer may be compelled to act in order to protect other employees or the council's position. In these circumstances the approach will be agreed with the employee and anonymity maintained where possible. In cases of such a serious nature that anonymity cannot be protected, the employee will be advised by the Contact Officer.

14.3 The role of the Contact Officer is to work with the individual to identify informal resolution. If the individual decides to take the case to a formal level the role of the Contact Officer ceases.

15.0 **MEDIATION**

15.1 To help an employee or group of staff to address and resolve bullying or harassment in the workplace, a process of mediation could be available within both the informal and formal procedures. Mediation is a process which brings together people in the presence of an impartial third party, which facilitates the individuals to come to a joint resolution. Mediation seeks to provide a speedy solution to individual workplace conflict. The process is flexible and entirely voluntary. The process offers a safe, confidential space for parties to find solutions that are acceptable to each side.

15.2 The mediation process will be conducted as follows:

- The parties concerned, not the mediator, decide on the terms of any resolution. The mediator does not offer advice or solutions, but facilitates that all possible options are explored to provide an agreed resolution.
- The service will be co-ordinated by the Human Resources Section. Mediation and the choice of mediator must be agreed by both parties.
- The details of the case will be given to the appointed mediator to facilitate the process.
- The appropriate manager will be informed of the wish to use mediation as an attempt to resolve issues relating to the alleged bullying or harassment.
- Both the complainant(s) and the individual who is the subject of the complaint will be asked in writing if they wish to participate in a mediation process.
- There may be a number of separate meetings before there is a joint meeting.

- Where a joint meeting breaks down, the appropriate manager will be informed that mediation was not successful. Where the agreed mediation breaks down, then recourse to formal procedures, as detailed below, may be necessary.
- Any agreements reached through mediation will be jointly signed by all parties. A copy of the agreement will be retained by the Human Resources Section for monitoring purposes.
- It is important that the mediation process is carried out confidentially with only the fact that mediation is taking place being shared with the appropriate manager, Human Resources and the relevant trade union representative (if appropriate).
- If the matter is still not resolved through a mediation process then the issues are placed in the formal bullying and harassment process.

16.0 WHAT TO DO IF YOU ARE FEELING BULLIED OR HARASSED

16.1 INFORMAL PROCEDURE

- 16.1.1** Before raising **the issue formally** the employee is encouraged in the first instance to talk directly and informally to the person whom he/she believes is creating the problem and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop, otherwise a formal complaint will be made.
- 16.1.2** It may be that the person whose conduct is causing offence is genuinely unaware that his/her behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action.
- 16.1.3** If the employee would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support should be sought from a Contact Officer or an appropriate independent person who could be a friend, colleague, a human resources adviser, trade union representative, or their service/line manager or their chief officer. This person can play a vital role, by providing a confidential avenue for an informal approach and perhaps the opportunity to resolve the complaint without the need for any further action.
- 16.1.4** It is advisable that the employee keeps a record of this approach. If, for example, there is a subsequent repetition, the record will be helpful if the employee decides to raise the matter formally. Include:
- Who the issue is about
 - The time, date and place
 - What happened
 - The employees feelings at the time and their reactions
 - The response of the bully/harasser
 - The effect on complainants work
 - Any witnesses
 - Action plan(s)/next step(s) agreed with the Contact Officer
- 16.1.5** The council encourages staff to alert their manager to the problem (where it is appropriate and feasible) so that he/she can give advice and/or monitor the situation.

16.1.6 It is acknowledged that the alleged bully/harasser may be an employee's direct line manager. If this is the case (and a direct approach is not possible) the employee should approach the next level manager. In these circumstances, all references in this procedure to "the line manager" should be regarded as that next person in the supervisory chain.

16.2 FORMAL PROCEDURE

16.2.1 The following procedure will be invoked when alleged cases of bullying or harassment have taken place and/or where the informal procedure has failed to resolve the problem. The complaint must be put in writing to their line manager or if he/she prefers the next level manager. The employee should clearly state that he or she wishes to activate the formal procedure, the reasons for doing this with specific accounts of the unacceptable behaviour. In any event the **issue** must be reported to the Human Resources Section.

16.2.2 **In raising the issue formally**, the employee should be prepared to state:

- The name of the person whose behaviour he/she believes amounts to bullying or harassment;
- The type of behaviour that is causing offence, together with specific examples if possible;
- Dates and times when incidents of bullying or harassment occurred, and where they occurred;
- The names of any employees who witnessed any incidents, or who themselves may have been the victims of bullying or harassment by the same person; and
- Any action that the individual has already taken to try to deal with bullying or harassment.

16.2.3 An Investigating Officer will be appointed who is more senior than the employee against whom the allegations have been made and, where reasonably practicable, has no prior knowledge of the case. The Investigating Officer will be supported by a member of the Human Resources Section to carry out the investigation (the Investigating Team). Human Resources will be mindful to ensure that the Investigating Officer dealing with the complaint has had no previous involvement with the situation and has been formally trained to carry out investigations.

16.2.4 At this point the Investigating Team will explain the procedure to the complainant and the person against whom the complaint is being made (the respondent), their right to representation and their duty to give full assistance to the investigation. Both parties should be referred to counselling services, provided with a point of contact for the duration of the investigation and a provisional timescale for the investigation.

16.2.5 There may be a need to make arrangements to stabilise the situation during the investigation. Ways of allowing a 'cooling off' period should be considered and could include the taking of leave either paid, unpaid or flexi or being temporarily re-deployed to another section, subject to management discretion.

17.0 THE INVESTIGATION

17.1 The investigation will work on the principles of being speedily resolved, thorough, confidential, impartial and sensitive to the needs of all parties.

17.2 At this stage the matter will be investigated as outlined in the Council's Disciplinary Procedure. The Investigating Officer, will thoroughly investigate the complaint which will involve gathering evidence, obtaining statements, interviewing the complainant, the respondent and any witnesses.

- 17.3** The Investigating Team will arrange an initial meeting with the complainant to clarify the nature of the allegations being made, and to obtain further details allowing the investigation to proceed, such as the names of any witnesses to the acts of bullying or harassment complained of.
- 17.4** A letter will be sent to the respondent, outlining the basis of the complainant's complaint against him or her and will invite the respondent to a meeting to discuss the allegations. The letter should make it clear that the complaint is being investigated under the formal procedure prescribed by the Disciplinary Procedure and their rights to representation.
- 17.5** The employee, the respondent and any witnesses have a right to representation at any stage of the formal procedure, by a trade union representative, or to be accompanied by a work colleague.
- 17.6** The purpose of the investigation will be to determine whether the employee's allegations are founded.
- 17.7** Following the investigation a report will be written and will recommend one of the following courses of action:
- **No case to answer** - Not to uphold the complaint with reasons given for the decision, or
 - **Informal Resolution** - To uphold the complaint and undertake counselling and/or extra supervision for the respondent/complainant as appropriate if the complaint can be resolved informally, or
 - **Formal Action** -To uphold the complaint and recommend that there is a case to answer
- 17.8** It is the responsibility of the appropriate managers of both parties to initiate action required by the outcome from the investigation. If the investigation finds that the complaint is upheld, prompt action will follow, designed to stop the bullying or harassment immediately, and to prevent its reoccurrence. This may range from additional training for the respondent, through to possible disciplinary action (in accordance with the council's Disciplinary Procedure). In any event, the employee and respondent should be informed of the action to be taken within 10 working days of the outcome of the investigation. In the event of a Disciplinary Hearing, provision will be made for the complainant not to be in the same room as the respondent, if this is necessary.
- 17.9** Where disciplinary proceedings are instigated and where evidence about an employee's alleged misconduct has been obtained from third parties, the council reserves the right to withhold the identity of any or all parties if there is a legitimate reason to do so, such as where there may be a risk to the safety of others if the identity of witnesses is disclosed. In those circumstances, the council will consider providing a summary of the information to the employee.
- 17.10** If the investigation indicates that there is no case of bullying or harassment both parties will be given a full explanation by the Investigating Officer.
- 17.11** The investigation may show that there is no case to answer, due to a lack of positive evidence. However, where the complainant still feels aggrieved; this should be acknowledged because a lack of evidence does not necessarily mean that the bullying or harassment did not take place – only that it could not be proved. Both people may have to work together again and they should be assured of their rights and responsibilities under this procedure, including protection from victimisation. The manager(s) should be asked to set up monitoring procedures to see how they are coping.

- 17.12** Decisions taken under this policy do not preclude any employee from pursuing a grievance in the usual way, in accordance with the Grievance Procedure.
- 17.13** Consideration will be given to a voluntary transfer to another post for either party. Where a transfer is not reasonable or practical other ways of bringing about reconciliation will be considered. This may include sensitive supervision and guidance, professional counselling, or team building. If redeployment proves necessary, every effort will be made to redeploy the respondent and not the complainant.
- 18.0** **FORMAL COMPLAINTS – GUIDANCE FOR INVESTIGATING OFFICERS**
- 18.1** The Human Resources Section is available to support managers investigating complaints of bullying or harassment. In investigating the complaint it is important for the manager to consider the feelings of the complainant. What is offensive and unacceptable may vary according to the recipient.
- 18.2** In some instances there will be not be any witnesses or evidence to substantiate a complaint of bullying or harassment. In such cases it may be necessary for the manager to interview the complainant's colleagues and supervisor or an employee with whom the complainant discussed the bullying/harassment, to see if there has been any change in the complainant's behaviour or in the alleged bully's/harasser's treatment of any employee in the workplace. Evidence of other employees being bullied or harassed by the same person should be taken into account.
- 19.0** **COMMUNICATION, TRAINING AND MONITORING**
- 19.1** **Communication**
- 19.1.1** Prominent and regular communication of the policy is important to ensure all employees understand the council's commitment to provide and maintain a work place environment free from bullying and harassment. Employees should know how to raise issues, be confident these will be handled properly, and be clear about whom to approach for help. Communication of this policy and the Council's Equality and Diversity Policy will be consistent through induction and regular articles on the intranet and News4U highlighting these policies, the process and who is available to help.
- 19.2** **Training**
- 19.2.1** A number of employees will be appointed to act as Contact Officers and Mediators - their role is explained in paragraph 14. They will be given training to ensure they meet the needs of the employees and are able to guide the process. Investigating Officers must undertake appropriate training.
- 19.3** **Monitoring**
- 19.3.1** Where, why and how issues raised occur will be monitored by Human Resources to identify any trends. Anonymous details are recorded on the public drive and updated by the Contact Officers. Areas where there is evidence that bullying/harassment are recurrent will be investigated.
- 19.3.2** Follow-up is also necessary to ensure the issue has been effectively handled, the issue resolved, and that no victimisation or retaliation has occurred.
- 19.3.3** The council will also ensure that the employee who committed the act of bullying or harassment is not victimised in any way.

19.3.4 This policy will be reviewed at any time (through consultation) if it is considered that the policy is not meeting its objectives.

20.0 PROVISION OF SUPPORT

20.1 The council recognises the need for employees who feel bullied or harassed to seek support and advice. The support should:

- Enable the employee to identify their experiences
- Advise the employee of their options to help stop behaviour
- Act as a link with management to raise the issue
- Help the employee to obtain counselling as required
- Support the employee by accompanying them to both informal and formal meetings as appropriate.
- Ensure a high level of confidentiality

20.2 The council also recognises the need for employee's accused of bullying or harassment to seek support and advice and the same provision of support is available to them as to the complainant.

20.3 Support is available from a Trade Union Representative and a member of the Human Resources Section.

20.4 Any parties involved in a bullying or harassment case have access to use this facility at any time if they feel they need to talk to somebody in confidence that is unconnected to the case.

21.0 COUNSELLING SERVICE

21.1 The council has an arrangement with an experienced **independent** counsellor to offer a free counselling facility to any employee who feels this would be of some benefit. It is a completely confidential service offering one-to-one counselling. No details or records will be disclosed without the explicit permission of the member of staff concerned. Employees should seek contact details from the Human Resources Section in the first instance.

21.2 Counselling can be particularly useful where the investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint.

21.3 Counselling may resolve the issue or help support the employee accused as well as the complainant.

22.0 OCCUPATIONAL HEALTH

22.1 Employees would be encouraged to agree to be referred to Occupational Health where there are concerns about their health and well being.

23.0 **APPEAL**

23.1 In the event of the complaint not being upheld, the complainant can ask for the case to be reviewed. This will be conducted by a member of HR and a manager independent of the original investigation and any previous meetings, who will examine the evidence recorded during the investigation and any previous meetings. Such review can only be considered appropriate:

1. If there are flaws in the way the investigation was conducted,
2. If the procedure was tainted with bias,
3. If new evidence has come to light since the conclusion of the investigation,
or
4. If the final decision was manifestly unfounded.

An appeal will not involve undertaking the investigation procedure afresh. The complainant must request a review within 10 working days of the decision and provide written reasons for the request along with any additional supporting evidence. Where the formal disciplinary procedure is invoked and the complaint is upheld the respondent has the right of appeal under the disciplinary procedure.

Equality impact assessments – for services and policies

What is an equality impact assessment?

An equality impact assessment is an important part of our commitment to improving equality practice. The form will help us find out what impact or consequences our functions, policies, procedures and practices have on our citizens, employees and potential employees.

By undertaking an impact assessment, we are able to:

- Take into account the needs, experiences and circumstances of those groups of people who use (or don't / can't use) our services.
- Identify any inequalities people may experience.
- Think about the other ways in which we can deliver our services which will not lead to inequalities.
- Develop better policy-making, procedures and services.

Impact assessment are required by law; The Race Relations Amendment Act, The Disability Discrimination Act and the amended Sex Discrimination Act all require local authorities to assess the impact of their functions, policies, practices and services, or the likely impact of any that are proposed, on equality.

However, our view is that we should be using the results of impact assessment to improve service delivery so that we become more accountable to the people that we serve.

Background

Name of service / policy and date	Anti-Bullying and Harassment Policy
Lead officer	Janet Martin, HR Manager
Other people involved in completing this form	

Step 1 - About the service / policy

What is the aim of the service / policy and what outcomes is it contributing to	Managing issues raised effectively ensure the wellbeing of employees and control and minimise the cost and impact of employee absence on the council, loss of valued staff, high levels of stress and anxiety, low morale and the personal lives of those who suffer.
Who are the primary customers of the service / policy and how do they / will they benefit	All staff and managers. The benefits are that the policy provides clear guidelines and what are unacceptable standards of behaviour at work, consistency throughout the council and promotes the health, safety and wellbeing of employees.
How and where is the service / policy implemented	The policy is implemented when staff raise an issue of bullying or harassment.
What potential barriers might already exist to achieving these outcomes	Written policies and procedures could be difficult for employees with low levels of literacy to understand. Managers and supervisors will need to be aware of staff who have low levels of literacy and the need to go through the procedure with them so that they understand it.

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Step 2 – What do you know already about your existing / potential customers

What existing information and data do you have about your existing / potential customers e.g. Statistics, customer feedback, performance information	Record of incidents since 2012
What does it tell you about who uses your service / policy and those that don't?	This policy is applicable to all officers employed by Tewkesbury Borough Council.
What have you learnt about real barriers to your service from any consultation with customers and any stakeholder groups?	Consultation took place with management and Trade Unions, no barriers to users identified.

Step 3 - Assessing Impact

How does your service / policy impact on different groups in the community? The groups in bullets are current priority groups identified by the CSP.

Group	What are you already doing to benefit this group	What are you doing that might disadvantage this group	What could you do differently to benefit this group	No impact on this group
Ethnicity / Race <ul style="list-style-type: none"> • Bangladeshi women • Economic migrants • Chinese community • BME young people 				No impact on this group, the procedure aims to provide clear guidance to employees on how to raise an issue, and the support that is available to them. The policy applies equally to all races and access to information about the procedure is available to all council employees irrespective of race.
Gender and trans-gender <ul style="list-style-type: none"> • Women who are not in work • Trans-gender people 				Women who are not in work are outside the scope Policy. The policy applies equally to all genders and access to information about the procedure is available to all council employees irrespective of gender.
Age <ul style="list-style-type: none"> • Older people experiencing isolation and poverty • Vulnerable children and young people 				Access to the information on and communication about the policy is equal, irrespective of age. As a result this procedure has a neutral impact on employees depending on age group.

				<p>Age-related impairments such as degeneration in sight and hearing will affect older employees disproportionately.</p> <p>However, the accessible formats available to all employees will mediate any potential negative impact this may have on older workers.</p>
<p>Disability</p> <ul style="list-style-type: none"> • People experiencing mental ill-health • People with physical disabilities • Children and young people with learning difficulties and/or disabilities 	<p>Provision for dealing with individuals who have underlying medical conditions as defined by the Disability Discrimination Act (1996) and will be taken into consideration in the application of the policy. Under these circumstances staff should be supported and advice should be sought from Human Resources and / or an Occupational Health Physician.</p>			<p>Access to information regarding the procedure is available via the council's intranet. All council communications are available in accessible formats on request as are Council Policies e.g. in Braille and larger print. External access to the intranet is assisted through the options to increase text size and to browse Webpages 'Aloud', enabling visually impaired individuals to access information.</p>

<p>Religion or belief</p> <ul style="list-style-type: none"> • Muslim community 		<p>Religion or belief is not being monitored by the Council.</p>		<p>Access to the available information on the Anti-Bullying and Harassment policy is equal irrespective of religious belief and as a result the impact of this policy does not differ depending on group.</p>
<p>Sexual orientation</p> <ul style="list-style-type: none"> • Lesbian women • Gay men • Bi-sexual people 		<p>Sexual orientation is not being monitored by the council.</p>		<p>The information available on the Anti-Bullying and Harassment policy is equally accessible irrespective of orientation and as a result the impact of this policy does not differ depending on group.</p>
<p>Other socially excluded groups or communities</p> <ul style="list-style-type: none"> • People on low incomes • People with poor literacy skills • Gypsies and Travellers 		<p>Any written policy or procedure has the potential to disadvantage employees with poor literacy skills.</p>		<p>As the procedure is written in English there is a potential impact on employees whose first language is not English and therefore may struggle reading the policy. It is a universal requisite that all Council employees are fluent in English so as to enable them to deliver services and engage with the organisation. In addition, it is expected that HR makes employees aware</p>

				of council polices in their HR induction and answer any questions they may have.
<p>Staff</p> <ul style="list-style-type: none"> • Who work part-time or on an irregular shift pattern • Staff with caring responsibilities • Staff who are on maternity or paternity leave 				There is no impact on this group. Access to the available information on the Anti-Bullying and Harassment policy is equal irrespective of staff in this group; and as a result the impact of this policy does not differ depending on working full-time, part-time, and caring responsibilities of those on maternity or paternity leave. Staff on maternity leave can be kept up to date through keeping in touch days.

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Step 4 - what are the differences

<p>Are any groups affected in different ways to others as a result of the service / policy?</p>	<p>Race: There is no negative impact identified in this EQIA by race.</p> <p>Gender: There is no negative impact identified in this EQIA by gender.</p> <p>Disability: There is no negative impact identified in this EQIA on disabled or non-disabled stakeholders</p> <p>Age: There is no negative impact identified in this EQIA by age</p> <p>Sexual Orientation: There is no negative impact identified in this EQIA by sexual orientation.</p> <p>Religious/Faith groups: There is no negative impact identified in this EQIA by religion/ faith.</p>
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Does your service / policy either directly or indirectly discriminate?	No
If yes, what can be done to improve this?	Management advice to managers.
Are there any other ways in which the service can help support priority communities in Tewkesbury?	None identified

Step 5 – taking things forward

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What are the key actions to be carried out and how will they be resourced and monitored?	Recommendation	Key activity	Progress milestones	Officer Responsible	Progress
	Publicise the Anti-Bullying and Harassment policy on the Intranet. This would reinforce the message of support from senior managers and promote the policy to all employees.	Publicise the Policy on the Intranet. Message on payslips	Publication of the Policy on the Intranet from 1 November 2016.	HR	
	Recruit new contact officers and train them	Environmental Services Manager, Health and Safety Officer and HR to discuss recruitment.	Identification of new contact officers		Meeting arranged 18 October 2016
	Communication	Ensure that employees and managers are aware of the Anti-bullying and Harassment policy.	Raised awareness and understanding of the policy. Staff briefings.	Communications officer, HR and One Legal	

Who will play a role in the decision-making process?	Human Resources, Managers and Trade Unions
What are your learning and development needs?	These are contained in the action plan
How will you capture these actions in your service planning?	This will be captured in the training plan.

30 September 2016

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	12 October 2016
Subject:	Regulation of Investigatory Powers Act 2000
Report of:	Sara Freckleton, Borough Solicitor
Corporate Lead:	Sara Freckleton, Borough Solicitor
Lead Member:	Councillor R J E Vines
Number of Appendices:	Two

Executive Summary:

The Regulation of Investigatory Powers Act came into force in 2000. The Act allowed Councils to carry out covert surveillance of alleged offenders for the prevention and detection of crime. The Act also allowed the Council to apply to mobile phone companies and other telecommunications providers for information about individuals who are suspected of committing crimes. Compliance with RIPA ensures that the actions taken by the Council comply with the Human Rights Act 1998, in particular the right to privacy and the right to a fair trial, when evidence gathering in preparing cases for Court.

In accordance with the guidance issued by the Home Office to support the statutory Code of Practice, It is recommended that Councillors are involved in the annual review of RIPA policies. This is the annual report for 2016.

An external inspection was undertaken on 3 February 2014 and a further inspection is due to take place later this year.

The attached RIPA Guidance and Procedure and Social Media Policy was considered by the Audit Committee on 21 September and recommended to Executive Committee for approval.

Recommendation:

- (i) That the RIPA – Procedural Guide, as attached to the report at Appendix 1, be ENDORSED.**
- (ii) That the Social Media Policy, as attached to the report at Appendix 2, be APPROVED.**
- (iii) That training is undertaken by Officers.**

Reasons for Recommendation:

Further to the Office of Surveillance Commissioners ‘OSC’ Report in 2014, there have been additional recommendations by the OSC that Councils should consider implementing a Social Media Policy/Procedure – this is due to the increasing internet traffic and use of social media network sites being used by traders, companies and individuals that may result in criminal activity – in order to carry out investigations.

Resource Implications:

None.

Legal Implications:

This report ensures that the Council complies with the guidance issued by the Home Office to support the Statutory Code of Practice in ensuring Member oversight of the use of the Council's surveillance powers. The Council may, where it is necessary and proportionate, undertake surveillance. RIPA provides a legal framework for the control and regulation of surveillance and information techniques which public authorities undertake as part of their duties. The Council's procedural guide will provide information and advice to those seeking authorisation and those Officers granting authorisation. It will also provide the public with information about how the Council approaches using the surveillance.

This report also addresses the recommendation by the OSC for Local Authorities/Districts to have a Social Media Policy. The purpose of such a policy is to monitor overtly activity that uses for example: Facebook, Twitter, You Tube, for illegal/unlawful purposes. The full details of the Social Media Policy are set out in Appendix 2.

Risk Management Implications:

The Council is required to strictly follow and adhere to the RIPA Policy and all associated Policies and Procedures.

Performance Management Follow-up:

Not applicable.

Environmental Implications:

Not applicable.

1.0 INTRODUCTION/BACKGROUND**1.1 The Council's procedures**

The Council has a policy dealing with RIPA, for Surveillance and for Communications. The RIPA Policy is available via the Council's intranet site along with guidance materials and pro-forma application forms for use by Authorising Officers. Officers keep the policies under review and update them as and when required to ensure that they take account of all relevant changes in guidance.

1.2 It should be noted that obtaining a RIPA Authorisation is through the Magistrates Court and the use of these powers is on an exceptional basis.

1.3 The Committee last received a report on 10 December 2016 and no authorisations have been granted since that date.

1.4 Lead Members will also receive reports about any authorisations in accordance with the Council's policies at the Committee on 12 October 2016. However, at the time of preparing this report no RIPA authorisations have been made.

2.0 THE COVERT SURVEILLANCE & COMMUNICATIONS POLICY

2.1 There has been no use of these powers since the last report to Members in December 2014.

2.2 The current RIPA Surveillance policy was last revised on 10 December 2014.

3.0 POLICY AND PROCEDURES ON LAWFUL SURVEILLANCE

3.1 There have been no changes to undertaking lawful surveillance.

4.0 SOCIAL MEDIA POLICY

4.1 There has been a strong recommendation by the OSC to introduce a Social Media Policy, when seeking to undertake surveillance that uses Social Networking Sites 'SNS' such as Facebook, Twitter, and using the internet.

A Social Media Policy has been drafted for Member approval which is attached to the report at Appendix 2.

5.0 TRAINING

5.1 Officers are required to undertake annual training by an external accredited trainer to ensure that their practices and procedure are up to date.

Training is now being planned to take place in November 2016 for Authorising Officers. This is an annual session.

6.0 OTHER OPTIONS CONSIDERED

6.1 None.

7.0 CONSULTATION

7.1 All Authorising Officers/Designated Persons within the Council were consulted about the introduction of the Social Media Policy, as attached at Appendix 2. The Borough Solicitor, as the Senior Responsible Officer, was also consulted upon and has approved the introduction of a Social Media Policy, subject to Member approval.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 None.

9.0 RELEVANT GOVERNMENT POLICIES

9.1 None.

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 None

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

11.1 There are no sustainability implications that arise as a direct result of this report.

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

12.1 The Council is reminded of its statutory duty, in the exercise of its functions, to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010.
- Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it; this means:-
 - removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- Foster good relations between persons who share a protected characteristic and persons who do not share it; this means:-
 - tackling prejudice.
 - promoting understanding.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 None.

Background Papers: None.

Contact Officer: Donna Marks, Solicitor. Tel: 01684 272068.
Email: donna.marks@teWKesbury.gov.uk

Appendices:

1. RIPA Policy.
2. Social Media Policy.

TEWKESBURY BOROUGH COUNCIL
PROCEDURAL GUIDE
REGULATION OF INVESTIGATORY POWERS ACT
2000

Forward

The purpose of this Procedural Guide ("the Guide") is to ensure that Tewkesbury Borough Council ("the Council") complies with the Regulation of Investigatory Powers Act 2000 (RIPA).

The introduction of the Human Rights Act 1998 means that the Council by law has to respect the rights of everyone. In particular Article 8 guarantees everyone the right to respect for their private and family life, their home and correspondence. This right can only be interfered with when the interference is in accordance with the law and necessary. RIPA provides the framework for public authorities to carry out surveillance and the lawful means whereby rights can be infringed by the Council. If the correct procedures are put in place and followed by officers the Council will earn the protection of RIPA and our actions will be lawful.

1. INTRODUCTION

- 1.1 This document sets out the policies and procedures adopted by Tewkesbury Borough Council ("the Council") in relation to the Regulation of Investigatory Powers Act 2000 ("RIPA").
- 1.2 RIPA regulates the Council's powers to use covert surveillance and covert human intelligence sources ("CHIS") in carrying out its functions. Under RIPA, the Council must have procedures in place that ensure surveillance is properly authorised, with full consideration given to the necessity and proportionality of the covert surveillance or CHIS in the context of individual's rights under the Human Rights Act 1998 ("the HRA") and other relevant legislation. The policies and procedures set out in this document are based on the provisions of RIPA, the Home Office Codes of Practice on Covert Surveillance and Property Interference and Covert Human Intelligence Sources and guidance issued by the Office of the Surveillance Commissioner.
- 1.3 This guide shall be readily available at the Council Offices. A copy can be obtained from the RIPA co-ordinator, One Legal, Tewkesbury Borough Council, Council Offices, Gloucester Road, Tewkesbury GL20 5TT. It is also available on the Council's website at www.tewkesbury.gov.uk.
- 1.4 The HRA requires the Council and any organisations working on its behalf to respect the private life and family of citizens, their home and their correspondence. This is not an absolute right, but interference will only be justified if it is:-
 - a) in accordance with the law,
 - b) necessary, for one of the purposes defined in the HRA, and
 - c) proportionate.
- 1.5 The Council may need, where it is deemed necessary and proportionate, to make use of covert surveillance or CHIS. The use of any covert surveillance should only be used as a last resort and any covert surveillance will have to be authorised and conducted in accordance with RIPA, the statutory codes of practice and this Guide and shall only be for one of the purposes set out in this Guide and for a purpose which the Council is legally required or empowered to investigate as part of its functions.

- 1.6 Any covert surveillance or use of a CHIS by or on behalf of the Council must be carried out in accordance with these policies and procedures, and must be authorised in advance by an Authorising Officer ("AO")(Annex A) on the appropriate form (see Annex B). Both staff directly employed by the Council and external agencies working for the Council are subject to RIPA whilst they are working for the Council in a relevant investigatory capacity.
- 1.7 Compliance with the provisions of RIPA, the Home Office Codes of Practice and these policies and procedures should protect the Council, its officers and agencies working on its behalf against legal challenge.
- 1.8 In addition to setting out the procedures that must be followed, this document aims to provide guidance to officers about the circumstances in which they are permitted to embark on covert surveillance or use a CHIS. The forms set out in the Appendices B contain relevant guidance notes; however, officers are encouraged to contact One Legal for advice or assistance if required. Useful guidance can also be found via the web-sites of the Office of Surveillance Commissioners at www.surveillancecommissioners.gov.uk and the Home Office RIPA web-site at www.homeoffice.gov.uk
- 1.9 Appropriate training will be arranged at regular intervals for all officers likely to make applications or authorise them. The Council's Senior Responsible Officer (SRO)(see section 7) will ensure that they and all relevant members of their staff undertake this training and that appropriate records are kept.
- 1.10 It is important to keep full records of all applications and authorisations relating to activities covered by RIPA, in accordance with the requirements of the relevant Codes of Practice and the procedures set out in this document.

2. THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

2.1 THE BACKGROUND TO RIPA

- 2.1.1 RIPA provides a legal framework for the control and regulation of surveillance and information techniques which public authorities undertake as part of their duties. As was highlighted in the introduction to the Guide the need for such control arose as a result of the Human Rights Act 1998. Article 8 of the European Convention on Human Rights states that:

Everyone has the right of respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.

- 2.1.2 The right under Article 8 is a qualified right and authorities can interfere with this right for the reasons given in paragraph 2 of Article 8. RIPA provides the legal framework for lawful interference.

3. THE SCOPE OF THIS GUIDE

3.1 SURVEILLANCE

3.1.1 This Guide intends to cover the surveillance and information gathering techniques which are most likely to be carried out by the Council.

3.1.2 Local Authorities can only approve authorisations under RIPA when performing its core functions. Those are the specific public functions undertaken by the Local Authority as opposed to its ordinary functions which are undertaken by all public authorities. For example, an authorisation under RIPA cannot be used when the principal purpose of an investigation is for taking disciplinary action against an employee, as the disciplining of an employee is not a core function. It may, however, be appropriate to seek an authorisation under RIPA if there are associated criminal investigations. If you are unsure about whether you can seek RIPA authorisation please contact the RIPA co-ordinator before you seek approval or undertake surveillance.

3.2 OVERT SURVEILLANCE

3.2.1 Neither RIPA nor this Guide covers the use of overt surveillance, any general observation that forms part of the normal day to day duties of officers (for example, where a planning officer drives past a site to check whether planning conditions are being complied with), the use of equipment to merely reinforce normal sensory perception such as binoculars or circumstances where members of the public who volunteer information to the Council. Surveillance is also overt if the subject has been told it will happen i.e. a noisemaker is warned that noise may be recorded if a noise nuisance continues.

3.2.2 Most investigations carried out by the Council will not involve covert surveillance as other investigative means will be used. For example the evidence will be collected overtly i.e. there will be nothing secretive, clandestine or hidden about it i.e. an officer of the Council in a council uniform walking around a car park or visiting a site to collect evidence where you make your presence known to the owner of the land or you will have collected evidence such as a food sample brought in good faith from a shop and you will take a witness statement from a person about the food sample.

3.2.3 The use of equipment such as binoculars or cameras will be intrusive if it consistently provides information of the same quality as might be expected to be obtained from a device actually present on the premises or in the vehicle concerned. This would in fact constitute 'Intrusive Surveillance' which the Council can not authorise.

3.2.4 There may be occasions when officers come across events unfolding which were not pre planned which then requires them to carry out some form of observation. This will not amount to Directed Surveillance. However it will amount to surveillance outside of RIPA and must still be necessary and proportionate and take account of the intrusion issues. Officers must not abuse the process and be prepared to explain their decisions in court should it be necessary. It is important when conducting surveillance in these circumstances that officers still understand that they have obligations to ensure that their actions are HRA compliant and are therefore necessary and proportionate and take account of the intrusion issues. Investigating Officers (IO) should document their decisions, what took place, and what evidence or information was obtained.

3.3.5 IO should be careful if they start to undertake more specific and targeted investigations into a matter. Repeated visits may amount to systematic, and therefore, directed surveillance and require authorisation: If in doubt, legal advice should be sought in advance of any visit.

3.2.6 RIPA does not normally cover the use of overt CCTV surveillance systems since members of the public are aware that such systems are in place. There may however be times when the Council uses the CCTV for a specific investigation or operation. If the CCTV system is going to be used for this purpose the CCTV should only be used in accordance with the Council's policy on CCTV use.

3.3 COVERT SURVEILLANCE

3.3.1 Covert surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place.

3.3.2 RIPA regulates two types of covert surveillance - Directed Surveillance, Intrusive Surveillance and the use of Covert Human Intelligence Sources (CHIS).

3.4 DIRECTED SURVEILLANCE

3.4.1 Directed Surveillance (DS) is surveillance which:-

- is covert; and
- is not intrusive surveillance (see definition below and please also note that the Council is prohibited by law from carrying out any intrusive surveillance);
- is not carried out in an immediate response to events which would otherwise make seeking authorisation under RIPA unreasonable e.g. spotting something suspicious and continuing to observe it; and
- is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual (whether or not that person is specifically targeted for purposes of an investigation).

3.4.2 Private information in relation to a person includes any information relating to his private and family life, his home and his correspondence. The fact that covert surveillance occurs in a public place or on business premises may not mean that it cannot result in the obtaining of private information about a person. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that s/he comes into contact or associates with.

3.4.3 Surveillance that is unforeseen and undertaken as an immediate response to a situation normally falls outside the definition of DS and therefore authorisation is not required. However, if a specific investigation or operation is subsequently to follow, authorisation must be obtained in the usual way before it can commence. In no circumstance will any covert surveillance operation be given backdated authorisation after it has commenced.

3.5 INTRUSIVE SURVEILLANCE

3.5.1 Intrusive surveillance can be carried out only by police and other law enforcement agencies. **Council officers must not carry out intrusive surveillance.** This information is only included in this guide as information and to inform Investigators of what is Intrusive Surveillance so it can be avoided.

3.5.2 Intrusive Surveillance occurs when surveillance:-

- is covert;
- relates to residential premises and private vehicles; and
- involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises/vehicle.

3.5.3 The Council can not authorize 'interference with property'. It may be the case that a Council officer may need to trespass onto land belonging to another without consent during their duties, for example to deploy a covert camera. It is important that urgent advice is sought from 'One Legal' in respect of such matters as there may be a civil 'tort' liability.

3.6 COVERT HUMAN INTELLIGENCE SOURCES

3.6.1 The use of a covert human intelligence source (CHIS), and his or her conduct, also requires authorisation under RIPA. The Council is only likely to use a CHIS under very exceptional circumstances, and advice should be sought from One Legal before any authorisation is applied for or granted.

3.6.2 A CHIS is defined as someone who establishes or maintains a personal or other relationship for the purpose of: -

- covertly using the relationship to obtain information or provide access to any information to another person
- covertly disclosing information obtained by means of that relationship
- where the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of its purpose.

3.6.3 These provisions would cover the use of professional witnesses to obtain evidence or information, or officers operating "undercover". Great caution should be exercised in these circumstances, and further advice should be sought from One Legal before using professional witnesses.

3.6.4 Special safeguards apply to the use or conduct of juvenile sources (i.e. under 18 years of age). On no account can a child under 16 years of age be authorised to give information against his or her parents. Similar safeguards also apply to the use of vulnerable individuals as sources. (A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation.). Further advice must be sought from One Legal before using juveniles or vulnerable individuals as sources, to ensure that all necessary legal requirements are complied with.

3.6.5 There are also specific legal rules which must be followed in relation to the management of sources. Details are given in the relevant Home Office Code of Practice, and further advice can be obtained from One Legal.

4. AUTHORISATION PROCEDURES

4.1 BACKGROUND

4.1.1 Any DS or the use of a CHIS undertaken by or on behalf of the Council must be carried out in accordance with RIPA and must not commence until authorisation has been granted. A flow chart of the procedures to be followed appears at Annex C. LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE at Annex D

4.1.2 Officers are advised to discuss the need to undertake DS or the use of a CHIS with their manager before seeking an authorisation. All other reasonable and less intrusive options to gain the required information should be considered before an authorisation is applied for. If it is intended that both DS and the use of a CHIS will take place on the same surveillance subject, the respective applications forms and procedures should be followed and both activities should be considered separately on their own merits.

4.2 INVESTIGATING OFFICERS (IO) RESPONSIBILITIES

4.2.1 All the relevant sections on an application form (see Appendix B) must be completed with sufficient information for the AO to consider necessity, proportionality and the collateral intrusion issues. Risk assessments should take place prior to the completion of the application form. Each application should be completed on its own merits of the case. Cutting and pasting or using template entries should not take place as this would leave the process open to challenge.

4.3 PRE AUTHORISATION STEPS

4.3.1 Before submitting an application for authorisation, an Investigating Officer must firstly contact One Legal, who will issue a Unique Reference Number ("URN"). This should be in the form: Year/Group/Team/Number of Application. Any subsequent forms (e.g. renewals or cancellations) relating to the same investigation or operation should be identified by means of the same URN. AO's should not authorise any application which does not feature an URN. The RIPA Coordinator will require the following information from the Investigating Officer when issuing a URN: -

- Type of activity
- Identity of subjects (if known)
- Location of camera (if appropriate) (if identity of subjects not known)
- Name of Investigating Officer and Team
- Ward where surveillance is likely to take place
- AO to whom the application will be submitted

4.3.2 When issuing the URN, the RIPA Coordinator can provide advice to the Investigating Officer in relation to the activity to be authorised including any issues of necessity, proportionality and collateral intrusion.

4.4 AUTHORISING OFFICERS

4.4.1 Only those officers employed in the designated "Authorising Officer" posts (AOs) set out in Appendix A can authorise DS or the conduct or use of a CHIS. AOs may not sub-delegate their powers in relation to RIPA to other officers. AOs should also not authorise investigations in which they are directly involved. If however this is unavoidable the reasons for this should be recorded.

4.4.2 Before giving authorisation an AO must be satisfied that the reason for the request is for the prevention and detection of crime and that the crime attracts a custodial sentence of a maximum of 6 months or more or is an offence relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.

4.4.3 An AO must also be satisfied the surveillance in each case is necessary and proportionate in those particular circumstances. Obtaining an authorisation under the 2000 Act, the 1997 Act and 1994 Act will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place.

4.4.4 When considering an application, AOs must:-

- (a) be satisfied that the desired result of the covert surveillance cannot reasonably be achieved by other means;
- (b) have regard to the contents of this document, the training provided on RIPA and any other guidance or advice given by the RIPA co-ordinator;
- (c) satisfy his/herself that the RIPA authorisation will be;
 - (i) in accordance with the law;
 - (ii) necessary in the circumstances of the particular case for the purpose mentioned in paragraph 4.4.8 below; and
 - (iii) proportionate to what it seeks to achieve
- (d) assess whether or not the proposed surveillance is proportionate, consider other appropriate means of gathering the information, and particularly whether any other means would be less intrusive (the least intrusive means of obtaining the necessary information should always be preferred);
- (e) take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (called 'collateral intrusion'), and consider whether any measures should be taken to avoid or minimise collateral intrusion as far as possible (the degree of likely collateral intrusion will also be relevant to assessing whether the proposed surveillance is proportionate);
- (f) consider whether there is the possibility of collecting confidential personal information. If there is a possibility of collecting personal information the matter should be passed to the Chief Officer for consideration
- (g) consider any issues which may arise in relation to the health and safety of Council employees and agents, and ensure that a risk assessment has been undertaken if appropriate.

4.4.5 When authorising the conduct or use of a CHIS, the AO must also:

- (a) be satisfied that there will at all times be a person holding an office, rank or position who will have day-to-day responsibility for dealing with the source and for the source's security and welfare and that there will at all times be another person holding an office, rank or position who will have general oversight of the use made of the source i.e. a handler and a controller;

- (b) be satisfied that the conduct and/or use of the CHIS is proportionate to the objective sought to be achieved;
- (c) be satisfied that appropriate arrangements are in place for the management and oversight of the CHIS. These arrangements must address health and safety issues by the carrying out of a formal and recorded risk assessment. The risk assessment should take in to account the likely outcome should the role of the CHIS become known and the requirement for source records to be maintained.
- (d) consider the likely degree of intrusion for all those potentially affected;
- (e) consider any adverse impact on community confidence that may result from the use or conduct of the CHIS or the information obtained; and
- (f) ensure that records contain the required particulars of the CHIS and that these are not available except on a 'need to know' basis.

4.4.6 In all cases the AO must record a clear description of what the authority is being granted for by reference to subjects, property or location and the type of surveillance permitted. This may not be the same as what is being requested.

4.4.7 When the AO has considered if the surveillance is necessary and proportionate they must complete the relevant section of the form explaining why in his/her opinion the surveillance is necessary and proportionate.

Necessity – The AO must be satisfied that the use of covert surveillance is necessary for one of the purposes specified in s.28(3) of RIPA and s.29(3) of RIP(S)A. In order to be satisfied, the conduct that it is aimed to prevent or detect must be identified and clearly described, particularly if it is questionable whether serious crime criteria are met. Often missed is an explanation of why it is necessary to use the covert techniques requested

Proportionality – An authorisation should demonstrate how an AO has reached the conclusion that the activity is proportionate to what it seeks to achieve, including an explanation of the reasons why the method, tactic or technique proposed is not disproportionate. It is not only about balancing the effectiveness of covert methods but of explaining why the particular covert method, technique or tactic is the least intrusive. It is insufficient to make a simple assertion or to say that the 'seriousness' of the crime justifies any or every method available. It may be unacceptable to advance lack of resources or a potential cost saving as sufficient ground to sue technological solutions which can be more intrusive than a human being.

4.4.8 The codes provide guidance relating to proportionality which should be considered by both applicants and AOs:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result; and
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

4.4.9 The AO will provide the details of when reviews will take place. The review periods will be decided by the AO based on the circumstances contained within the application.

4.5 COLLATERAL INTRUSION

- 4.5.1 Before authorising applications for DS an AO must also take into account the risk of obtaining private information about persons who are not the subject/s of the surveillance. Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance activity. Where collateral intrusion is unavoidable, activities may still be authorised, provided the intrusion is proportionate to what is sought to be achieved.
- 4.5.2 All applications should include an assessment of the risk of collateral intrusion and the details of any measures taken to limit the intrusion. An AO must consider these risks and the proportionality of proposed actions.

4.6 CONFIDENTIAL INFORMATION

4.6.1 If an IO or AO believes that confidential information may be obtained as a result of surveillance, the advice of One Legal should be sought in advance of any authorisation or surveillance. In any case where it is likely that confidential information may be acquired by the use of a CHIS, the only AO who may grant authorisation is the Head of Paid Service, who is the Chief Executive, or in his absence the person acting as the Chief Executive, "Confidential information" is defined for the purposes of RIPA as: -

- matters subject to legal privilege, for example, communications between legal advisers and their clients
- confidential personal information, for example. Information about someone's health or spiritual counseling or other assistance given or to be given to them or
- confidential journalistic material (this includes related communications), that is, material obtained or acquired for the purposes of journalism and subject to an undertaking to hold in confidence
- communications between a Member of Parliament and another person on constituency matters

4.7 COURT APPROVAL

- 4.7.1 After the AO has authorised the surveillance the IO must seek judicial approval before they conduct any surveillance. Any application to the Court must be made in consultation with One Legal. The IO (applicant) will complete the relevant forms and seek advice from One Legal. A copy of the application form/order form is attached at Appendix C. The applicant must complete the required sections of the application/order form.
- 4.7.2 Any application to a JP must be made in consultation with One Legal. Unless otherwise agreed One Legal will contact Her Majesty's Courts & Tribunals Service (HMCTS) to arrange a hearing. The hearing will be in private and heard by a single JP. The IO and an officer from One Legal will attend the Magistrates' Court to seek a Justice of the Peace's (JP) approval before commencing any surveillance.
- 4.7.3 Officers who may present the application at these proceedings may need to be formally designated by the Council under section 223 of the Local Government Act 1972 to appear, be sworn in and present evidence or provide information as required by the JP.
- 4.7.4 Upon attending the hearing, the officer must present to the Court the partially completed judicial application/order form, a copy of the RIPA application/authorisation form, together with any supporting documents setting out the case, and the original application/authorisation form.

- 4.7.5 The original RIPA application/authorisation should be shown to the Court but will be retained by the Council so that it is available for inspection by the Commissioners' offices and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT).
- 4.7.6 The Court will consider the RIPA application/ authorisation and the judicial application/order form (Appendix C). They may have questions to clarify points or require additional reassurance on particular matters. These questions are supplementary to the content of the application form. The forms and supporting papers however must by themselves make the case. It is not sufficient for the Applicant to provide oral evidence where this is not reflected or supported in the papers provided.
- 4.7.7 The Court will consider whether he or she is satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate. They will also consider whether there continues to be reasonable grounds. In addition they must be satisfied that the person who granted the authorisation or gave the notice was an appropriate designated person within the Council and the authorisation was made in accordance with any applicable legal restrictions, for example that the crime threshold for directed surveillance has been met.
- 4.7.8 The Court may decide to: (1) Approve the grant or renewal of an authorisation in which case the grant or renewal of the RIPA authorisation will then take effect and the Council may proceed to use the technique in that particular case. (2) Refuse to approve the grant or renewal of an authorisation in which case the RIPA authorisation will not take effect and the Council may not use the technique in that case.
- 4.7.9 Whatever the decision the Court will record their decision on the order section of the judicial application/order form. The court administration will retain a copy of the Council's RIPA application and authorisation form and the judicial application/order form. The Applicant will retain the original application/authorisation and a copy of the judicial application/order form.
- 4.7.10 If approved by the Court, the date of the approval becomes the commencement date and the three months duration will commence on this date, the officers are now allowed to undertake the activity. The original application and the copy of the judicial application/order form should be forwarded to the Central Register and a copy retained by the applicant and if necessary by the AO

4.8 REFUSALS

- 4.8.1 If the Court does not approve the grant or renewal the authorisation will not take effect and the IO must not use technique in the case.
- 4.8.2 Where an application has been refused the applicant may wish to consider the reasons for that refusal. An IO and/or AO may wish to discuss this matter with One Legal.
- 4.8.3 Where the Court does not approve the grant or renewal and decides to quash the original authorisation the Court must not exercise its power to quash the application/authorisation unless the applicant has had 2 business days from the date of refusal to make representations. Any further representations will be made to the Court in consultation with One Legal.

4.9. DURATION AND RENEWALS OF AUTHORISATIONS

- 4.9.1 Authorisations will have effect until the date for expiry specified on the relevant application form. If approved by a JP applications will last for 3 months from the approval date. No further operations should be carried out after the expiry of the relevant authorisation unless it has been renewed. It will be the responsibility of the IO to ensure that any DS or use of a CHIS is only undertaken under an appropriate and valid authorisation, and therefore, he/she should be mindful of the date when authorisations and renewals will cease to have effect. The SRO (“Senior Responsible Officer”) will perform an auditing role in this respect but the primary responsibility rests with the IO and AO.
- 4.9.2 Authorisations should be reviewed at appropriate intervals, as set by the AO. Reviews should normally take place on a monthly basis unless the AO considers that they should take place more or less frequently (if so, the reasons should be recorded). If the surveillance provides access to confidential information or involves collateral intrusion, there will be a particular need to review the authorisation frequently. The results of reviews should be recorded on the appropriate form as set out in Annex B. There is no requirement for a review form to be submitted to a JP.
- 4.9.3 Should it be necessary to renew a DS or CHIS application authorisations must be made to a JP. Authorisations shall be renewed in writing. Applications for renewal should be made on the appropriate form in good time (at least seven working days if possible) before the authorisation is due to expire. The AO must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred. Renewals of an authorisation may be granted more than once, provided the criteria for granting that authorisation are still met. However, if the reason for requiring the authorisation has changed from the purpose for which it was originally granted, then it should be cancelled and new authorisation sought.
- 4.9.4 Authorisations must be cancelled as soon as they are no longer necessary. Even if an authorisation has reached its time limit it does not lapse and must still be formally cancelled. The responsibility to ensure that authorisations are cancelled rests primarily with the officer in charge of the investigation, who should submit a request for cancellation on the appropriate form as set out in Annex B. If the AO who authorised any DS or the use or conduct of a CHIS (or any AO who has taken over their duties) however is satisfied that it no longer meets the criteria upon which it was authorised, s/he must cancel it and record that fact in writing even in the absence of any request for cancellation.

5. RECORD MANAGEMENT

- 5.1 The Council must keep a detailed record of all applications for authorisations, grants, refusals, renewals, reviews and cancellations. A central register of all authorisations will be maintained by One Legal containing the information required from time to time by the relevant Home Office Code of Practice, and records will be retained for a period of at least three years from the ending of each authorisation.
- 5.2 The RIPA co-ordinator will monitor authorisations to ensure compliance with the relevant law and guidance, and with these policies and procedures. The Office of Surveillance Commissioners (OSC) can audit and review the Council's policies and procedures, and individual authorisations.

- 5.3 Copies of all completed RIPA forms, including applications (whether granted or refused), authorisations, renewals, cancellations and reviews, must be forwarded by the AO to the RIPA co-ordinator within five working days of the date of the relevant decision. All documents should be sent in sealed envelopes marked “Confidential”.
- 5.4 The following information and documents must be maintained by relevant Group Manager in relation to each operation or investigation where RIPA authorisation is requested by officers within their team:
- the URN for the operation or investigation;
 - the originals of all completed RIPA application forms indicating whether the application was granted or refused, together with any supplementary documentation, and a copy of any notification of approval given by the AO;
 - a record of the period over which the surveillance has taken place;
 - details of the frequency of reviews prescribed by the AO;
 - a record of the result of each review of the authorisation;
 - the original of any request for a renewal of an authorisation, together with any supporting documentation submitted when the renewal was requested, details as to whether the request was granted or refused, and the reasons for doing so;
 - the original of any cancellation of an authorisation, including the reasons for cancellation;
 - the date and time when any instruction was given by the AO, (including any instruction to cease directed surveillance or to cease using a CHIS) and a note of that instruction and the date and time when any other instruction was given by the AO
- 5.5 The following additional information should also be maintained by the relevant Group Manager and RIPA co-ordinator in relation to any CHIS:
- any risk assessment in relation to the source;
 - the circumstances in which tasks were given to the source;
 - the value of the source to the investigating authority;
- 5.6. An AO must not grant authority for the use of a CHIS unless s/he believes that there are arrangements in place for ensuring that there is at all times a person with the responsibility for maintaining a record of the use made of the CHIS. Certain particulars must be included in the records relating to each CHIS, and the records must be kept confidential. Further advice should be sought from One Legal on this point if authority is proposed to be granted for the use of a CHIS.

6. TELECOMMUNICATIONS DATA AND INTERCEPTION OF COMMUNICATIONS

- 6.1 Under the RIPA (Communications Data) Order 2003, the Council is permitted to acquire information defined as **communications data**. This includes subscriber details and service data, but not traffic data (as these terms are defined in the legislation). These powers are outside the scope of this guidance document, but officers who consider that they may need to exercise these powers in the course of any investigation, or who require further information, should contact One Legal.
- 6.2 The recording of telephone calls between two parties when neither party is aware of the recording **cannot be undertaken**, except under a warrant granted under Part 1 of RIPA. Such warrants are only granted by the Secretary of State and it is not envisaged that such activity would fall within the remit of local authority investigations. However, there may be situations where either the caller and receiver consent to the recording of the telephone conversation and, in such circumstances a Part 1 warrant may not be required. Such interception should be treated as directed surveillance.

- 6.3 Part 1 of RIPA does not, however, prevent a local authority in certain circumstances from lawfully intercepting its employees' e-mail or telephone communications, or monitoring their internet access, for the purposes of prevention or detection of crime, or the detection of unauthorised use of these systems. This is authorised under Part 1 of the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.
- 6.4 The legislation referred to above is complex, and further advice should be sought from One Legal before any investigations are undertaken involving the interception of communications.

7 PROCEDURE FOR MONITORING RIPA AND OVERSIGHT

7.1 SENIOR RESPONSIBLE OFFICER (SRO)

7.1.2 The Council's Borough Solicitor is the designated SRO and shall be responsible for the following:-

- the integrity of the process in place within the Council to authorise Directed Surveillance;
- compliance with Part II of RIPA 2000 and any associated Codes of Practice;
- acting as liaison with the Commissioners and Inspectors and engaging with them as appropriate; and
- overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner.

7.1.3 The SRO shall ensure that all AOs are provided with copies of current and updated Codes of Practice and OSC Guidance and Procedure Notes as they are released from time to time.

7.1.4 The SRO shall maintain a Central Record of Authorisations.

7.2 OVERSIGHT PROCEDURES

7.2.1 The SRO shall establish and maintain regular meetings not less than twice a year with the AOs to check and test processes and address any training requirements. These meetings shall form part of the Corporate Management Team business. The SRO shall arrange an oversight meeting as soon as practicable following an inspection to discuss issues and outcomes as appropriate.

7.2.2 The SRO shall record any issues arising out of authorisation applications, the statutory considerations, reviews and cancellations and shall review the quality of authorisations granted from time to time.

7.2.3 The SRO shall carry out analysis of such issues and shall decide appropriate feedback to the AO. Such information and conclusions shall also inform the reports to Audit Committee as required under paragraph 7.3 below.

7.2.4 The SRO is the point of contact in respect of any covert activity that takes place that was not properly authorised. The SRO will report any such activity to the OSC in writing as soon as the error is recognised (See Annex B for the correct form). This includes activity which should have been authorised but wasn't or which was conducted beyond the directions provided by the AO.

7.3 MEMBER REVIEW

7.3.1 The members of the Council's Audit Committee shall review the use of RIPA and this policy. In order to facilitate this, the SRO shall provide yearly reports to Audit Committee on how RIPA has been used in the previous year and whether there are any concerns as to the policy.

7.4 AMENDMENTS TO THIS POLICY AND PROCEDURES

7.4.1 The Council's SRO is duly authorised to keep this guidance document up to date, and to amend, delete, add or substitute any provisions as s/he deems necessary. For administrative and operational effectiveness, s/he is also authorised to amend the list of 'AO Posts' set out in Annex A, by adding, deleting or substituting any posts.

Annex A

Role

Senior Responsible Officer

Authorising Officers

RIPA Co-ordinator

Designated Officer

Borough Solicitor – Sara Freckleton

Chief Executive – Mike Dawson

Deputy Chief Executive – Rachel North

Group Manager Environment and Housing –
Val Garside

Group Manager Revenues and Benefits –
Richard Horton

One Legal – Donna Marks

Annex B

AUTHORISATION FORMS

All of the forms necessary for RIPA are available from the Home Office website these forms are a mandatory part of the process and must be used in line with the guidance.

All decisions about using regulated investigatory powers must be recorded as they are taken on the required form.

This is the case for applicants seeking authority to undertake regulated conduct and for Authorising Officers and designated persons who consider and decide whether to grant authority or give notice for that conduct. Select the form that you require from the hyperlinked lists below:-

Directed Surveillance

[Application for the use of directed surveillance](#)

[Renewal of directed surveillance](#)

[Review of the use of directed surveillance](#)

[Cancellation of the use of directed surveillance](#)

Covert Human Intelligence Sources

[Application for the use of covert human intelligence sources](#)

[Renewal of authorisation to use covert human intelligence sources](#)

[Reviewing the use of covert human intelligence sources](#)

[Cancellation of covert human intelligence sources](#)

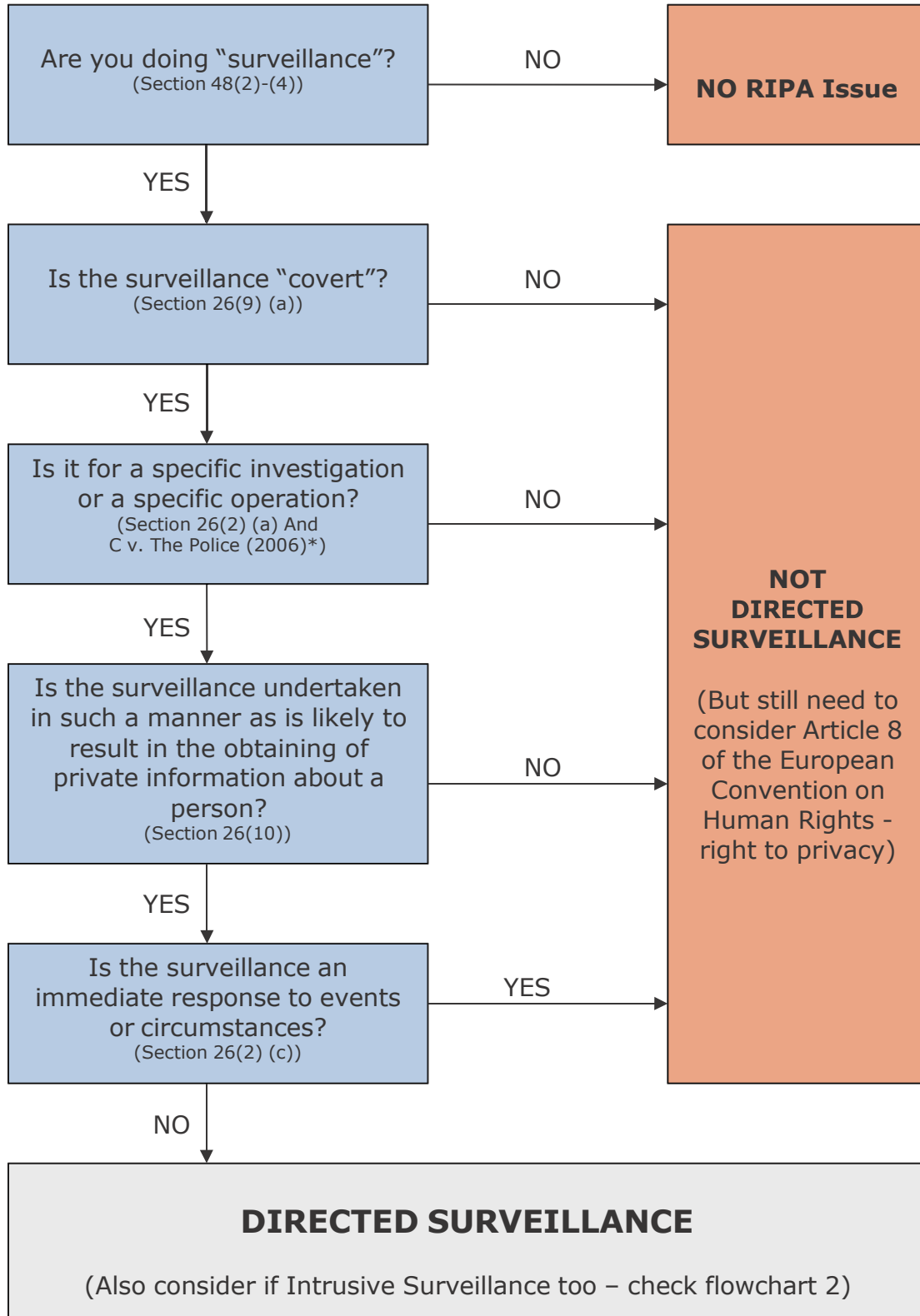
Reporting errors to the IOCCO

[Reporting an error by a CSP to the IOCCO](#)

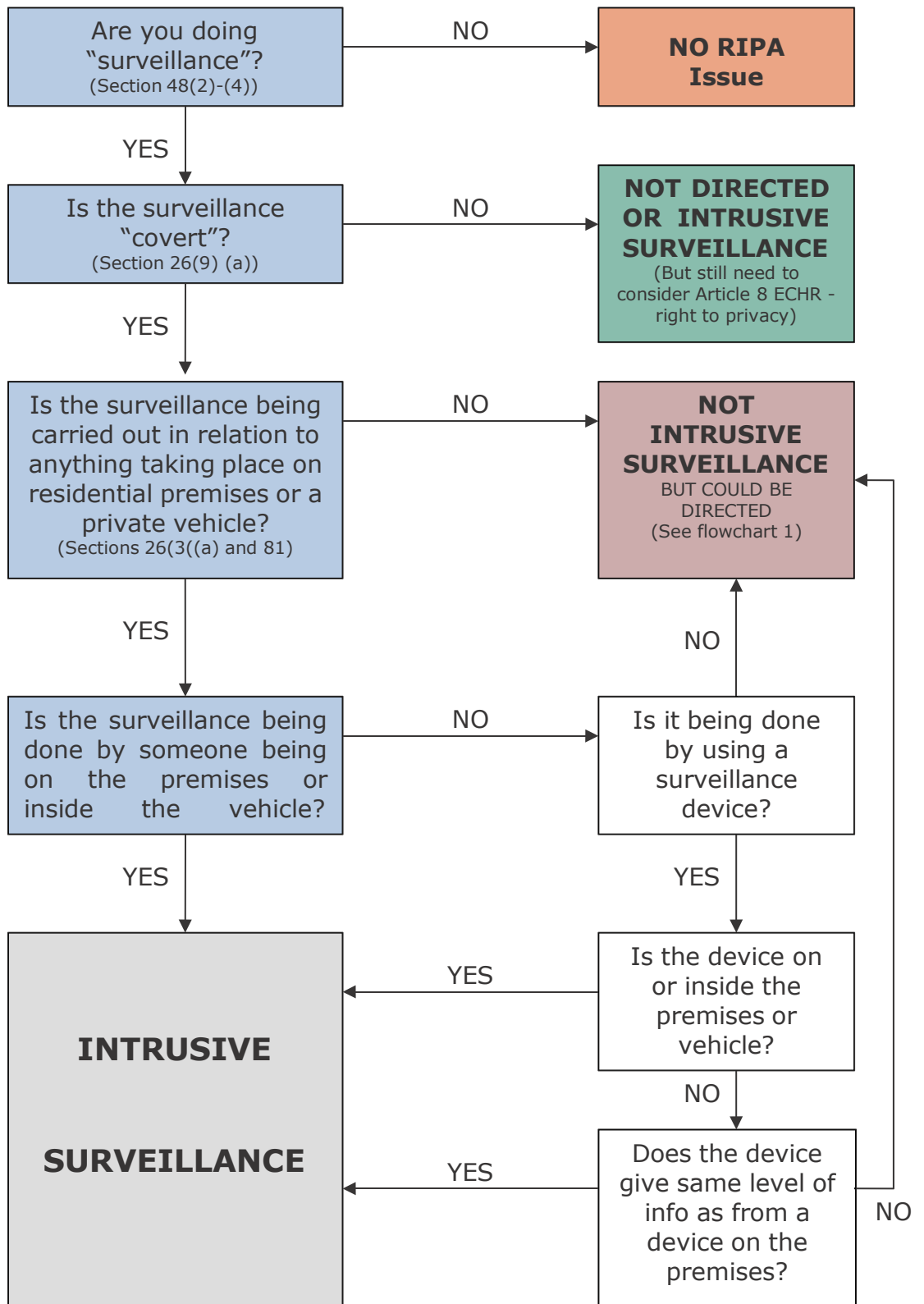
[Reporting an error by a public authority to the IOCCO](#)

Flowchart 5.1 - Are you doing Directed Surveillance?

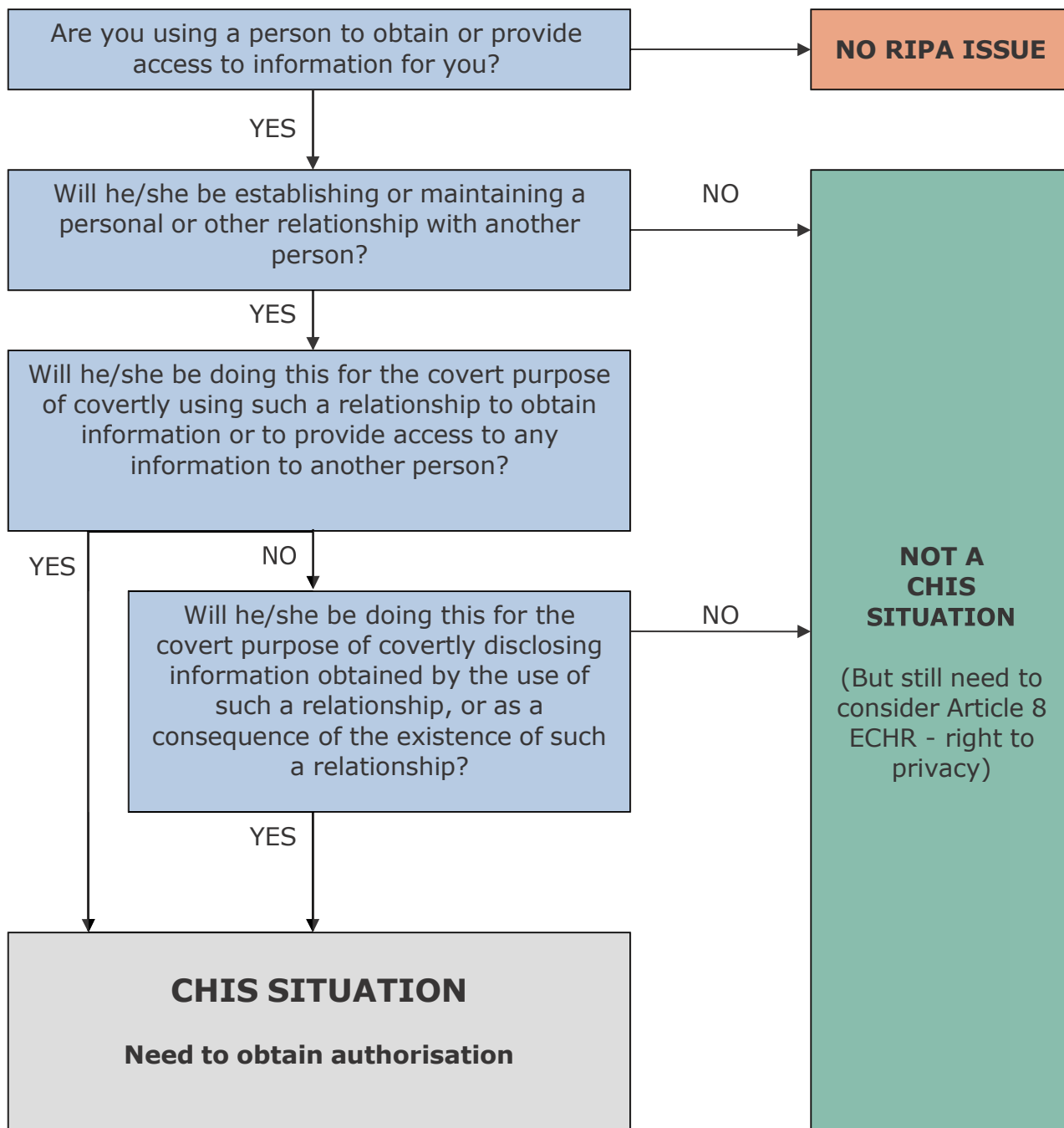
All references are to sections of the Regulation of Investigatory Powers Act 2000



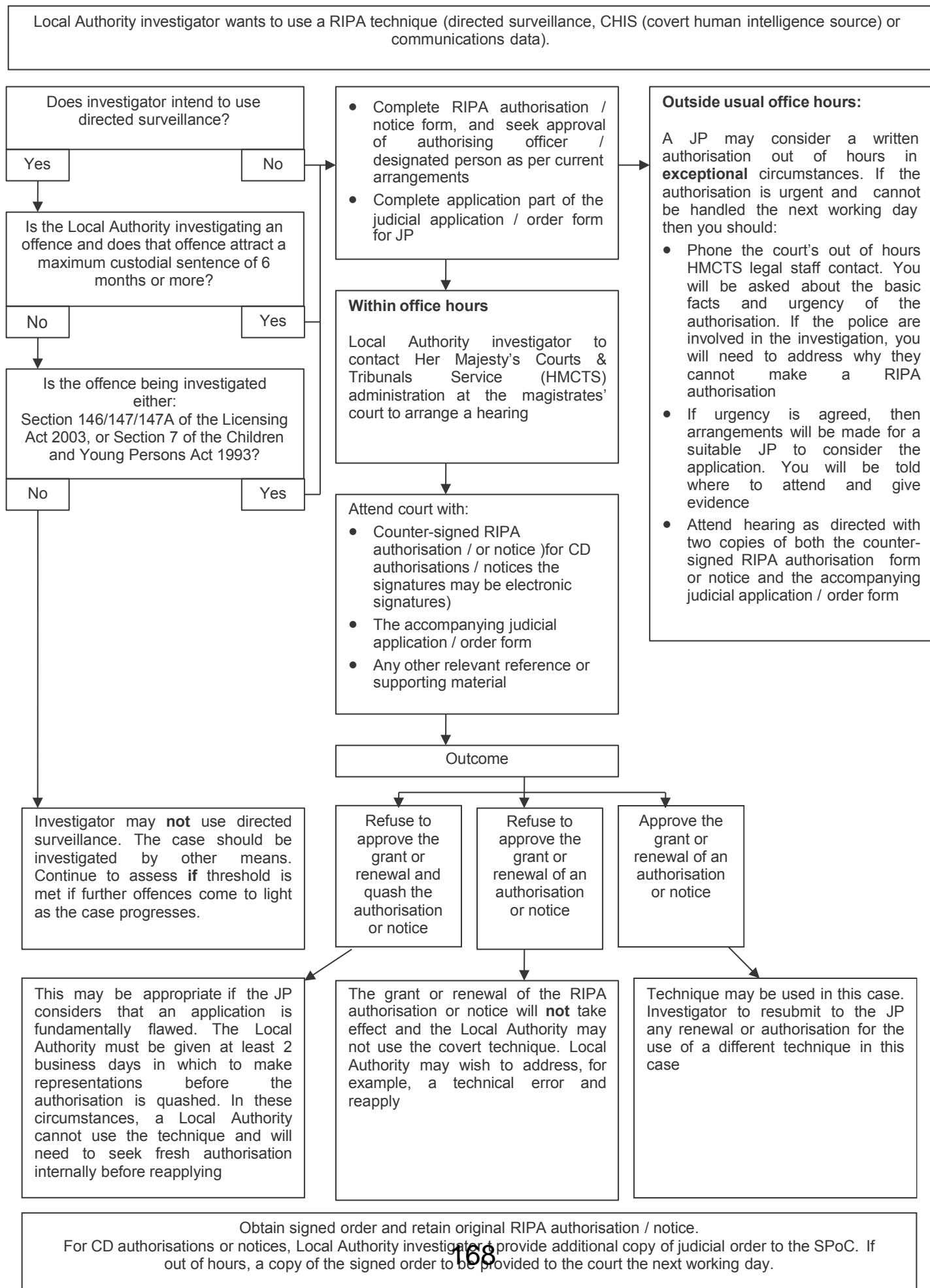
Flowchart 5.2 -Are you doing Intrusive Surveillance?



Flowchart 5.3 - Are you using CHIS? (Section 26(8))



LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



**TEWKESBURY BOROUGH COUNCIL Social Media Policy for the
Purposes of Regulation of Investigatory Powers Act 2000' RIPA'**

Tewkesbury Borough Council recognises the benefits and opportunities that the internet and multi-media provide to access and share information using a wide range of on line facilities. This is referred to Social Networking Sites – 'SNS'.

There are however some considerations and standards to apply when using such sites and this policy establishes the Council's position regarding the use of the internet, mobile web browsing and specifically social media websites when undertaking investigations under and in accordance with RIPA.

The Council's ICT Security Policy provide the basis for this policy and associated guidance. This policy should be read in conjunction with the supporting RIPA Policy and any guidance issued by the OSC – Office of the Surveillance Commissioners.

This policy covers external investigations, which could also apply to internal staff that may be subject to an investigation. Advice should be taken from HR should an investigation involve a member of staff.

Contents.

Scope.

1. This policy covers the use of social media, including social networking websites such as Twitter, Facebook, LinkedIn, and YouTube, content communities and blogs.
2. The policy and guidance aim to ensure that the council and its employees when undertaking investigations are protected and that a lawful and fair process is followed.
3. This policy closely relates to other council documents but in particular ICT Security policy.
4. The other legislation that may also be impacted by an investigation being carried out is as follows: Human Rights Act 1998, Freedom of Information Act 2000 and the Data Protection Act 1998

The use of conducting an investigation under the Social Media Policy.

5. The implications of enforcement monitoring through the use of social and human rights implications is a difficult area for law enforcement with complex privacy considerations:
 - 5.1 The two main issues are:
 - (i) What expectation of privacy a user may reasonably have when posting on the Internet; and
 - (ii) How covert or overt the officer looking at information on the internet is being.
 - (iii) Whether or not a RIPA or CHIS authorisation should be obtained.

Investigatory 'Tools'

6. There are three main investigatory tools under RIPA that Officers may consider using in an investigation involving SNS. They are:
 - 6.1 The use of 'Directed Surveillance, which is essentially covert surveillance carried out in places other than residential premises or private vehicles which is relevant where an investigatory technique might infringe Article 8 rights (e.g. where personal data or sensitive is likely to be accessed or acquired and there is an expectation of privacy) and which is subject to a 'crime threshold' when investigating criminal offences.
 - 6.2 The use of Covert Human Intelligence Source (CHIS) which includes undercover officers (most significantly included covert profiles), informants and persons making test purchases; and
 - 6.3 Powers to acquire or obtain 'communications data'.
 - 6.4 The Council is seeking to focus on 3 broad categories so as to give an indication of what is and what is not acceptable for us to do. Prior to starting a browsing session an officer should consider what he/she is seeking to achieve and is likely to be doing and be aware of when their actions might cross the boundary from one "level" to another.

Three Broad Categories

7. **Category 1** – Viewing publically available postings or websites where **the person viewing does not have to register a profile, answer a question, or enter any significant correspondence in order to view**. E.g. a typical trader's website.
 - There must be a low expectation of privacy and **no RIPA authorisation would normally** be required to view or record these pages.
 - However, **repeated visits** over time to the extent that you might be perceived as **monitoring** a website, may require authorisation. Private information can remain private information even when posted on such a website and the European Convention on Human Rights has construed that the way a business is run can be private information. If you intend to monitor in this way therefore you may acquire private information and it is recommended that it is done in a **systematic** way with results recorded. Particularly note whether or not you happen to access private information. The fact that on previous visits a lack of private information is found could be good evidence that any subsequent acquisition was incidental and a RIPA authorisation is not required.
 - There is unlikely to be **unfairness** (S78 PACE Act) in presenting the pages viewed as evidence. Pay attention to the requirements in Appendix B of the ACPO Good Practice Guide for Digital Evidence (in **Chapter 2** of the D&S enforcement manual). If a test purchase is required, we may use a fictitious name and address without triggering the need for a CHIS (or Directed Surveillance) authorisation, provided no "relationship" is formed.

- As above, the **use of a fictitious identity or “covert” account** is not necessarily the trigger for a need for a RIPA authorisation, be it Directed Surveillance, or the in the case of a test purchase, CHIS. More relevant is the likelihood of acquisition of private information, or how far a “relationship” is formed.
8. **Category 2 – Viewing postings on social networks where the viewer has had to register a profile but there is not otherwise a restriction on access.** This would include Facebook where there is no need to be accepted as a “friend” to view. E.g.: Trader has a “shop window” on Facebook advertising a business and products.
- There are differences between this and Category 1. The person who posts information or runs such a website may reasonably expect viewers to work within the terms and conditions of the website.
 - Viewing should therefore normally be conducted in an overt manner i.e. via an account profile which uses your correct name, and email address (which should be a devon.gov.uk etc. address) or a Trading Standards Officer’s Service Sanctioned profile. If this is done I can see no objection to a recording of the visit being made and presented evidentially.
 - If the posting or website contains no private information a viewing would not engage privacy issues and therefore a RIPA authorisation is not needed. However it is possible that a mixture of private and business material is displayed, and the ECHR has construed the way a business is run as being private information. The conditions regarding **repeat visits** in Level 1 are therefore relevant.
 - A “Covert” account at this level should only be used in the context of a RIPA authorisation.
9. **Category 3– Viewing postings on social networks which require a “friend” or similar status to view.**
- These are **highly** likely to involve viewing private information.
 - Repeated viewings will constitute Surveillance and require a RIPA authorisation. This may apply whether or not a “covert” or “overt” account is used, though this is probably best obtained via a CHIS authorisation with the use of a covert profile and appropriate risk assessments.
 - An “Overt” account which gains “friend” or similar status may **still require a RIPA authorisation**. It may be that such a status may be given by a default on the part of the person posting or website owner. The OFFICERS should be especially sure that their access is being granted as a representative of the appropriate office. For example, on Facebook it is stated that only people who know the person who maintains a profile should send a “friend” request to that profile. A person accepting that friend request may believe the person requesting is an acquaintance that they simply do not recall or know by another name. They still have a justifiable expectation of privacy. While requesting access may not comply with a strict interpretation of Facebook terms and conditions, a clearly identifiable **Officer’s Service Sanctioned profile** is a way to deal with that expectation of privacy, rather than a more neutral officer based profile.

- An appropriate Officer's Service Sanctioned profile would need to be set up by IT in order to obtain intelligence and provide advice.
- A "Covert" account at this level should only be used in the context of a RIPA authorisation.

Covert Facebook Accounts:

1. It will not be lost that the use of covert Facebook accounts to access postings need to be covered by a RIPA authorisation. Currently there does not seem to be a mechanism for the Council to operate these on Facebook or other internet provides within those company's terms and conditions. Any evidence obtained via them can run a risk of being considered "unfair". It is quite likely that the profiles used will become "known" at some stage and users need to monitor them to ensure this is identified early. Considerable officer time is required to maintain a covert identity.
2. Obtaining a RIPA authorisation will also present an officer with a defence should there be an allegation that they have breached the Computer Misuse Act 1990 – it is an offence to deliberately access unauthorised material.

Covert surveillance of Social Networking Sites (SNS)

10. The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the SNS being used works. Authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.
11. Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as "open source" or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). **Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of "open source" sites may constitute directed surveillance on a case by case basis and this should be borne in mind.**
12. Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site's content).
13. **It is not unlawful for a officer of a public authority to set up a false identity but it is inadvisable for a officer of a public authority to do so for a covert purpose without authorisation.** Using photographs of other persons without their permission to support the false identity infringes other laws.

14. A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).

Recording Information

15. All information should be recorded on the appropriate form(s) should an authorisation be required.

Training

16. Training should be made available to Officers undertaking any covert or directed surveillance when undertaking investigations.

Useful Contacts

17. Helpline@saferinternet.org.uk

Related Documents

18. Documents that should be referred to are:
 - RIPA Policy
 - Office of Surveillance Commissioners
 - Code of Conduct
 - ICT Security Policy
 - ICT User Guide.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	12 October 2016
Subject:	Community Grant – Queens Road, Tewkesbury
Report of:	Rachel North, Deputy Chief Executive
Corporate Lead:	Rachel North, Deputy Chief Executive
Lead Member:	Councillor D J Waters
Number of Appendices:	None

Executive Summary:

In June 2016, Executive Committee determined that Severn Vale Housing Society (SVHS) should be asked to repay the totality of the community grant previously awarded to the Prior's Park Neighbourhood Project (PPNP) in 2010 for conversion work at 101-105 Queens Road, Tewkesbury, which was placed as a charge on the property.

During discussions with SVHS following this decision, a proposal has been received by the Borough Council from SVHS, to resolve the outstanding position. The proposal is detailed within this report for Members' consideration.

Recommendation:

The Executive Committee RESOLVES:

- 1. To release the charge over Title Number GR342856 referred to in the Report provided that Severn Vale Housing Society Ltd first enters into a formal covenant with Tewkesbury Borough Council to pay to the Council the sum of £73,646.69 in equal annual instalments over a period of seven years from the date of the Deed; and**
- 2. That delegated authority be given to the Head of Finance and Asset Management to settle the further terms of the Deed and to the Borough Solicitor to prepare such documents as she considers appropriate to reflect the terms agreed.**

Reasons for Recommendation:

Any change to the standard repayment procedure for community grants needs Executive Committee approval.

Resource Implications:

Any monies recouped from SVHS, except for the those ring-fenced as per the report for Prior's Park, would be a windfall receipt and be added back into the Community Grants fund for further allocation to community projects.

Legal Implications:

At present, the existence of the charge on the title sterilises the property against future transactions, and therefore limits its use. By entering into appropriate documents with the freeholder, the Council retains the ability to recoup the sums whilst allowing the property to be released into use.

The documents entered into between the Council and SVHS can deal with such matters as the timing of the payments and any other terms agreed. In the event that SVHS defaults under the agreement, the Council could take court action to secure recovery of the money outstanding at that time.

The alternative would be to seek to enforce the charge against PPNP, but under the circumstances a covenant by SVHS to pay the moneys over a period of time could be seen to be a preferable option

Risk Management Implications:

SVHS are a key strategic partner to the Borough Council and play an important role in the achievement of the Council's Housing Strategy. The proposal made achieves the original intention of the community grant award and maintains a positive relationship with this important partner.

Performance Management Follow-up:

See recommendation 2.

Environmental Implications:

None.

1.0 INTRODUCTION

1.1 In June 2016 Executive Committee determined that SVHS should be asked to repay the totality of the community grant, previously awarded to the PPNP in 2010 for conversion work at 101-105 Queens Road, Tewkesbury, which was placed as a charge on the property. This was as a result of PPNP being required to vacate the property in 2015.

1.2 During discussions with SVHS following this decision, a proposal has been received by the Borough Council from SVHS to resolve the outstanding position.

2.0 BACKGROUND

2.1 In April 2016, a local community run organisation, PPNP, was successful in being awarded £73,646.69 from the Borough Council to convert 101-105 Queens Road Tewkesbury into a community centre within which to deliver a range of community facilities.

2.2 The property was leased at no cost to PPNP by SVHS, the landlord of the property and as such, the capital grant was placed as a charge against the leasehold title of this address to safeguard the Borough Council's financial interest into the future.

2.3 Given the fundamental changes in the financial climate around public services since 2010, SVHS has been forced to rationalise its assets and to thus terminate the lease to PPNP at the end of 2015. This was done with the involvement of the PPNP and these activities were retained for the local community and are now delivered from PPNP's own offices within the Prior's Park neighbourhood.

2.4 SVHS has identified new leaseholders who are keen to rent the property in Queens Road and pay full rent to further support the financial viability of the Housing Society in its service to tenants. However, this cannot be confirmed until the Borough Council releases the charge which has been placed on the lease. SVHS recognises the legitimacy of its obligation to repay the grant to the Borough Council and is prepared to honour this legal requirement.

3.0 PROPOSAL

3.1 SVHS accept the liability for the outstanding amount of £73,646.69 to the Borough Council and also commit to support the community work carried out by PPNP in this local neighbourhood.

3.2 As such, SVHS have offered to repay the outstanding amount in the form of a £10,520 annual grant to PPNP for seven years, to aid the community development capacity of this neighbourhood project.

3.3 The first annual grant would be made within the 2016/17 financial year as soon as the charge is lifted from the property and continued each year subsequently.

3.4 This 'community grant' would be paid direct to the Borough Council for onward transmission to the community project and within this time should PPNP cease to exist, the monies would remain ringfenced for community support within the Prior's Park neighbourhood.

3.5 Any remaining balance would be paid direct to the Borough Council to replenish the Community Grants pot for general support throughout the Borough.

3.6 SVHS would also offer an Officer to sit on PPNP's Board to further support this community organisation in its sustainability and future planning.

4.0 CONSIDERATIONS

4.1 The original grant award was made to achieve key outcomes, at a reasonable, or no cost, as follows:-

1. Community and family based information facilities which are available to a wide cross-section of the community.
2. Accommodation for training programmes for 16-25 year olds, skills for work courses for disadvantaged groups.
3. Facilities for meetings of a Residents' Panel.
4. Facilities for children's clubs and groups.

These outcomes remain relevant and are being successfully continued from alternative premises within the Prior's Park Neighbourhood.

4.2 However, the future sustainability of the Neighbourhood Project is in question, as core funding to support adequate capacity is proving difficult to source, despite help from the Borough Council's Funding Officer.

4.3 The current Board is keen to develop the range of its activities and work even more closely with a range of public service partners, including the Children's Centre and local primary school, to enhance the community capacity within this area.

4.4 The offer of core annual funding from SVHS by redirecting the original grant award will be significantly supportive of this overarching objective.

4.5 Local Ward Members are working to support the development of the PPNP and carrying out some highly beneficial project work, to enhance access to employment and skills opportunities, along with support to young people in this community. They have been consulted on the proposal received from SVHS and are in support of its acceptance.

5.0 CONCLUSION

5.1 The original grant award was agreed in order to support community development activity within the Prior's Park neighbourhood in Tewkesbury. Despite changes to the property from which these activities were delivered, these objectives remain important and the offer from SVHS to repay the outstanding balance in this manner, to PPNP as an annual revenue grant, enables this important community group to plan for its future sustainability and to continue to deliver essential local support to this challenged community.

5.2 The Council thus achieves its original intention from the grant award and SVHS is able to agree a new lease for this property, thus reducing an empty unit in a key location.

6.0 OTHER OPTIONS CONSIDERED

6.1 None.

7.0 CONSULTATION

7.1 Local Ward Members have been consulted on the proposal and are in support of the recommendation.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

8.1 None.

9.0 RELEVANT GOVERNMENT POLICIES

9.1 None.

10.0 RESOURCE IMPLICATIONS (Human/Property)

10.1 None.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

11.1 None.

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

12.1 None.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 None.

Background Papers: None.
Contact Officer: Rachel North, Deputy Chief Executive. Tel 01684 272051
Email rachel.north@teWKesbury.gov.uk
Appendices: None.

Agenda Item 17

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Agenda Item 18

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